20th Anniversary Edition of the

ASA Arbitration Practice Seminar

organised with the LCIA

9 – 11 June 2017

Villars-sur-Ollon, Switzerland

www.arbitration-ch.org
ABOUT THE ASA ARBITRATION PRACTICE SEMINAR

A unique interactive and comparative format

The ASA Arbitration Practice Seminar (formerly known as the "Practice Building Seminar") follows a format developed in 1997 by ASA, and very successfully applied every year since, in cooperation with other arbitration associations and institutions around Europe, including every two years with DIS in Badenweiler, Germany.

The discussion leaders are all very experienced international arbitration practitioners. During the course of two days, they will raise and discuss with the participants key legal and practical questions, as they arise in the successive stages of an international arbitration, illustrating them with examples from real cases.

All the sessions are led jointly by two practitioners, one with a common law background and the other with a civil law background, thus bringing to bear, in a lively debate, the diversity of experiences in international arbitration and encouraging the development of cross-cultural sensitivity.

The language of the Arbitration Practice Seminar is English.

Discussion Leaders

- James Castello, King & Spalding, Paris
- Pierre-Yves Gunter, Bär & Karrer, Geneva
- Grant Hanessian, Baker & McKenzie, New York
- Pierre Mayer, Paris
- Sherina Petit, Norton Rose Fulbright, London
- Christopher Style QC, One Essex Court, London
- Melanie van Leeuwen, Derains & Gharavi, Paris
- Nathalie Voser, Schellenberg Wittmer Ltd, Zurich

Who should attend?

This is not a seminar for true beginners. It is designed for those who wish to continue building on their international arbitration knowledge and practice and to benefit from the discussion leaders’ combined experience and expertise, acquired in a great variety of arbitration proceedings in different jurisdictions. Participants themselves contribute to the debate with their own experience, questions and ideas.
ABOUT THE ORGANIZERS

ASA – Swiss Arbitration Association

The Swiss Arbitration Association (ASA), together with ASA Below 40, has 1’200 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this unique annual Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information, see arbitration-ch.org.

LCIA – London Court of International Arbitration

The LCIA is one of the world’s leading international institutions for commercial dispute resolution. The LCIA provides efficient, flexible and impartial administration of arbitration and other ADR proceedings, regardless of location, and under any system of law. The international nature of the LCIA’s services is reflected in the fact that, typically, over 80% of parties in pending LCIA cases are not of English nationality. For further information, please see lcia.org.

Seminar Organisation

Concept:
Michael E. Schneider (LALIVE), ASA Honorary President

Organisation:
Domitille Baizeau (LALIVE), Sébastien Besson (Levy Kaufmann-Kohler), Alex McLin (ASA)
Jacomijn van Haersolte-van Hof, Nadine Amarsinghe (LCIA)
PROGRAMME

FRIDAY 09 JUNE 2017

12.00 – 14.00: Lunch

14.00 – 14.30: Introduction

Domitille Baizeau, Sébastien Besson, Alex McLin

Welcome address

Swiss Arbitration Association (ASA): Elliott Geisinger
London Court of International Arbitration LCIA: Jacomijn van Haersolte-van Hof

Presentation of the seminar and introduction to the materials.

14.30-16.00: Session A James Castello & Pierre Mayer

The regulatory and institutional framework: relevance of the place of arbitration on the conduct of the proceedings, role of the Courts, ad hoc vs. institutional arbitration the applicable law; the arbitration clause: standard clauses, pathological clauses, necessary and desirable content.

Coffee break

16.30-18.00: Session B Christopher Style QC & Melanie van Leeuwen

Commencement of the arbitration: request for arbitration (scope and level of detail), multi-tier clauses; appointment of the arbitral tribunal: choice of party appointed arbitrators, presidents of the arbitral tribunal and sole arbitrators, required and desirable qualifications, appointment by institutions; the Parties to the arbitration: identification, change in identity, merger, split; multi-party and multi-party proceedings: appointment of arbitral tribunal, consolidation and joinder.

19.00: Drinks followed by dinner
SATURDAY 10 JUNE 2017

09.00 – 10.30: Session C  Pierre-Yves Gunter & Sherina Petit

Terms of Reference or constitution orders: function, desirability, content, list of issues, claims/relief sought; financing the procedure: advances; security for costs; arbitrators’ fees; third party funders; organization of the procedure: procedural calendar; “PO No 1”; communications between the arbitral tribunal and the parties (form and content); the arbitrator’s role as settlement facilitator; counsel ethics; use of secretary to the arbitral tribunal.

Coffee break

11.00 – 12.30: Session D  Grant Hanessian & Nathalie Voser

Main written submissions: function, scope, form, number, sequence, with or without documentary / testimony evidence, involvement of arbitral tribunal between rounds; documentary evidence: relative importance, form of production, organization and referencing; disclosure: relevance/materiality, burden, requests by the arbitral tribunal, illegally obtained evidence, privilege; information technology in arbitration proceedings: submissions, document management, security.

Lunch

13.45-14.45: Session E  James Castello & Pierre-Yves Gunter

Interim measures of protection by the arbitral tribunal: types, criteria, anti-suit injunctions; emergency arbitrators; assistance from the courts: type and criteria.

Coffee break

15.00-16.30: Session F  Sherina Petit & Nathalie Voser

Experts retained by the parties or by the arbitral tribunal, communication, reports, oral presentations, questioning and confrontation; terms of reference and conduct of the enquiry by tribunal appointed experts, site visits; issues of confidentiality scope of the obligation; methods of protecting of confidential or sensitive (use of “confidentiality experts”).

Free time followed by dinner at 20.00
SUNDAY 11 JUNE 2017

9.00-10.30:  Session G  Christopher Style QC & Melanie van Leeuwen

Witnesses: drafting witness statements, scope of witness statements, relative importance as evidence, prior contacts and "preparation"; "oath"; methods and scope of examination); the hearing(s): purpose, duration, organisation, splitting of hearings, records/transcript.

Coffee break

11.00-12.30:  Session H  Grant Hanessian & Pierre Mayer

Oral opening argument: time, duration, forms, "skeleton argument" and "notes de plaidoirie", demonstrative exhibits; oral closing argument; post-hearing briefs; the arbitral tribunal's decisions: procedural orders and awards, deliberations, form of the award, reasons, right to be heard and need to reopen proceedings, finding of fact, dispositive part of the award, decision on cost, considerations concerning enforcement, dissenting opinions, award by consent.

12.30:  Lunch
PRACTICAL INFORMATION

Register Early

The registration fee is CHF 1800 (+ 8% VAT), until 15 April 2017, and CHF 2100 (+ 8% VAT), thereafter.

The fee includes meals and accommodation at the seminar venue. There are no hidden extras.

Attendance is limited. Applications are accepted on a first come, first served basis. There will be no refund for cancellations but substitutions are accepted.

Accompanying persons

Accompanying persons may join for all meals. Two packages are available including the double room surcharge and dinners: CHF 305 + 8% VAT (without lunches) and CHF 530 + 8% VAT (including all lunches).

When?

Starting: Friday 9 June 2017, at noon (incl. lunch)
Ending: Sunday 11 June 2017, at 2 p.m. (incl. lunch)

Where?

Chalet RoyAlp
Domaine de Rochegrise
Route du Col de la Croix
1884 Villars-sur-Ollon
Switzerland
GPS: N46°17'36" / E7°3'44"
Tel. +41 (0)24 495 90 12
RoyAlp.ch
About the venue

As a member of Leading Hotels of the World, Le Chalet RoyAlp Hôtel & Spa combines the charm of a mountain lodge with the elegance of a modern luxury hotel. All rooms are individually furnished in alpine style and have a private bathroom with bathrobes and toiletries.

The Jardin des Alpes Restaurant offers an inviting atmosphere. Head chef Alain Montigny honours French gastronomy by offering dishes made from farm-fresh products. His creations combine modernity and respect for the ingredients.
How to get there?

Villars can be reached easily by train or car from Geneva or Zurich airports. The train schedule is accessible at [www.sbb.ch/en](http://www.sbb.ch/en)

By car:
- Geneva – Villars: 130km / 1h20
- Zurich – Villars: 250 km / 2h30

CPD/CLE Credit

Following the event, the ASA and/or the LCIA will be pleased to provide attendees a certificate of attendance which, subject to the exact CPD/CLE requirements of the attendee’s jurisdiction, may be used to obtain accreditation. info@arbitration-ch.org.
REGISTRATION FORM

Customer N° (if ASA member)

Name

Position

Firm/Company

City

Country

Tel

Fax

E-mail

Conference Fee

Before 15 April 2017: CHF 1800 + 8% VAT  As of 15 April 2017: CHF 2100 + 8% VAT

Accompanying person: (please check if and as appropriate):
☐ Without lunches: CHF 305 + 8% VAT  ☐ With lunches: CHF 530 + 8% VAT

Method of Payment

Upon receipt of invoice payment by bank transfer,
Payment reference "Customer N° (for ASA members) / Name, APS 2017".

For payment by credit card solely for participants outside Switzerland (VISA, MC, AMEX):

Card number:  Exp. Date:

Name of card holder:  CVV Code:

Confirmation of registration will be sent upon receipt of payment.

Date

Signature

PLEASE RETURN TO:
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