



ICC Institute Advanced Level Training Drafting Enforceable Awards 26 September 2017

- 9.15 – 10.00 *Registration and welcome breakfast*
- 10.00 - 10.15 Welcoming address and introduction
- **Eric A. Schwartz**, Independent Arbitrator, New York, N.Y., United States; Former Secretary General, ICC International Court of Arbitration; Vice-Chair, ICC Institute of World Business Law
- 10.15 - 11.00 **Drafting an arbitral award: which drafting style?**
Participants will receive first-hand guidelines and knowledge on best practices pertaining to award legal drafting styles. How legal systems and traditions can influence drafting techniques, the different approaches in civil and common law. How to improve the quality of the award, by getting away from the “copy and paste” drafting style, to properly reflect the reasons behind the arbitral decision, identifying how much “reasoning” is necessary to render a fully convincing award and secure its enforceability.
- **Teresa Giovannini**, Partner, Lalive, Switzerland; Member, ICC International Court of Arbitration; Council Member, ICC Institute of World Business Law
 - **Eric A. Schwartz**, Independent Arbitrator, New York, N.Y., United States; Former Secretary General, ICC International Court of Arbitration; Vice-Chair, ICC Institute of World Business Law
- 11.00 - 11.30 Discussion
- 11.30 - 11.45 *Coffee break*
- 11.45 - 12.30 **Drafting an arbitral award: spotlight on specific issues**
This session will focus on particular sections of the award which often present difficulties and challenges in particular:
- (1) Jurisdiction and applicable law
 - (2) Damages
 - (3) Auxiliary remedies: interest and costs
- **Eloïse Obadia**, Partner, Derains & Gharavi International, Washington D.C., United States
 - **Eric A. Schwartz**, Independent Arbitrator, New York, N.Y., United States; Former Secretary General, ICC International Court of Arbitration; Vice-Chair, ICC Institute of World Business Law
- 12.30 - 13.00 Discussion
- 13.00 - 14.00 *Lunch (Lipton Hall / Faculty Club)*

- 14.00 - 14.30 **Introduction to scrutiny of the award by the ICC International Court of Arbitration (ICC Court)**
 Participants will gain a deeper insight into a distinctive feature of ICC arbitration, the ICC Court's scrutiny of all draft awards. An ICC representative will share his expertise on the ICC Court scrutiny process, the different levels of review, the assistance and tools provided by the Secretariat of the Court, such as the "ICC Award Checklist", to help arbitral tribunals, although respecting their liberty of decision, draft more legally effective awards.
- **Alexander G. Fessas**, Secretary General & Director of ICC Dispute Resolution Services, ICC International Court of Arbitration, Paris
- 14.30 - 14.45 Discussion
- 14.45 - 16.00 **Working groups: draft award review before scrutiny by the ICC Court**
 Participants will be given the opportunity to study a draft award, in the conditions in which a draft award would be reviewed before scrutiny by the ICC Court. Each working group will be responsible for reviewing the draft award and will make its comments as if it were a Counsel of the Secretariat of the ICC Court.
- **Alexander G. Fessas**, Secretary General & Director of ICC Dispute Resolution Services, ICC International Court of Arbitration, Paris
 - **Katherine González Arrocha**, Director of the Americas, Arbitration & ADR, ICC International Court of Arbitration, Panama City
 - **Marek Krasula**, Counsel, ICC International Court of Arbitration®, SICANA, Inc., New York
- 16.00 - 16.15 *Coffee break*
- 16.15 - 17.00 **Mock Court session: scrutiny of the award by the ICC Court and debate**
 This is an opportunity for participants to witness the type of discussions that are held between members of the ICC Court and representatives of the Secretariat when reviewing a draft award. The parties to this mock court session will debate on the draft award reviewed by the working groups.
- **Alexander G. Fessas**, Secretary General & Director of ICC Dispute Resolution Services, ICC International Court of Arbitration, Paris
 - **Mark Friedman**, Partner, Debevoise & Plimpton LLP, New York, N.Y., United States; Vice-President, ICC International Court of Arbitration
 - **Katherine González Arrocha**, Director of the Americas, Arbitration & ADR, ICC International Court of Arbitration, Panama City
 - **Grant Hanessian**, Partner and Chair of the firm's International Arbitration Group in North America, Baker & McKenzie LLP, New York, N.Y., United States; Alternate Member, ICC International Court of Arbitration
 - **Marek Krasula**, Counsel, ICC International Court of Arbitration®, SICANA, Inc., New York
 - **Todd Wetmore**, Partner, Three Crowns, France, Member, ICC International Court of Arbitration
 - **Michael Young QC**, Partner, Quinn Emanuel Urquhart & Sullivan LLP, France; Vice-President, ICC International Court of Arbitration
- 17.00 - 17.15 **Concluding remarks**
- **Eric A. Schwartz**, Independent Arbitrator, New York, N.Y., United States; Former Secretary General, ICC International Court of Arbitration; Vice-Chair, ICC Institute of World Business Law