

Welcome - from the man on the Hill

Our last newsletter was early in 2010, when I referred to the first signs of economic recovery. While these signs have continued, growth in the West has been fairly slow and patchy, not helped by a combination of Eurozone chaos (a Greek word) and the previously unthinkable downgrading of US debt. But other areas, such as India and South East Asia, have been much more positive. As an example, a client in Malaysia asked us to alter an outline for a training course to include dealing with the problems of an over-heated marketplace—not something we have been asked for in Europe recently.

Traprain has continued to prosper during the recession, tailoring our services to the changing needs of our clients. We are increasingly involved in training internationally, with new locations in Austria and California in recent months, new in-house clients in the UK, and new associate trainers joining the Traprain Network.

Later in 2011, we will see the publication of the Scottish Arbitration Handbook, written by Traprain Network member Dr David Parratt and myself, and intended to be a practical guide to arbitrations under the new Arbitration (Scotland) Act 2010. Hopefully, you will all require a copy!



I hope you find this Newsletter useful – if you have any feedback, please do contact me.

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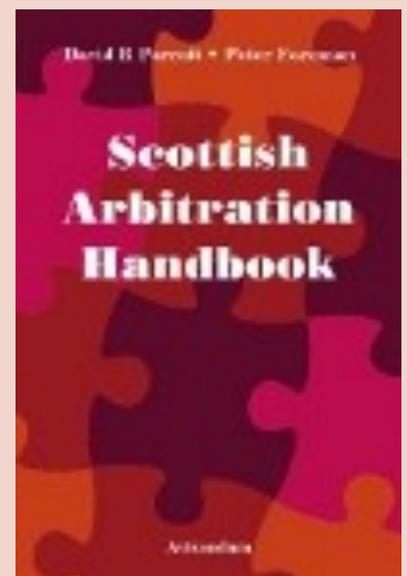
STOP PRESS.....

New arbitration handbook to be published

Traprain is pleased to announce that Traprain Network associate Dr David Parratt and Chief Executive Peter Foreman have collaborated on a new Scottish Arbitration Handbook.

Scotland has had laws on arbitration for hundreds of years, but these had become antiquated, and less than user-friendly. This led to the Arbitration (Scotland) Act 2010, which has transformed Scotland into a jurisdiction with world-class laws and procedures.

David Parratt (who works with Traprain as a trainer in the Middle East and elsewhere) and Traprain Chief Executive Peter Foreman have collaborated to produce a handbook for use by practitioners and clients alike, filled with practical points on making Scottish arbitration work effectively.



The Handbook will be published by Avizandum—see www.avizandum.com

Dundee University — course support

For many years Traprain has provided support to the Summer School run by Dundee University's Centre for Energy, Petroleum and Mineral Law and Policy. We have provided a lecture on the practical and legal aspects of North Sea decommissioning, with particular reference to the slightly unusual circumstances of the decommissioning of the Emerald Field, which led to some of the current practices in this regard.

This connection has developed further, and Peter Foreman has recently delivered a one day course to overseas students at the Centre. This covered the management of risk through contractual and commercial routes, and was well received, with students giving up a Saturday to discuss issues ranging from *force majeure* clauses to the impact of the Macondo 252 oil spill in the Gulf of Mexico, and the significant reputational damage suffered by BP and others as a result.

Traprain is now discussing the possibility of delivering further courses or modules for the Centre, using a number of members of the Traprain network with different specialist skills which are relevant to the courses in question. This is seen as bringing high-quality practical experience to students who are already receiving a world-class academic training at Dundee.



Peter Foreman at Dundee University

New collaborations

Traprain continues to seek to establish relationships with other high-quality businesses to enable us to offer a wider range of services to our clients. Recent collaborations include:

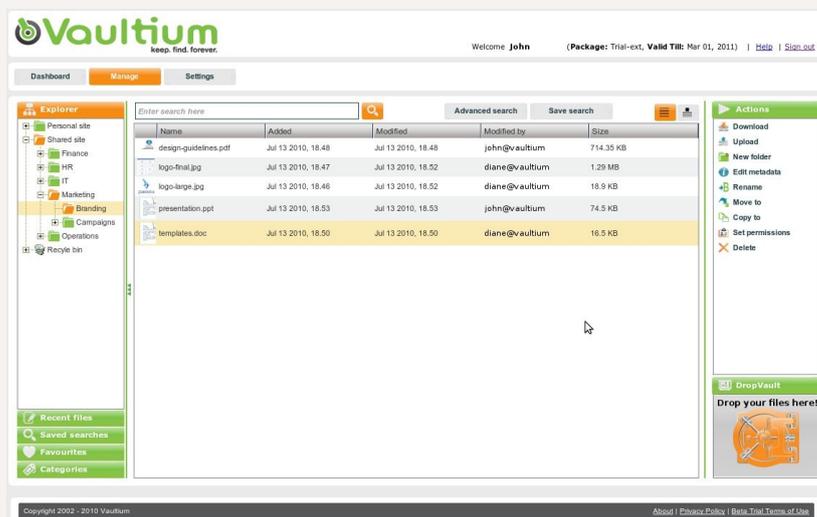
Pinnacle Group— Traprain has established a relationship with this Singapore-based company whereby Traprain will develop and deliver training course in South East Asia. Initial courses will take place in Kuala Lumpur and Singapore, with Jakarta being considered for the future

Vaultium—Vaultium is a specialist provider of online document management solutions, available through the Traprain Network to enable clients (particularly those involved in complex multi-jurisdictional disputes) to manage documentation in a secure manner, while having world-wide access

Advisafe—Dutch-based Advisafe is developing a collaboration with Traprain to provide an holistic approach to incident investigation and reporting, and associated training. This will allow clients to access both technical and legal/commercial advice from one source when either dealing with incidents or planning for their management.

Vaultium, online Document Management solution, training and consultancy joins Traprain Network

As an organisation which works across borders Traprain is acutely aware of the need to access key electronic files easily and securely from anywhere in the world. So when we met May Ladd, founder of Vaultium, we knew the company's offering could be invaluable to our clients.



Vaultium has been providing consultancy and training services for Document and Records Management since 2002. May has been sharing his expertise by delivering courses regularly in the UAE to the oil industry. In the UK and Europe Vaultium has supported commercial and government organisations to implement extensive programs to manage their ever increasing digital assets.

Building on this knowledge, Vaultium has created a unique solution that provides the capability of large scale document management systems, but at a fraction of the usual cost. The tool itself has been designed to be easy to use and can be accessed securely from anywhere in the world, via the internet. Files and whole folders are simply dragged and dropped into the 'Vault', where they are quickly saved and become available to others in the organisation. An intuitive, simple to use security function allows the owner to decide who has access to the files.

Vaultium has listened to the concerns of their clients, about where their information will be stored. Vaultium's dedicated servers are housed in Europe's most secure data centre, The Bunker. The Bunker provides military grade security in a former U.K. Ministry of Defence **nuclear bunker**.

Some of the benefits provided by Vaultium:

- Folders can be shared with customers to provide a secure space to share documents Access anywhere in the world at anytime
- Removes the fixed costs of implementing and maintaining your own hardware and software
- Easy to use with full text search capability on all documents

To find out more visit www.vaultium.com and take up a free trial of the solution. Alternatively, you can drop May Ladd an email anytime and given his enthusiasm, I am sure he'll be more than happy to talk to you about Vaultium and its online solutions. His email is may.ladd@vaultium.com. Traprain will be able to offer this solution to clients involved in international transactions and disputes as a way of managing documents across borders.

New Contracts with Major Shipping Groups

A sense of déjà-vu?

Our last Newsletter had an identical headline dealing with the award of a contract by Braemar Steege.

Since then, Traprain has secured two new clients in the shipping industry in the UK.

Firstly, we have provided contract review services to part of the Clarkson Group in relation to an oil & gas project in North Africa.

This was then followed by the award of a training contract by Bibby Offshore, part of the Bibby Line Group, to provide bespoke training in Aberdeen.

Chief Executive, Peter Foreman said: "These two, unrelated, orders show that Traprain can provide a range of services to clients in many industries. Both of these projects related to a mixture of offshore oil & gas and shipping issues, in an international context.

"These are all areas where Traprain has a strong background, and is able to add value by handling one-off requirements in a cost effective and efficient manner."

Local knowledge— trying to stay out of jail

When working in a foreign country, there are always risks with misunderstanding cultural differences, but it is also important to recognise that there may be local legal issues that are dramatically different from what you are used to in your home country or region.

Press reports about working in a location such as Dubai tend to focus on issues such as not offending local religious or cultural sensibilities. This is important—a British woman has recently been fined for insulting the Holy Month of Ramadan on her Facebook page—but not the whole story. Often the incidents reported are part of a larger picture, and Dubai is a tolerant location which is usually trouble-free.

However, there is a cultural and legal problem with cheques. The usual practice in many parts of the Gulf Region is to guarantee transactions (such as renting a property) by providing a post-dated cheque. The difficulty is that, once issued, if the cheque is later dishonoured, for any reason, the drawer commits a criminal offence.

In other countries, this would be treated as a civil matter, unless there was clear evidence of a deliberate fraud, but that is not the case in United Arab Emirates, Qatar and many other countries in the region. At one stage, over a third of people in Dubai jails were there for writing bad cheques.

You might think this is irrelevant to Traprain's clients, since they would never "bounce" a cheque, but note this cautionary tale. A foreign businessman in Dubai gave a cheque to a third party, but quickly realised he was the victim of a scam. He adopted what would have been standard practice in his home country, and stopped the cheque. The next thing he knew, he was being arrested and held in a police cell.

Traprain became involved in providing expert evidence that the person was a victim, and this was accepted and a warrant issued for the fraudster. However, the "victim" was still convicted of the crime of writing a bad cheque, but only given a small fine, rather than imprisonment.

Also note that failure to pay a single bill is sufficient to allow the courts in Dubai to start bankruptcy proceedings.

When going to a new country, make sure you know the rules — Traprain does not generally provide advice on criminal law, but can help you through some of the more common problems in many regions.

Snapshots

Some recent activities by Traprain include:

Traprain has worked with partners Baker Thompson Associates Ltd to agree a licensing arrangement to allow Pitman Training to use and market Baker Thompson's successful speedwriting course material (published by Uolearn.com) in their network of nationwide training centres. This will allow the material to be exposed to a larger market for the mutual benefit of all parties.

Traprain's Peter Foreman was recently guest speaker at the Gulf Chapter of the Project Management Institute's meeting in Dubai, where a large turnout joined Peter and Traprain's Dubai-based Dennis Brand in discussing *Force Majeure—what it is, and what it is not*.

Jacobs Engineering, in Stockton, has retained Traprain's Dalgety Bay office to provide claims administration services, following their acquisition of part of Aker's operations.

New venues for public training courses have included Vienna and Los Angeles, and in house courses have taken place in Dharhan and Riyadh in Saudi Arabia.