



Association Suisse de l'Arbitrage  
Schweiz. Vereinigung für Schiedsgerichtsbarkeit  
Associazione Svizzera per l'Arbitrato  
Swiss Arbitration Association



CAMERA  
ARBITRALE  
MILANO

## Arbitration Practice Seminar

Tremezzo, Italy, 21-23 March 2014

### Programme

#### FRIDAY 21 MARCH 2014

**12.00 – 14.00:**        *Lunch*

**14.00 – 14.30:**        **Introduction**

#### **Welcome address**

Swiss Arbitration Association (ASA): **Elliott Geisinger**

Camera Arbitrale di Milano (CAM): **Stefano Azzali**

**Presentation** of the seminar and introduction to the materials

**Michael E. Schneider, Domitille Baizeau, Sébastien Besson**

**14.30-16.00:**        **Session A**

**Luca Radicati di Brozolo & Todd Wetmore**

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 **arbitration clause** (standard clauses, pathological clauses, necessary and desirable content).

#### *Coffee break*

**16.30-18.00:**        **Session B**

**Piero Bernardini & Phillip Capper**

**Commencement of the arbitration and formation of the arbitral tribunal** (request for arbitration and other steps; choice of party appointed arbitrators, presidents of the arbitral tribunal and sole arbitrators, required and desirable qualifications of an arbitrator); **the Parties** to the arbitration (identification, change in identity, merger, split); multi-party and multi-party proceedings (appointment of arbitral tribunal, consolidation and joinder).

**19.15:**                *Drinks followed by dinner*



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**SATURDAY 22 MARCH 2014**

**09.00-10.30: Session C**

**Todd Wetmore & Anke Sessler**

**Terms of Reference** or constitution orders (function, desirability, content); **financing the procedure** (advances to costs and fees; security for costs; arbitrators' fees; third party funders); **organization of the procedure, procedural calendar; communications** between the arbitral tribunal and the parties (form and content; telephone conversations of the chairman with the parties separately; communications by the party appointed arbitrators, use of IT); the arbitrator's possible role as **conciliator**; the **secretary to the arbitral tribunal**.

*Coffee break*

**11.00-12.30: Session D**

**Teresa Giovannini & Doug Jones**

**Written submissions** or memorials (function, scope, form, number, sequence, with or without evidence, etc.); **documentary evidence** (relative importance, form of production, organization and referencing; discovery and other rules and practices concerning the production of evidence in the possession of the opposing party, privilege); **information technology** in arbitration proceedings (submissions, document management, security).

*Lunch*

**13.45-14.45: Session E**

**Zachary Douglas & Luca Radicati di Brozolo**

**Interim measures** of protection by the arbitral tribunal; **emergency arbitrators; assistance from the courts**.

*Coffee break*

**15.00-16.00: Session F**

**Phillip Capper & Anke Sessler**

**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 of tribunal appointed experts, site visits); **issues of confidentiality** (scope of the obligation; are the parties bound? methods of protecting trade secrets and other sensitive material; Arbitrator's privilege in other proceedings, e.g. criminal and other investigations by public authorities).

*Free time followed by dinner at 20.00*



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**SUNDAY 23 MARCH 2014**

**09.00-10.30: Session G**

**Piero Bernardini & Doug Jones**

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

***Coffee break***

**11.00-12.30: Session H**

**Zachary Douglas & Teresa Giovannini**

**Oral opening argument** (time, duration, forms, "skeleton argument" and "*notes de plaidoirie*"); **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).

**12.30: Lunch**