

The New ICC Rules of Arbitration

Under the auspices of the International Court of Arbitration®

Date: September 19-20, 2011

Venue: Proskauer Rose LLP

Eleven Times Square
New York, NY 10036

CLE Credits
New York – 7.5
California – 6.5

The Sixth Annual ICC New York Conference is the launch event for the presentation of the new ICC Rules. This conference will unveil and explain the changes made to the ICC Rules in its third revision and will be the first opportunity for practitioners to acquire a comprehensive overview of the changes made. Participants will have the rare opportunity to learn from practitioners who participated actively in the rules revision process in preparation for the entry into force of the new ICC Rules in 2012.

International Court of Arbitration®

The International Court of Arbitration® has a distinguished and long-standing history of international dispute resolution. In 2010, it received 793 requests for arbitration from all over the world. Of the 2,145 parties in the cases filed with the International Court of Arbitration® in 2010, the United States was the nation with the highest participation in ICC Arbitration, and the North American region captured the 5th most number of parties worldwide.

ICC Dispute Resolution Services

ICC Dispute Resolution Services (ICC DRS) provides international business with alternatives to court litigation. ICC DRS has developed a wide range of alternatives to court litigation including arbitration and runs one of the most respected and widely used courts of international commercial dispute resolution.

With the support of:



Program

September 19, 2011

MORNING

8:00 - 9:30 **Breakfast and registration**

9:30 - 10:00 **Welcome and opening remarks**

10:00 - 11:10 **General Provisions**

The first part of this session will focus on the opening provisions of the new ICC Rules concerning the institution, the application of the ICC Rules and the initiation of arbitration proceedings. The new provisions clarify the respective roles of the ICC International Court of Arbitration, its Secretariat and the arbitral tribunals, and confirm the broad scope of ICC arbitration, which is available for disputes arising from investment treaties as well as all kinds of commercial contracts. The new ICC Rules recognize the specificity of the former and arbitrations involving States and State entities. The session will also address filing requirements and confidentiality, including a new provision explicitly allowing for confidentiality orders.

11.10 - 11.40 **Coffee break**

11.40 - 12.40 **The Arbitral Tribunal**

The constitution of the arbitral tribunal is a core element in any set of arbitration rules, reflecting the adage that an arbitration is only as good as the arbitrator. This session will deal with the changes made in the new ICC Rules to the appointment of arbitrators by the ICC International Court of Arbitration and to the obligations incumbent upon arbitrators, which now explicitly encompass impartiality as well as independence.

AFTERNOON

12.40 - 2:00 **Lunch**

2:00 - 3:40 **Improving Time & Cost Efficiency**

One of the principal aims of the revised ICC Rules - and one of the chief requests from corporate users - was to provide for effective means of controlling time and costs in arbitration. This session will present the revised provisions in this field. They are designed to allow the Secretariat of the ICC Court to constitute arbitral tribunals and turn around draft awards with greater rapidity, and to enable and encourage parties and arbitrators to conduct proceedings in an expeditious and cost-effective manner.

3:45 - 4:15 **Coffee Break**

4:15 - 6:00 **Emergency Arbitrator Provisions**

A new feature in the new ICC Rules is the provision allowing parties to apply for the appointment of an emergency arbitrator to decide on urgent conservatory or interim measures that cannot await the constitution of the arbitral tribunal. This session will present that provision and an entirely new appendix to the ICC Rules, which sets out the rules governing emergency arbitrator proceedings.

6:00 - 8:00 **Cocktail reception**

September 20, 2011

Speakers

MORNING

9:00 - 9:30 **Continental Breakfast**

9:30 - 10:45 **Multi-party, Multi-contract arbitration and consolidation**

In the past decade, the transactions underlying the disputes referred to ICC arbitration have become increasingly complex, involving multiple parties and contracts. The new revision has introduced into the ICC Rules for the first time a section devoted specifically to arbitrations involving multiple parties, multiple contracts and consolidation. This session will look at these new provisions and related provisions on the fixing of advances on costs, and consider how they will operate in practice.

10:45 - 11:15 **Coffee break**

11:15 - 12:15 **Questions and Answers**

12:15 - 12:30 **Concluding remarks**

12:30 - 2:00 **Lunch**

END OF PROGRAM

- **C. Mark Baker**, Fulbright & Jaworski LLP, *Houston*
- **Mark Beckett**, Partner, Latham & Watkins LLP, *New York*
- **John Beechey**, Chairman, ICC International Court of Arbitration, *Paris*
- **Jason Fry**, Secretary General, ICC International Court of Arbitration and Director, ICC Dispute Resolution Services, *Paris*
- **Fabien Gelinas**, Professor, McGill University, *Montreal*
- **Josefa Sicard-Mirabal**, Director, Arbitration and ADR North America, International Court of Arbitration®, *New York*
- **Emmanuel Jolivet**, General Counsel, ICC International Court of Arbitration, Deputy Director, ICC Dispute Resolution Services, *Paris*
- **Francesca Mazza**, Counsel, ICC International Court of Arbitration and Secretary, ICC Commission on Arbitration, *Paris*
- **John Lorn McDougall**, Counsel & Partner Emeritus, Fraser Milner Casgrain LLP, *Toronto*
- **John Sander**, Vice President and Associate General Counsel, Merck, *New Jersey*
- **Michael Schneider**, Partner, Lalive, *Geneva*
- **Peter Sherwin**, Partner, Proskauer Rose LLP, *New York*
- **Stephen E. Smith**, Independent Arbitrator, *Denver*
- **Nathalie Voser**, Partner, Schellenberg Wittmer, Member ICC Commission on Arbitration, *Zurich*
- **Anne Marie Whitesell**, Of Counsel, Dechert LLP, *Washington DC*
- **Peter Wolrich**, Managing Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP; Chairman, ICC Commission on Arbitration, *Paris*

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Logistical Information

Venue: Proskauer Rose LLP
Eleven Times Square
New York, NY

Working language: English

How to register:

Please complete and return the registration form indicating method of payment to:

E-mail: LFS@iccwbo.org
Tel: +1 212.703.5044
Fax: +1 212.575.0327
Websites: www.uscib.org/ www.iccnorthamerica.org

Post: INTERNATIONAL COURT OF ARBITRATION®
Arbitration and ADR, North America
1212 Avenue of the Americas, 21st Floor
New York, NY 10036-1689

Travel and accommodation:

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations.

Registration Fees

EARLY BIRD rate (until Friday, August 19)

- US\$ 375 for ICC/USCIB members and non-members

REGULAR RATE

- US\$ 475 for ICC /USCIB members
- US\$ 575 for non-members

SPECIAL RATE

- US\$ 300 for Students, Academics, Corporate Counsel

Registration will be confirmed upon receipt of the registration form and payment of the registration fee. Fee includes working papers, refreshments, the cocktail reception, breakfasts, lunches and the dinner.

Cancellation charge:

50% of the registration fee will be refunded if notice of cancellation is **received in writing before Friday, August 19, 2011**. Cancellations after this date are not refundable. However, registration may be transferred to another person from the same company or organization at no extra charge, provided that notice is sent to LFS@iccwbo.org prior to the Conference.

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Registration Form

PARTICIPANT INFORMATION

Title: (Mr/Dr/Mrs/etc.) _____

Last name: _____

First name: _____

Position: _____

Company: _____

Address: _____

City/state: _____ Zip/postal code: _____

Country: _____ E-mail: _____

Phone: _____ Fax: _____

REGISTRATION FEES

(Please check the appropriate box)

- EARLY BIRD rate (until Friday, August 19)**
US\$ 375 for ICC/USCIB members and non-members
- REGULAR RATE**
 - US\$ 475 for ICC /USCIB members
 - US\$ 575 for non-members
- SPECIAL RATE**
US\$ 300 for Students, Academics, Corporate Counsel

Complete and return the registration form to:

INTERNATIONAL COURT OF ARBITRATION®

Arbitration and ADR, North America

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Date _____ Signature _____

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