



Miami | 11-13 November 2012

# INTERNATIONAL ARBITRATION IN LATIN AMERICA

10<sup>th</sup> anniversary | The ICC Perspective

**Dates** 11-13 November 2012

**Venue** Miami, Florida  
The Mandarin Oriental  
500 Brickell Key Drive

EARN UP TO  
19.5 CLE credits  
16 MCLE credits  
16 CPD hours\*  
16 CNB hours\*

## Objective

ICC's Annual Miami Conference is a key forum for understanding international arbitration in Latin America. The conference has become one of the most important gatherings for the Latin American arbitration community. Not only does it offer a line-up of top-class speakers, topical discussions and relevant news, but also an excellent opportunity to network. Last year's conference attracted an audience of 400 participants from over 30 countries.

**This year, ICC's Annual Miami Conference celebrates its 10<sup>th</sup> anniversary.** The theme chosen for this year's special edition is **"Revisiting the Basics"**. Does international arbitration in Latin America today face the same issues and problems as it did ten years ago? How has this region's emergence as a key force in international trade affected the development of international dispute resolution procedures and the needs they must now address? Leading practitioners will draw on their experience and insight to answer these and other questions raised by one of the world's most fast-moving economic regions.

**To mark this 10<sup>th</sup> anniversary, the proceedings of the conference will be published in a special eBook and each participant will receive a free copy.**

2012 is also a special year for sporting events with the Olympic Games in London in July. Latin America is also getting ready for the FIFA World Cup (2014) and the Olympic Games (2016), both taking place in Brazil. Our **Sunday Conference "ICC Arbitration Special: The World Cup and Olympics coming to Latin America"** will adopt a sporting theme and tackle the different issues related to the organization of worldwide sports events. Panelists will consider the place of arbitration in resolving such disputes and discuss practices and procedure applied in this specialized field.

Both conferences will be conducted in English, Portuguese and Spanish.

## Who should attend?

Practicing lawyers, corporate counsel, arbitrators, mediators, academics, and professionals interested in and/or involved in international arbitration in Latin America and the Caribbean.

## ICC Young Arbitrators Forum (YAF)

Date: 10 November 2012

Venue: Greenberg Traurig law offices

For further information go to <http://www.iccwbo.org/yaf/>



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\*approval for these credits has been requested



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## Basics Revisited

### Sunday 11 November 2012

18:00-20:00 *Cocktail reception*

### Monday 12 November 2012

08:00-09:00 *Registration*

09:00-12:45

#### Opening Key Note Speech

**A brief look at the past, present and future of ICC Arbitration in Latin America**

#### 10<sup>th</sup> Anniversary Exclusive Interview - 10 Years of International Arbitration in Latin America

- The current state of affairs
- Investment arbitration: The road from Argentina's 49 to Venezuela's 27
- Commercial arbitration: Internationalisation of arbitration in the region or "latinisation" of international arbitration
- Legislation: From Mexico's first Model Law in 1993 to Peru's 2008's liberal version of the Model Law
- The Brazilian phenomenon

#### The parties' consent

- Limits to parties' consent: When should/can arbitral institutions intervene? Does this intervention protect party autonomy or interfere with it?
- Third-party funders: third-parties or parties?
- Consent, Right or Duty to Intervene? Rethinking shareholders disputes

Discussion

12:45-14:30 *Lunch*

14:30-18:00

#### The arbitrator: ethics and mission

- Beyond disclosure: An arbitrator's duty to conduct a conflict check? A counsel's due diligence duty?
- *Iuria novit curiae*: The mission to apply the law and the mission to observe due process
- Pathological tribunals: Whose fault is it? How to avoid them? What's the solution?

Discussion

#### The law

- The application of "foreign law" by arbitrators
- The interplay of mandatory provisions of law: the law of the contract, the law of the seat or the law of the place of enforcement?
- What is the applicable law on confidentiality decisions?

Discussion

19:00 *Dinner*

### Tuesday 13 November 2012

09.00-12.30

#### The award

- What is an award anyway?
- The relation between partial awards on jurisdiction and awards on the merits for enforcement purposes
- Manifest disregard of the law in commercial and investment arbitration as a cause for annulment of awards

Discussion

#### The costs

- Legal fees: how much is too much? Applying the reasonability and cost-efficiency test
- Experts: Cost v. Necessity
- The relevance of the parties' internal costs

Discussion

12:30 - 14:15 *Lunch*

14:15-16:30

#### 10<sup>th</sup> Anniversary debate Taking the Hammer to Misbehaving Counsel: A debate over Arbitrator Authority

#### Closing remarks

# SPEAKERS



- **Guillermo Aguilar Alvarez**, Partner, King & Spalding LLP, New York, United States
- **Christian Albanesi**, Counsel, ICC International Court of Arbitration, Paris
- **José Daniel Amado**, Senior Partner, Miranda & Amado Abogados, Peru
- **Enrique Anaya**, Owner, Anaya SJE, El Salvador
- **Luis Olavo Baptista**, Partner, L.O. Baptista Advogados Associados S/C, Brazil; Council Member, ICC Institute of World Business Law
- **John Beechey**, President, ICC International Court of Arbitration, Paris
- **George Bermann**, Professor of Law, Columbia University School of Law, New York, United States; Director, Center for International Commercial and Investment Arbitration
- **Andrea Carlevaris**, Secretary General, ICC International Court of Arbitration, Paris
- **Eduardo Carmigniani**, Partner, Carmigniani Pérez Abogados, Ecuador
- **Bernardo Cremades**, Senior Partner, B. Cremades y Asociados, Spain; Council Member, ICC Institute of World Business Law
- **Elisabeth Eljuri**, Partner, Norton Rose LLP, Venezuela
- **John Fellas**, Partner, Hughes Hubbard & Reed LLP, New York, United States
- **José Ricardo Feris**, Deputy Secretary General, ICC International Court of Arbitration, Paris
- **Cecilia Flores Rueda**, Attorney, Santamarina y Steta, S.C., Mexico
- **Valeria Galíndez**, Partner, Dias Carneiro Advogados, Brazil
- **Nicolas Gamboa Morales**, Senior Partner, Gamboa & Chalela Abogados, Colombia
- **Katherine González Arrocha**, Director for Latin America, ICC International Court of Arbitration and ICC Dispute Resolution Services
- **Luis Enrique Graham**, Partner, Chadbourne & Parke, S.C, Mexico
- **Horacio Grigera Naón**, Independent arbitrator, Washington DC, United States; Council Member, ICC Institute of World Business Law; former Secretary General, ICC International Court of Arbitration
- **Grant Hanessian**, Partner, Baker & McKenzie LLP, New York, United States
- **Samaa Haridi**, Partner, Weil, Gotshal & Manges LLP, New York, United States
- **Hermes Marcelo Huck**, Partner, Lilla, Huck, Otranto, Camargo Advogados, Brazil; Professor, The University of São Paulo Law School
- **Andrés Jana**, Attorney, Bofill Mir & Alvarez Hinzpeter Jana Abogados, Chile
- **Mark Kantor**, Arbitrator, Washington DC, United States
- **Jennifer Kirby**, Principal, Kirby Arbitration, France; former Deputy Secretary General, ICC International Court of Arbitration
- **Loretta Malintoppi**, Of Counsel, Eversheds LLP, France; Vice-President, ICC International Court of Arbitration
- **Carmen Angelica Nuñez-Anico**, Director of Legal Affairs, Repsol - Gas Natural LNG (STREAM), Spain
- **Francisco Orrego Vicuña**, Arbitrator, 20 Essex Street Chambers (London & Singapore), Chile
- **Fernando Eduardo Serec**, Partner, Tozzini Freire Advogados, Brazil
- **Josefa Sicard-Mirabal**, Director, Arbitration and ADR, North America, International Court of Arbitration®
- **Ricardo Ugarte**, Managing Partner of Geneva Office, Winston & Strawn LLP, Switzerland
- **Ana Vermal**, International Arbitration Counsel, Proskauer Rose LLP, France
- **Claus von Wobeser**, Managing Partner, Von Wobeser y Sierra, S.C., Mexico; Vice-President, ICC International Court of Arbitration



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# INTERNATIONAL ARBITRATION IN LATIN AMERICA

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## The World Cup and Olympics coming to Latin America

**Sunday 11 November 2012**

10:00-11:00

Registration

**11:00-12:30**

### Welcome address

#### Introduction: Retrospectives and Perspectives

Core actors in the upstream organization of the London Games will reflect on the obstacles they had to face, how they were dealt with, the current trends and perspectives for the forthcoming Games in Rio de Janeiro. Furthermore, an overall view of the legal challenges concerning the preparation of the World Cup in Brazil will be given.

Discussion

12:30-14:00

Lunch

**14:00-18:00**

#### Dispute resolution issues arising out of the infrastructure projects related to sport events

Major sport events necessarily imply the reorganization of pre-existing infrastructures and the construction of new ones. This panel will focus on the different dispute resolution mechanisms that can be used to reconcile the short-term and long-term needs and interests related to the specificities of the construction of sports arenas for worldwide events and their surrounding infrastructures.

Discussion

### Sports, Business and Arbitration

In the last decades, the world of sports has become a large business underpinned by the rising profile of sports stars and increasingly sophisticated customer expectations.

Athletes have become celebrities watched by millions of fervent fans; leading to an incredible increase in the amounts related to player transfers, sponsorship, branding, as well as broadcasting fees. The development of worldwide sporting events now entails a large number of partnerships at the source of sports' financial take off. This session will focus on the intricacies of the business of sports and the solutions offered by arbitration with an Olympics and World Cup specific perspective.

Discussion

### Roundtable:

#### How are sports related disputes settled by arbitration during the World Cup and the Olympic Games?

Worldwide sporting events are intense environments for disputes which particularly draw international attention. Due to this particular context, sports-related disputes call for both speedy and efficient resolution mechanisms. The leading experts in the field will be invited to share their experience as legal counsel, arbitrators of ad hoc Divisions, or arbitrators of the Court of Arbitration for Sports.

Discussion

### Concluding remarks

18:00-20:00

Cocktail reception

### Speakers

- **John Beechey**, President, ICC International Court of Arbitration, Paris
- **Andrea Carlevaris**, Secretary General, ICC International Court of Arbitration, Paris
- **José Ricardo Feris**, Deputy Secretary General, International Chamber Of Commerce, Paris
- **Miguel Ángel Fernández-Ballesteros**, Partner, Fernández-Ballesteros & Asociados; Professor, Civil Procedural Law; President, Madrid's Court of Arbitration, Spain
- **Francisco González de Cossío**, Attorney, González de Cossío Abogados, S.C., Mexico
- **Clifford Hendel**, Partner, Araoz & Rueda Abogados, Spain
- **Tim Jones**, Partner, Freshfields Bruckhaus Deringer LLP, United Kingdom
- **Patricia S. Lopez Aufranc**, Partner, Marval O'Farrell & Mairal, Argentina
- **José Emilio Nunes Pinto**, Partner, José Emilio Nunes Pinto Advogados, Brazil
- **Omar Ongaro**, Head of Players' Status & Governance, Legal Affairs Division, Fédération Internationale de Football Association (FIFA), Switzerland
- **David Reed**, Partner, Arnold & Porter LLP, United Kingdom
- **Alberto Sogayar**, General Counsel, Queiroz Galvão Construction, Brazil



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## Registration fees

### Early Bird Special until 29 June 2012

#### ICC Arbitration Special: World Cup and Olympics coming to Latin America<sup>1</sup>

- |  |                |
|--|----------------|
| <input type="checkbox"/> ICC/USCIB Members | <b>US\$580</b> |
| <input type="checkbox"/> Non-Members       | <b>US\$735</b> |

#### ICC's 10th annual Miami conference<sup>2</sup>

- |   |                  |
|---|------------------|
| <input type="checkbox"/> ICC/USCIB Members                | <b>US\$999</b>   |
| <input type="checkbox"/> Non-Members                      | <b>US\$1,365</b> |
| <input type="checkbox"/> Accompanying person <sup>3</sup> | <b>US\$295</b>   |

#### Package: the two conferences

- |  |                  |
|--|------------------|
| <input type="checkbox"/> ICC/USCIB Members | <b>US\$1,260</b> |
| <input type="checkbox"/> Non-Members       | <b>US\$1,680</b> |

### After 29 June 2012

#### ICC Arbitration Special: World Cup and Olympics coming to Latin America<sup>1</sup>

- |  |                |
|--|----------------|
| <input type="checkbox"/> ICC/USCIB Members | <b>US\$640</b> |
| <input type="checkbox"/> Non-Members       | <b>US\$810</b> |

#### ICC's 10th annual Miami conference<sup>2</sup>

- |   |                  |
|---|------------------|
| <input type="checkbox"/> ICC/USCIB Members                | <b>US\$1,275</b> |
| <input type="checkbox"/> Non-Members                      | <b>US\$1,475</b> |
| <input type="checkbox"/> Accompanying person <sup>3</sup> | <b>US\$295</b>   |

#### Package: the two conferences

- |  |                  |
|--|------------------|
| <input type="checkbox"/> ICC/USCIB Members | <b>US\$1,535</b> |
| <input type="checkbox"/> Non-Members       | <b>US\$1,825</b> |

*Registration fees are free of V.A.T.*

#### Registration fees include:

**1. ICC Arbitration Special: World Cup and Olympics coming to Latin America:** all conference activities including documentation, lunch and coffee breaks, cocktail reception.

**2. ICC's 10th annual Miami conference:** all conference activities including documentation, lunches and coffee breaks, Sunday cocktail reception and dinner on Monday.

**3. Accompanying person's fee:** Sunday cocktail reception and dinner on Monday (sessions and networking lunches are restricted to participants only).

## How to register

**Easier and faster, register online** (secured payment by credit card) at **www.iccevents.org**

Or return the registration form indicating method of payment to:

**E-mail:** events@iccwbo.org

**Tel:** +33 1 49 53 29 34

**Fax:** +33 1 49 53 30 30

**Post:** ICC Services, Training and Conferences, 38, Cours Albert 1er, 75008 Paris, France

**Please note that places are limited for the Sunday conference and are available on a "first-come, first-served" basis.**

Registration will be confirmed upon receipt of the registration form and registration fees.

To benefit from early bird rates, please note that ICC Services must receive the payment before the deadline.

## Travel and accommodation

Participants are responsible for making their own travel arrangements and hotel reservations. A hotel reservation form/unique group code for online reservations at "The Mandarin Oriental", with which ICC has negotiated **preferential rates at US\$309 (+13% tax)**, will be sent upon receipt of the registration form and registration fees. Please note that the number of rooms reserved with the ICC rate is limited. As they will be distributed on a "first-come, first-served" basis, we recommend that you make your reservation ASAP. All room reservations must be guaranteed by a credit card. **The pre-reservation cut-off date is Thursday 18 October 2012.** Hotel reservations received after 18 October will be accepted on a space and/or rate available basis only.

## Working languages

English, Portuguese and Spanish with simultaneous interpretation.

## Credits and hours

ICC Training and Conferences is eligible for CLE credit under **New York's** approved jurisdiction procedures, is a State Bar of **California** approved MCLE provider and is a Solicitors Regulation Authority and General Council of the Bar of **England** and **Wales** External CPD Course Provider. **French Bars:** This training has been sent for CNB approval. Lawyers practising in France may apply for the reimbursement of this course before the FIFPL (Fonds Interprofessionnel de Formation des Professionnels Libéraux), subject to terms and conditions.

## Cancellation policy

50% of the registration fee will be refunded if notice of cancellation is received in writing **before Friday 12 October 2012.** Cancellations after this date are not refundable. Subject to agreement from ICC Training and Conferences prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration information will be required. Please note that ICC Services reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC Services will not, however, be held responsible for any related expense incurred by the participant.

## Partnership opportunities

This training offers you an unrivalled opportunity to build worldwide partnerships. Partnering will get you visibility with the major decision makers in global business and/or within the international arbitration network. For further information, please contact Ms Rodriguez at: luz.rodriguez@iccwbo.org

## Dress code

Business for the conference and business casual for both the cocktail reception and Monday dinner.



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## Registration Form S 1217

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**Venue:** The Mandarin Oriental  
500 Brickell Key Drive, Miami, Florida, US

Register online\*  
**www.iccevents.org**  
\*Secured payment by credit card

or complete and return to  
**events@iccwbo.org**  
**Fax: +33 (0)1 49 53 30 30**

**Participant  
information**  
(Please print  
or type)

Title (Mr/Dr/Mrs/etc.) \_\_\_\_\_

Family name \_\_\_\_\_ First/given name \_\_\_\_\_

Position \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/state \_\_\_\_\_ CEP/postal code \_\_\_\_\_

Country \_\_\_\_\_ E-mail \_\_\_\_\_

Tel ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

**Registration  
fees**

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☐ Non-Members **US\$1,825**

Registration fees are free of V.A.T.

Special code (NC, etc.)

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Account No. 0000060021B Clé RIB 64 Bank Code 30002 Branch Code 04866

Swift: CRLYFRPP IBAN: FR61 3000 2048 6600 0006 0021 B64

**Please indicate the reference "S 1217" and the name of the participant.**

Please note that transfer fees charged by the bank must be covered by the participants themselves.

Date \_\_\_\_\_ Signature \_\_\_\_\_

The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce and its wholly-owned affiliate ICC Services). Under the French law 'informatique et libertés' of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at [registrationevents@iccwbo.org](mailto:registrationevents@iccwbo.org). The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers. Please indicate if you wish to receive such information:

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