

6 May Training programme

Advanced training: Assessment of damages by arbitrators – Sunday 6 May 2018

09.00-09.15	<p>Welcoming address, introduction and presentation of the training</p> <p><i>Co-Chair: Nicolas Bourdon</i>, Partner, Accuracy, France</p> <p><i>Co-Chair: Richard Kreindler</i>, Partner, Cleary Gottlieb Steen & Hamilton LLP, Frankfurt/New York, Germany/United States; Council Member, ICC Institute of World Business Law; Honorary Professor of Law, University of Münster, Germany</p>
09.15-10.00	<p>The Tribunal’s discretion to award damages versus the Tribunal’s duty to issue a reasoned decision</p> <p>The extent of financial reasoning requiring in the award The right of the Tribunal to reject both of the experts’ financial models without nominating an independent expert</p> <p>Richard Kreindler, Partner, Cleary Gottlieb Steen & Hamilton LLP, Frankfurt/New York, Germany/United States; Council Member, ICC Institute of World Business Law; Honorary Professor of Law, University of Münster, Germany</p> <p>Kathleen Paisley, Partner, AMBOS Law, Belgium/United Kingdom</p>
10.00-10.30	<p>Q&A</p>
10.30-10.45	<p><i>Coffee break</i></p>
10.45-11.30	<p>Financial approaches to assessing damages</p> <p>The uncertainty of the DCF method Other tools outside the DCF/FMV dichotomy The need for a more exact science</p> <p>Nicolas Bourdon, Partner, Accuracy, France</p> <p>Andrew MacKenzie, Partner, Baker& McKenzie Habib Al Mulla, Dubai, United Arab Emirates</p>
11.30-12.30	<p>Q&A and case scenarios</p>

12.30-13.30	<i>Lunch</i>
13.30-14.15	<p>Damnum emergens, lucrum cessans, and moral damages – how to calculate without double-counting</p> <p>In a case of unestablished business, where costs of the contract and loss of profit are sought</p> <p>In a case of conflicting business plan and real purchase offers</p> <p>How to calculate moral damages</p>
	Nicolas Bourdon , Partner, Accuracy, France
	Noradèle Radjai , Partner, LALIVE, Switzerland
14.15-15.15	Q&A and case scenarios
15.15 – 15.35	<i>Coffee break</i>
15.35 – 16.20	<p>Award of interest: considerations for awarding compound post-award interest on costs, material and moral damages</p>
	Richard Kreindler , Partner, Cleary Gottlieb Steen & Hamilton LLP, Frankfurt/New York, Germany/United States; Council Member, ICC Institute of World Business Law; Honorary Professor of Law, University of Münster, Germany
	Craig Miles , Partner, King & Spalding, Houston, United States
16.20 – 17.20	Q&A and case scenarios
17.20 – 17.30	Closing remarks
	Nicolas Bourdon , Partner, Accuracy, France
	Richard Kreindler , Partner, Cleary Gottlieb Steen & Hamilton LLP, Frankfurt/New York, Germany/United States; Council Member, ICC Institute of World Business Law; Honorary Professor of Law, University of Münster, Germany