
Friday 26 April 2013

08.45 Registration 09.20 Seminar 17.00 Close

ANNUAL ARBITRATION CONFERENCE: *Best practices in international arbitration*

Freshfields Bruckhaus Deringer, 65 Fleet Street, London EC4Y 1HS

Our 2013 Annual Arbitration Conference will look at best practices in international arbitration. Following the chronology of a real case, expert speakers and panels will review case scenarios and exchange views on best practices in international arbitration — with a particular focus on ICC cases.

The afternoon session will feature a mock procedural hearing looking at issues related to document production, the approach to expert evidence and an application for interim relief.

CHAired BY:

Sylvia Noury
Partner, Freshfields Bruckhaus Deringer

Nigel Rawding
Partner, Freshfields Bruckhaus Deringer

PANELLISTS INCLUDE:

Christian Albanesi
Counsel, ICC Court of Arbitration

Boris Kasolowsky
Partner, Freshfields Bruckhaus Deringer, Frankfurt

James Collins QC
Essex Court Chambers

Dr Christopher Kee
Deputy Head of School and Senior Lecturer, University of Aberdeen

The Hon Sir Anthony Colman
Arbitrator, Essex Court Chambers

Barbara Dohmann QC
Barrister, Blackstone Chambers

Matthew Knowles
Manager Group Legal-Litigation, BHP Billiton

Stuart Dutson
Partner, Eversheds

Michael Lee
Arbitrator, 20 Essex Street

Martin Hunter
Managing Director, Alvarez & Marsal Global Forensic & Disputes Services

James Nicholson
Senior Managing Director, FTI Consulting

Stephen Jagusch
Partner, Quinn Emanuel Urquhart & Sullivan

Gaetan Verhoosel
Partner, Covington & Burling

Michael Young
Partner, Allen & Overy

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Best practices in international arbitration

The Programme

08.45 **Registration**

09.20 **Welcome and introduction**

Sylvia Noury, Freshfields Bruckhaus Deringer
Nigel Rawding, Freshfields Bruckhaus Deringer

09.30 **Organising the Arbitral Proceedings**

Selecting the arbitrator/tribunal

Matthew Knowles, BHP Billiton
Stuart Dutson, Eversheds

**Procedural framework and timeline/
Terms of Reference**

Michael Lee, 20 Essex Street

The practice of the ICC in making appointments

Christian Albanesi, ICC Court of Arbitration

10.30 **Coffee break**

11.00 **Presenting the Case I: the Written Phase**

Document production – bane or blessing?

Stephen Jagusch, Quinn Emanuel Urquhart & Sullivan

**Expert evidence — best practices in working
with experts**

Martin Hunter, Alvarez & Marsal

12.00 **Presenting the Case II: the Oral Hearing**

- Who questions witnesses?
- Which method is most effective?
- Time limits at hearings
- Oral closing submissions and post hearing briefs

Barbara Dohmann QC, Blackstone Chambers

Boris Kasolowsky, Freshfields Bruckhaus
Deringer Frankfurt

James Nicholson, FTI Consulting

Gaetan Verhoosel, Covington & Burling

13.00 **Lunch break**

14.00 **The Arbitral Award**

- Partial or interim awards
- Provisional measures
- Dissenting opinions
- Length of time for rendering the Award
- Scrutiny of Awards by the ICC Court

Christian Albanesi, ICC Court of Arbitration

The Hon Sir Anthony Colman, Essex Court Chambers

Dr Christopher Kee, University of Aberdeen

Michael Young, Allen & Overy

15.00 **Coffee break**

15.30 **Mock ToR/Procedural Hearing**

**Raising issues on document production, the
approach to expert evidence and an application
for interim relief**

James Collins QC, Essex Court Chambers

Christian Albanesi, ICC Court of Arbitration

Barbara Dohmann QC, Blackstone Chambers

Boris Kasolowsky, Freshfields Bruckhaus
Deringer Frankfurt

Michael Young, Allen & Overy

16.45 **Closing remarks**

Sylvia Noury, Freshfields Bruckhaus Deringer

Nigel Rawding, Freshfields Bruckhaus Deringer

17.00 **Close**

Speaker biographies

Christian Albanesi has been a Counsel at the ICC Court of Arbitration since 2011. At the Court, he mainly deals with cases involving Latin American, Spanish and Portuguese parties. Prior to becoming a counsel, Christian was a deputy counsel at the Court. He is a qualified lawyer in Argentina and France and has worked for Freshfields Bruckhaus Deringer in Paris and Marval, O'Farrell & Mairal in Buenos Aires. Christian studied at the University Paris I (Pantheon — Sorbonne), the Pushkin Russian State Institute of Russian Language, at the University of Buenos Aires, and is a scholar of the Russian Ministry of Education.

James Collins QC is an Arbitrator at Essex Court Chambers. He has a broad-based commercial practice in line with Chambers profile. James specialises in Insurance and Reinsurance (including a substantial amount of Lloyd's litigation) and related fields such as brokers negligence; Conflict and Confidential Information; General Commercial Litigation including commercial fraud; general contract disputes including agency (in particular in shipping and insurance contexts) Sale of Goods, shipbuilding and management, franchise disputes, oil & gas; Arbitration law and practice including ICC arbitrations and Shipping and Carriage by Road, including charter parties, bills of lading, shipbuilding, management disputes and CMR.

The Hon Sir Anthony Colman is an International Commercial Arbitrator at Essex Court Chambers with experience of international oil and gas industry disputes, primary insurance and reinsurance, international banking, commercial fraud and issues of US Law. He is a former Commercial Court Judge of The High Court. His experience in the commercial court saw him preside over cases ranging from the extractive industries, company ownership and merger disputes, to international banking and credit disputes, commercial fraud and US law. Sir Anthony authored a landmark judgment in the case of *Cable & Wireless v IBM UK*, which altered the way in which civil disputes are handled, and he is an expert in and advocate of alternative dispute resolutions.

Barbara Dohmann QC is a Barrister at Blackstone Chambers with experience in a wide variety of areas of civil law. Specialised in financial services for most of her career, Barbara regularly advises and acts in international banking disputes, in particular those arising from takeovers, acquisitions and financial transactions generally. Barbara has appeared in many large international and domestic arbitrations as Counsel or Arbitrator and has acted and advised in many cases where litigation was proceeding in a number of jurisdictions. She is a judge at the Qatar International Court and Dispute Resolution Centre which aims to promote international arbitration in the region.

Stuart Dutson is a Partner at Eversheds specialising in international arbitration, international litigation and international law. He has conducted arbitrations under all major arbitration institutions' rules and has designed complex dispute resolution mechanisms, including for oil and gas projects in Russia, Chile, Kuwait and Nigeria. Prior to joining Eversheds, Stuart was at Linklaters and Herbert Smith and he was Malawi's State Advocate from 2000 to 2001. Stuart is a former member of the ICC Court.

Martin Hunter is a Managing Director with Alvarez & Marsal Construction Disputes & Advisory Europe, bringing more than 25 years of experience in the construction sector. With more than 15 years of experience in construction-related disputes, serving in both advisory and expert witness-related roles, Martin has worked extensively on projects throughout the UK, as well as in Continental Europe, the US, the Middle East, Africa, the Caribbean and Asia. Martin has also been appointed as an expert witness in arbitration, litigation, adjudication and mediation.

Stephen Jagusch is a Partner and Global Chair of Quinn Emanuel's International Arbitration Practice and specialises in international commercial and investment treaty arbitration. He has acted as adviser and advocate in numerous ad hoc and institutional international arbitrations, conducted in many countries around the world, and subject to a wide variety of governing substantive and procedural laws. Stephen is recognised as a leading expert, particularly in the field of ICSID arbitration and disputes arising under bilateral or multilateral investment treaties.

Boris Kasolowsky is a Partner in Freshfields Bruckhaus Deringer's international arbitration group based in the Frankfurt office. His extensive arbitration experience includes numerous ad hoc, DIS, ICC, ICSID, LCIA, Swiss Rules, Vienna Rules and UNCITRAL arbitrations. He also represents clients in cross-border, international litigation matters, including in the English High Court and the German courts. Boris regularly appears as counsel and sits as arbitrator in commercial arbitrations and represents and advises governments and commercial entities on disputes under relevant bilateral and multilateral investment treaties.

Dr Christopher Kee is the Deputy Head of School at the University of Aberdeen. As a representative of Asia Pacific Regional Arbitration Group, Christopher participated in the revision process UNCITRAL Arbitration Rules from 2007 to their completion in 2010. He currently serves on the Australian Centre for International Commercial Arbitration Rules Drafting committee, and is a past Co-Chair of Australasian Forum for International Arbitration. Christopher is a member of the Chartered Institute of Arbitrators.

Speaker biographies

Matthew Knowles is second lead for disputes at BHP Billiton, the largest mining company in the world. Prior to taking up his role, he practised international dispute resolution at two leading City firms. Matthew has dispute resolution experience in more than 20 jurisdictions and has advised on disputes under most of the major arbitral rules, as well as High Court litigation and other forms of alternative dispute resolution.

Michael Lee is an Arbitrator at 20 Essex Street. He has a wide ranging practice as an international arbitrator having served as a member of the tribunal in over 70 international arbitrations administered under the rules of various international arbitration institutions, including the ICC, LCIA, ICSID, AAA and SIAC, as well as ad hoc arbitrations and those under UNCITRAL Rules. He was formerly the UK Member on the ICC International Court of Arbitration.

James Nicholson is a Senior Managing director in FTI Consulting's Paris office and a member of the firm's International Arbitration practice. James' work primarily involves issues of the identification and valuation of lost profits, and the valuation of businesses, financial assets including shareholdings, and wasted costs. He has testified before tribunals on matters involving a wide range of industries and damages issues and has been closely involved as an expert witness at advocacy workshops organised by the FIAA and by individual law firms. James is a member of the Standing Committee of the ICC's Centre for Expertise.

Sylvia Noury is a Partner at Freshfields Bruckhaus Deringer. She specialises in commercial and treaty arbitrations, beginning in this field in Freshfields' Paris office. Now based in London, Sylvia has gone on to advise clients on disputes and international sanctions around the world. She has advocated before ICC, AAA, LCIA, ICSID and UNCITRAL tribunals in both English and Spanish. Outside the hearing room, she enjoys advising clients on how best to mitigate risk, settle or avoid disputes altogether. Sylvia is also a prolific writer and speaker in her field.

Nigel Rawding is a Partner at Freshfields Bruckhaus Deringer. He is a leading international arbitration practitioner, mainly appearing as counsel but also occasionally sitting as arbitrator. Being an experienced commercial litigation lawyer, and solicitor-advocate, Nigel often undertakes the role of lead advocate in international arbitration cases. Nigel is a member of the ICC Commission on International Arbitration and a director of the LCIA. He was educated at Sidney Sussex College, Cambridge, joined the firm as a trainee in 1982 and has been a partner since 1991.

Gaëtan Verhoosel is a Partner with Covington & Burling and a co-chair of the firm's international arbitration practice. He acts as counsel and sits as arbitrator in commercial and investment treaty arbitrations, with a focus on oil & gas, energy, mining and telecommunications. An English Solicitor, French Avocat and Spanish Abogado, Mr. Verhoosel teaches investment treaty law and arbitration at King's College, the University of Bern and the University of Barcelona.

Michael Young specialises in international arbitration, and leads the Paris arbitration team of Allen & Overy LLP. He has advised and represented clients in numerous arbitrations throughout the world, both ad hoc and under each of the major institutional rules. Although experienced across different industry and market sectors, he has a specific focus on energy, chemicals and natural resources disputes. He acts regularly as advocate before arbitral tribunals and experts, and sits frequently as an arbitrator himself.

Please note that **places are limited** and delegates are advised to book early to avoid disappointment.

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