



Programme

Friday 1 July 2011

Evening

19:30-21.00 Welcome Reception at Shearman & Sterling LLP (114, Avenue des Champs-Elysees, 75008 Paris)

Welcome Remarks

- **Jason Fry**, Secretary General, International Court of Arbitration, Paris

Announcement of the New Regional Coordinating Committee Members

Saturday 2 July 2011

Morning

08.45-09.15 Registration at the ICC Headquarter (Conference Rooms 1,2,3 6th floor, 38, Cours Albert 1er, 75008 Paris)

09.15-09.30 Introduction

- **Simon Greenberg**, Deputy Secretary General, ICC International Court of Arbitration, Paris; Chairman, Global Coordinating Committee, ICC YAF

09.30-10.00 **Why now? Did we need the changes? Revising the UNCITRAL Rules, IBA Evidence Rules, ICC Rules**

In the last few years, various institutions and organizations (not to mention numerous domestic laws) have changed or revised their rules or guidelines relating to international arbitration. Why now? Did we need these changes and, if so, why? Focusing on the revisions to three leading sets of rules (UNCITRAL, IBA Evidence, ICC), what conclusions can be drawn from the apparent desire for change? Have these changes improved the quality and efficiency of international arbitration or are they merely the by-product of an evolving industry? What might the future reveal in terms of further changes to the instruments that serve international arbitration?

- **Eduardo Silva Romero**, Partner, Dechert LLP, France; Vice-Chairman, ICC Commission on Arbitration; Associate Member, ICC Institute of World Business Law; Former Deputy Secretary General, ICC International Court of Arbitration
- **Barbara Helene Steindl**, LL.M.(Columbia), MCI Arb; Head of Arbitration, Brauneis Klauser Prändl Attorneys-at-law, Vienna; Member, ICC Commission on Arbitration & Task Force on the Revision of the ICC Arbitration Rules; Former Deputy Counsel, ICC International Court of Arbitration; YIAG/LCIA Regional Representative for Central & Eastern Europe

10.00-10.20 Questions and discussion

10.20-10.50 **Old hats on new heads? Impartiality and independence relating to prior academic discourse and involvement in related cases.**

Should an arbitrator's prior academic discourse, either written or spoken, have any bearing on his or her independence or impartiality? What about a position he or she has taken in a pleading, submission or expert report filed in a previous, unrelated case? Can an arbitrator act where he or she has sat or is sitting in a related case, and is that a valid ground for challenge? Where is the line drawn between the interests of efficiency and accuracy (prior knowledge of the facts and issues) and the fear of pre-judgment? Does the arbitrator's position (as co-arbitrator, sole arbitrator or chair) in the related case make any difference? Arbitrators are facing increasing "challenges" related to these issues. Have the standards of impartiality and independence evolved to become stricter over the years, or is the increasing sophistication of arbitral procedures, parties and their counsel responsible for these practices?

- **Philippe Leboulanger**, Chairman of the Comité de Français de l'Arbitrage (CFA); Avocat au Barreau de Paris, Lecturer at Pantheon University - Assas, Paris II, France
- **Martin Valasek**, Partner, Norton Rose OR LLP, Canada; Member, ICC YAF Regional Coordinating Committee, North America Chapter

10.50-11.20 Questions and discussion

11.20-11.50 *Coffee break*

11.50-12.20 ***Res judicata: its scope and limitations for international arbitral awards.***

Res judicata in international arbitration has more than mere academic interest. What is the framework and what are the limits of res judicata in international arbitration, and how do they vary in state courts? How should international arbitrators tackle res judicata?

- **Andrew de Lotbinière McDougall**, Partner, Head of the International Arbitration Group, Perley-Robertson, Hill & McDougall LLP, Canada
- **Audley Sheppard**, Partner, Clifford Chance LLP, United Kingdom; Member, ICC International Court of Arbitration

12.20-12.40 Questions and discussion

12.40-13.30 ***Have your say: young practitioners in international arbitration globally***

ICC YAF's Regional Coordinating Committee Members will share their experience as young practitioners in international arbitration in their respective regions: North America, South America, Europe & Russia, Turkey, Africa & the Middle East, and Asia. What are the recent developments and practices in international arbitration in each region and how do they effect younger practitioners?

- **Moderator : Cecilia Flores**, Attorney, Santamarina y Steta, Mexico; Member, ICC YAF Regional Coordinating Committee, Latin America Chapter
- **Bennar Balkaya**, LL.M., MCI Arb, Founding Partner, Balkaya & Balkaya Attorneys at Law, Turkey; Chairman CI Arb European Branch; Member, ICC YAF Regional Coordinating Committee, Afrika, Middle East & Turkey Chapter
- **Victor Bonnin**, Associate, Garrigues, Spain; Visiting Attorney, Skadden Arps Slate Meagher & Flom LLP, New York, United States; Member, ICC YAF Regional Coordinating Committee, Europe Chapter
- **Valéria Galindez**, Partner, Dias Carneiro Advogados, Brazil; ; Member, ICC YAF Regional Coordinating Committee, Latin America Chapter
- **Mark Goodrich**, Partner, White & Case LLP, Japan; Member, ICC YAF Regional Coordinating Committee, Asia Chapter
- **Ekaterina Kobrin**, Associate, Baker & McKenzie CIS Limited, Russia; Member, ICC YAF Regional Coordinating Committee, Europe Chapter
- **James Kwan**, Partner, Baker & McKenzie, Hong Kong; Member, ICC YAF Regional Coordinating Committee, Asia Chapter

14.00-15.00 *Pique-nique Lunch (Pier and boat on the river Seine, Les vedettes de Paris, Port de Suffren, 75007 Paris in front of the Eiffel Tower)*

Saturday 2 July 2011

Afternoon

15.00 *City Rallye – in small groups in the 6th arrondissement Paris*

17.30 *End of City Rallye*

19.15 Meeting at the Restaurant Ship “Le Calife” (3, Quai Malaquais, 75006 Paris)

19.15 Awarding the winners of the City Rallye

19.30-20.45 **Open Debate: Arbitral institutions intervening in procedures: where do we draw the line?**

The role and extent of intervention of arbitral institutions is an on-going question. Where should the line be drawn regarding the limits of their role? To what extent does party autonomy define the scope of their involvement? Where do we draw the line, with respect to the efficiency and integrity of the process, between the institutions’ influence and the arbitral tribunal’s powers?

- **Moderator : Mark Kantor**, Arbitrator, Washington D.C., United States
- **Michelangelo Cicogna**, Partner, De Berti Jacchia Franchini Forlani, Italy
- **Jennifer Kirby**, Principal, Kirby, France; Former Deputy Secretary General, ICC International Court of Arbitration
- **Noradèle Radjai**, Counsel, Lalive, Switzerland
- **Franz Schwarz**, Partner, Vice Chair International Arbitration Group, Wilmer Cutler Pickering Hale and Dorr LLP, United Kingdom

20.45 *Dinner in the restaurant ship “Le Calife” followed by a cruise on the river Seine and by drinks and music on board*

Sunday 3 July 2011

Morning

Social activities – optional:

- 09.30-12.00 Bike promenade - discover hidden places of Paris by bicycle (meeting point in front of the entrance of Hotel Banke, 20, Rue la Fayette, 75009 Paris)
- 10.00-12.00 Opera Garnier - visit behind the scenes (meeting point in front of the left entrance of the Opera Garnier, corner of rue Scribe and rue Auber, 75009 Paris)
- 12.30 Meeting at the restaurant “Hotel Banke” (20, Rue la Fayette, 75009 Paris)
- 12.40-13.40 Masterclass with George Bermann
- **Prof. George A. Bermann**, Professor of Law, Columbia University - School of Law, United States; Visiting Professor, Ecole de droit, Institut des Sciences Politiques Paris, France
- 13.45 *Lunch*
- 15.15 *End of the 3rd ICC YAF Global Conference*

Simon Greenberg and Marina Papadatou will coordinate the academic programme of the ICC YAF Global Conference.