



Advanced PIDA Training | Paris, 30 September – 3 October 2013

INTERNATIONAL COMMERCIAL ARBITRATION

Study of a complex mock case under the 2012 ICC Rules of Arbitration

Under the auspices of the ICC Institute of World Business Law

Chairman of the Seminar:

Eric A. Schwartz Partner, King & Spalding, France
Vice-Chair, ICC Institute of World Business Law
Vice-President, ICC International Court of Arbitration

PROGRAMME

Monday 30 September 2013

- 09.30-09.50 Introduction
- **Eric A. Schwartz**
- 09.50-10.00 Organization of the seminar and summary of the mock case
- **Fernande Mboutou Ze**, Programme Coordinator, ICC Training and Conferences, Paris
 - **Charlotte Strandberg**, Project Manager, ICC Training and Conferences, Paris
- 10.00-10.30 Positioning of ICC Arbitration
- **Andrea Carlevaris**, Secretary General and Director of the Dispute Resolution Services, ICC International Court of Arbitration, Paris
- 10.30-10.40 Questions – Discussion
- 10.40-11.00 *Break*
- 11.00-11.50 Setting-up of Claimant's strategy in preparing the Request for Arbitration: analysis of the different procedural options and dispute resolution methods; parties' identification, selection of claims, measures and relieves
- **Bernd Ehle**, Partner, Lalive, Switzerland
 - **Michael Polkinghorne**, Partner, White & Case LLP, France; Member, ICC Institute of World Business Law
- 11.50-12.15 Questions – Discussion
- 12.15-14.00 *Lunch (Restaurant Jamin, 32 rue de Longchamp, 75016 Paris)*



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Monday 30 September 2013 (cont.)

- 14.00-15.30 Working Groups: Claimant's strategy
- **Bernd Ehle**
 - **Laurent Jaeger**, Partner, Orrick, France; Member, ICC Institute of World Business Law
 - **Michael Polkinghorne**
 - **Eric A. Schwartz**
- 15.30-15.45 *Break*
- 15.45-16.45 Plenary Session: discussion on Claimant's strategy
- **Bernd Ehle**
 - **Laurent Jaeger**
 - **Michael Polkinghorne**
 - **Eric A. Schwartz**
- 16.45-17.15 Opting for Emergency Arbitration under the ICC 2012 Rules of Arbitration
- **José Ricardo Feris**, Deputy Secretary General, ICC International Court of Arbitration, Paris
- 17.15-17.30 Questions and discussion
- 17.30 *Cocktails*

Tuesday 1 October 2013

- 08.00-08.45 *Optional breakfast - Presentation and discussion on "The ICC ADR, Expertise and Dispute Board Rules - how and when to best use them?"*
- 09.00-10.00 Complex arbitrations: issues of multiparty arbitration, multi-contract arbitration, joinder of third parties; parallel proceedings and consolidation of matters; jurisdictional objections
- **Gustav Flecke Giammarco**, Counsel, ICC International Court of Arbitration, Paris
 - **Gaëlle Le Quillec**, Partner, Betto Seraglini, France; Member of the New York and Paris Bars; Member, ICC Institute of World Business Law
- 10.00-10.30 Questions - Discussion
- 10.30-10.45 *Break*
- 10.45-11.45 Working Groups: setting-up of the Respondent's strategy for the Answer to the Request
- **Bernd Ehle**
 - **Michael Polkinghorne**
 - **Gaëlle Le Quillec**
 - **Eric A. Schwartz**
- 11.45-12.45 Plenary Session: discussion on Respondent's strategy
- **Bernd Ehle**
 - **Michael Polkinghorne**
 - **Gaëlle Le Quillec**
 - **Eric A. Schwartz**
- 12.45-14.30 *Lunch (Restaurant Jamin, 32 rue de Longchamp, 75016 Paris)*
- 14.30-15.15 Conducting complex proceedings:
- managing complex situations: issues of procedural meeting, benefits of the case management conference, difficulties in the drafting of the Terms of Reference and the Procedural Timetable; bifurcation of proceedings; resolution of procedural incidents; organization of the hearings
 - managing relations with local courts: relations between Arbitral Tribunals and National Courts; arbitrability of the dispute; request for interim measures; actions before local courts
- **Richard Kreindler**, Partner, Cleary Gottlieb Steen & Hamilton LLP, Germany; Council Member, ICC Institute of World Business Law
 - **Eric A. Schwartz**
- 15.15-15.45 Questions - Discussion
- 15.45-16.00 *Break*
- 16.00-17.00 Production of documents: written evidence, witnesses and experts' reports
- **Teresa Cheng**, Senior Counsel, Des Voeux Chambers, Hong Kong; Vice-President, ICC International Court of Arbitration
 - **Laurent Jaeger**
- 17.00-17.30 Questions - Discussion
- 19.00 *Dinner cruise on the boat "Le Montebello" (Paris Seine)
Port Debilly, Across from n° 26, Avenue de New York (on the right bank of the Seine, same side as the ICC Hearing Centre, between Pont d'Iéna and Pont de L'Alma)*

Wednesday 2 October 2013

- 09.00-10.15 Working Groups: preparation of witnesses and experts for cross-examination
- **Laurent Jaeger**
 - **Michael Polkinghorne**
 - **Richard Kreindler**
 - **Gaëlle Le Quillec**
- 10.15-10.45 *Break*
- 10.45-11.45 Simulation of an arbitral hearing and role play: arbitral hearing with examination and cross-examination of witnesses and experts prepared in the working groups
- President of the Arbitral Tribunal
- **Eric A. Schwartz**
- Co-arbitrators:
- **Antonio Crivellaro**, Of Counsel, Bonelli Erede Pappalardo Studio Legale, Italy; Council Member, ICC Institute of World Business Law
 - **Teresa Cheng**
- Parties' Counsel
- **Laurent Jaeger**
 - **Michael Polkinghorne**
 - **Richard Kreindler**
 - **Gaëlle Le Quillec**
- 11.45-12.30 Plenary Session: discussion on the simulation of the arbitral hearing
- **Teresa Cheng**
 - **Antonio Crivellaro**
 - **Laurent Jaeger**
 - **Michael Polkinghorne**
 - **Richard Kreindler**
 - **Gaëlle Le Quillec**
 - **Eric A. Schwartz**
- 12.30-14.15 *Lunch (Restaurant Jamin, 32 rue de Longchamp, 75016 Paris)*
- 14.15-15.00 Conflicts of interest and challenges of arbitrators
- **Alexander Fessas**, Counsel, ICC International Court of Arbitration, Paris
- 15.00-15.15 Questions - Discussion
- 15.15-16.30 Working Groups: conflicts of interest and challenges of arbitrators: analysis of cases
- **Alexander Fessas**
 - **Ana Serra e Moura**, Counsel, ICC International Court of Arbitration, Paris
 - **Gustavo Scheffer Da Silveira**, Deputy Counsel, ICC International Court of Arbitration, Paris
 - **Eric A. Schwartz**
- 16.30-16.45 *Break*
- 16.45-17.30 Plenary Session: discussion on the working groups
- **Alexander Fessas**
 - **Ana Serra e Moura**
 - **Gustavo Scheffer Da Silveira**
 - **Eric A. Schwartz**
- 17.30 *Visit of the Georges Braque Exhibition at the Grand Palais*

Thursday 3 October 2013

- 09.00-09.30 Practical aspects of arbitral tribunal's deliberations
- **Antonio Crivellaro**
- 09.30-09.50 Role-play: arbitral tribunal's deliberations
- **Teresa Cheng**
 - **Antonio Crivellaro**
 - **Eric A. Schwartz**
- 09.50-10.15 Questions - Discussion
- 10.15-10.45 *Break*
- 10.45-11.15 ICC's expertise on awards
- **Christian Albanesi**, Managing Counsel, ICC International Court of Arbitration, Paris
- 11.15-11.30 Questions – Discussion
- 11.30-12.00 Enforceability of awards: particularity of State immunity
- **Teresa Cheng**
- 12.00-12.45 Questions - Discussion
- 12.45-13.00 Closing of the Seminar
- **Eric A. Schwartz**
 - **Fernande Mboutou Ze**
- 13.00 *Lunch (Restaurant Jamin, 32 rue de Longchamp, 75016 Paris)*