



Miami | 3-5 November 2013

INTERNATIONAL ARBITRATION IN LATIN AMERICA | The ICC Perspective

Under the auspices of the ICC International Court of Arbitration

Dates: 3-5 November 2013

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

EARN UP TO
21.75 CLE credits
18 MCLE credits

18 CPD hours*
18 CNB hours*

Languages: English, Portuguese and Spanish
with simultaneous interpretation

Objective

ICC's annual Miami conference is the key forum for understanding international commercial arbitration in Latin America. This conference provides an indispensable update on developments in the region and is the most important gathering 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. The conference attracts approximately 400 participants representing about 30 nationalities.

Sessions will cover the following perspectives:

Judicial; Academic; Business; "Public"; "Alternative"; Ethical and Procedural.

Advanced Level Training on "Drafting Enforceable Awards"

Date: 3 November 2013 **Venue:** The Mandarin Oriental, Miami

Focusing on what can be referred to as the most prominent duty of an arbitrator, participants will learn the best practices pertaining to drafting awards and the ways of maximizing their enforceability. Accordingly, the training will focus on the procedural as well as formal requirements, and cover the issue of the necessary substantive accuracy of the award.

Who should attend?

- Practicing lawyers
- Academics
- Arbitrators, mediators
- Corporate counsel
- Professionals interested in and/or involved in international arbitration in Latin America and the Caribbean.

ICC Young Arbitrators Forum (YAF)

Date: 2 November 2013 **Venue:** TBD

For further information go to www.iccwbo.org/yaf/

The ICC International Court of Arbitration®

The ICC International Court of Arbitration is widely recognized as the world's leading institution for resolving international commercial disputes. In 2012 nearly 760 cases were filed in the ICC court. Almost 14% of the parties involved in those cases came from Latin America and the Caribbean.

**approval for these credits has been requested*



International Chamber of Commerce

The world business organization





PROGRAMME: ARBITRATION IN PERSPECTIVE

Sunday 3 November 2013

6pm – 8pm

Cocktail Reception

Monday 4 November 2013

8am – 9am

Registration

9am – 12:45pm

Introductory remarks

Opening keynote speech:

Reflections on the ICC Court's 90th Anniversary

A judicial perspective: opening roundtable on current judicial trends on selected topics

Issues to be discussed include:

- Recent positions on non-signatories
- Liability of arbitrators
- *Kompetenz-Kompetenz* and gateway issues
- Enforcement of awards set aside at the place of arbitration

An academic perspective

- “Contractualization” of national laws: challenges and consequences
- Contradictory decisions in international arbitration
- The effects of the annulment of partial awards on the Arbitral Tribunal

Discussion

12:45pm – 2:30pm

Lunch

2:30pm – 6pm

A business perspective: roundtable on the current status of investing and doing business in Latin America

Issues to be discussed include:

- Treaty shopping
 - When is it right?: Nationality Planning in investment arbitration case law
 - Desirable nationalities to invest in Latin America: what to look for in BITs when structuring foreign investments
- Stability clauses: scope and interpretation
- Assessment of risks: what to expect when doing business with Latin American parties
- Domestic v. International:
 - Legal regimes differentiating between domestic and international arbitration
 - Choosing between domestic and international arbitration centers

Discussion

The “public” perspective

- The public policy exception in arbitrations involving States
- Transparency: where do we stand?
- Negotiating arbitration agreements for Latin American States and State entities today: what have we learned? What is important?

Discussion

7pm

Dinner

Tuesday 5 November 2013

9:30am – 1pm

An “alternative” perspective

- When and in what circumstances is an international arbitration ripe for settlement?
- Getting the parties to the table: perceived and real hurdles to starting a negotiation when a state party is involved
- What are the specificities of the IBA Rules for Investor-State mediations?

Discussion

An ethical perspective

- Splitting the baby: realities, myths and ethics
- Auxiliary staff: ethics and conflicts in the appointment of experts and administrative secretaries
- Ethics management in arbitral institutions

Discussion

1pm – 2:30pm

Lunch

2:30pm – 4:45pm

The procedural perspective: closing roundtable on tackling complex procedural issues

Issues to be discussed include:

- Addressing unsolicited and last minute submissions
- Suspension of proceedings pending parallel proceedings, challenges and other incidents
- Unexpected emergencies prior to or during hearing: last minute absences (arbitrator, counsel, witnesses), new submissions and documents, improper behavior from counsel and arbitrators
- Reacting to anti-arbitration injunctions and other decisions from State courts
- Potential corruption allegations
- Dealing with issues related to party representation

Discussion

Closing remarks



SPEAKERS: ARBITRATION IN PERSPECTIVE

Christian Albanesi, Managing Counsel,
ICC International Court of Arbitration, Paris

David Arias, Partner, Arias SLP, Spain; Chairman, Club
Español del Arbitraje

José Astigarraga, Partner, Astigarraga Davis, Miami,
United States

Mark Beckett, Partner, Chadbourne & Parke LLP, New
York, United States

John Beechey, President, ICC International Court
of Arbitration, Paris

Claudia Benavides, Partner, Dispute Resolution,
Baker & McKenzie, Colombia

Andrea Bjorklund, Professor of law, University of
California, Davis School of Law, Davis, United States

Andrea Carlevaris, Secretary General and Director
of Dispute Resolution Services, ICC International
Court of Arbitration, Paris

Carlos Alberto Carmona, Professor, Universidade
de São Paulo; Partner, Marques Rosado Toledo Cesar
& Carmona Advogados, Brazil

José Cerro Redondo, Vice Secretary General,
Abengoa, Spain

Agenor Correa, Manager, Section for Legal Advice on
Contracts, Resources Management and Projects
Control Division, Canal Expansion Program, Panama
Canal Authority, Panama

Eduardo Damião Gonçalves, Partner, Mattos Filho
Marrey Jr e Quiroga, Brazil

Yves Derains, Founding Partner, Derains & Gharavi,
France; Chairman, ICC Institute of World Business
Law; Former Secretary General, ICC International
Court of Arbitration, Paris

José Ricardo Feris, Deputy Secretary General, ICC
International Court of Arbitration, Paris

Diego P. Fernández Arroyo, Professor of Law, Institut
de Sciences Politiques, France; Independent
Arbitrator

Mary Fernández Rodríguez, Partner, Headrick Rizik
Álvarez & Fernández, Dominican Republic

Christel Gaibor, Adjunct Director of International
Affairs, Attorney General's Office of Ecuador, Ecuador

Katherine González Arrocha, Director of Arbitration
and ADR, Latin America, ICC International Court
of Arbitration

Jonathan Hamilton, Partner and Head of Latin
American Arbitration, White & Case LLP,
Washington DC, United States

Judith Kaye, Of Counsel, Skadden, Arps, Slate, Meager
& Flom LLP, New York, United States; Retired Chief
Judge of New York

Barton Legum, Partner and Head of Investment
Treaty Arbitration Practice, Dentons, France

Fernando Mantilla-Serrano, Partner, Shearman &
Sterling LLP, France

Noiana Marigo, Counsel, Freshfields Bruckhaus
Deringer LLP, New York, United States

Jose Santiago Montt Oyarzun, Academic,
Universidad de Chile Law School; Senior Manager,
Legal Group, Base Metals, BHP Billiton, Chile

Alexis Mourre, Partner, Castaldi Mourre & Partners,
France; Vice-President, ICC International Court of
Arbitration and ICC Institute of World Business Law;
Vice-Chair, IBA arbitration

José Emilio Nunes Pinto, Partner, José Emilio Nunes
Pinto Advogados, Brazil; Vice-President, ICC
International Court of Arbitration

Carmen Nuñez-Lagos, Partner, Hogan Lovells LLP,
France

Alejandro Ogarrio, Attorney at Law, Ogarrio
Daguerre S.C., Mexico

Eduardo Palmer, Partner, Eduardo Palmer P.A., Miami,
United States; Board of Directors, Miami International
Arbitration Society & ICCA Miami 2014

Klaus Sachs, Partner, CMS Hasche Sigle, Germany;
Vice-President, ICC International Court of Arbitration;
Lecturer on international arbitration law, Ludwig
Maximilian University

Laurence Shore, Partner, Herbert Smith Freehills LLP,
New York, United States

Josefa Sicard-Mirabal, Director of Arbitration and
ADR, North America, International Court
of Arbitration®

Tom Sikora, Counsel, International Disputes Group,
ExxonMobil Global Services Company, Houston,
United States

Eduardo Silva Romero, Partner, Dechert LLP, France;
Member, ICC Institute of World Business Law; Former
Deputy Secretary General, ICC International Court of
Arbitration

José Gregorio Torrealba, Partner, Hoet Pelaez
Castillo & Duque, Venezuela; Professor of
Administrative Law, Universidad Católica Andrés
Bello; Executive Director, Venezuelan Arbitration
Association

Albert van den Berg, Partner, Hanotiau & Van den
Berg, Belgium

Eduardo Zuleta, Partner, Gómez-Pinzón Zuleta
Abogados, Colombia; Co-Chair, IBA arbitration
committee



ADVANCED LEVEL TRAINING: DRAFTING ENFORCEABLE AWARDS

Sunday 3 November 2013

9:30am - 10am

Registration

10am - 1:15pm

Welcoming address and introduction

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.

Discussion

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:

- Jurisdiction and applicable law
- Damages
- Auxiliary remedies: interest and costs

Discussion

1:15pm - 2:15pm

Lunch

2:15pm - 6pm

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. ICC representatives will share their 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.

Discussion

Working groups: draft awards 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.

Mock Court session: scrutiny of awards 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.

Concluding remarks

6pm - 8pm

Cocktail reception

Speakers

Christian Albanesi, Managing Counsel, ICC International Court of Arbitration, Paris

John Beechey, President, ICC International Court of Arbitration, Paris

Andrea Carlevaris, Secretary General and Director of Dispute Resolution Services, ICC International Court of Arbitration, Paris

Cristián Conejero Roos, Partner, Philippi, Yrarrázaval, Pulido & Brunner, Chile

José Ricardo Feris, Deputy Secretary General, ICC International Court of Arbitration, Paris

Juan Fernández-Armesto, Partner, Armesto & Asociados, Spain

Selma Maria Ferreira Lemes, Partner, Selma Lemes Advogados; Professor of Arbitration at São Paulo Law School of Fundação Getúlio Vargas, Brazil; Member for Brazil, ICC International Court of Arbitration

Anne Marie Whitesell, Of Counsel, Dechert LLP, Washington DC, United States; Former Secretary General, ICC International Court of Arbitration



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LOGISTICAL NOTE

Registration fees

Advanced Training: Drafting Enforceable Awards

☐ Early Bird Special* **US\$610** ☐ ICC/USCIB members **US\$675** ☐ Non-members **US\$810**

ICC's 11th Annual Miami Conference

☐ Early Bird Special* **US\$1099** ☐ ICC/USCIB members **US\$1299** ☐ Non-members **US\$1550**

Package: Conference and Training

☐ Early Bird Special* **US\$1368** ☐ ICC/USCIB members **US\$1610** ☐ Non-members **US\$1935**

☐ Accompanying person for social events **US\$295**

* Early Bird Special rates available until 1 August 2013

Registration fees are free of V.A.T.

Registration fees include:

- 1. Advanced Training: Drafting Enforceable Awards:** all training activities including documentation, lunch and coffee breaks, cocktail reception.
- 2. ICC's 11th annual Miami conference:** all conference activities including documentation, lunches and coffee breaks, Sunday cocktail reception and dinner on Monday.
- 3. Accompanying person for social events 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 28 67

Fax: +33 1 49 53 30 30

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

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\$299 or US\$319 per night (+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 Friday 11 October 2013.** Hotel reservations received after 11 October will be accepted on a space and/or rate available basis only. We are able to dispatch **visa invitation letters** to support your visa application only after receipt of your registration form and full payment of your registration fees.

Working language

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 4 October 2013.** 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

Sponsoring the 11th edition of this annual conference will maximize your visibility to practicing lawyers, corporate counsel, business professionals, and academics coming from or doing business in the Latin American region. Contact Ms Luz Rodriguez, Global Partnerships Manager (lrz@iccwbo.org) to discuss your plan for this conference.

Dress code

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



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REGISTRATION FORM S 1317

Dates 3-5 November 2013
Venue The Mandarin Oriental
500 Brickell Key Drive, Miami, Florida, United States

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

or complete and return to
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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
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Registration fees are free of V.A.T.

Special code (NC, etc.)

**Method
of payment**

☐ **By credit card:** ☐ American Express ☐ Euro/MasterCard ☐ Visa

Card number _____ Expiry date _____

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

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☐ Yes ☐ No

Please tick below if you wish to receive commercial offers from associated organizations, including in particular **ICC National Committees**:

☐ Yes ☐ No

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