

A conference presented by the Arbitration Committee of the IBA Legal Practice Division in collaboration with the International Court of Arbitration of the ICC and supported by the Latin American Forum of the IBA

Up to
8.45 CPD hours
available*

Arbitration and the Judiciary

17-18 April 2008

JW Marriott, Caracas, Venezuela

At this conference, justices of high courts of the region and leading experts in international arbitration will discuss a series of topics that affect the practice of arbitration.

Topics

- The judge's duties in arbitration: control or collaboration?
- The intervention of the courts in arbitration: precautionary measures/action to set aside/recognition and enforcement of awards/limits to judicial powers imposed by the New York Convention
- Arbitration and fundamental rights: an attack on arbitration or a protection against excesses of power?

Who should attend?

Arbitrators, litigators, judges, government officials, and all those involved in alternative dispute resolution.



*As per Law Society of England and Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending on their criteria. Accreditation has also been approved by the State Bars of New York and California.



International Chamber of Commerce
The world business organization



the global voice of
the legal profession

Conference Co-Chairs

Fernando Pelaez-Pier *Hoet Pelaez Castillo & Duque, Caracas, Venezuela; IBA Vice-President*

Claus Von Wobeser *Von Wobeser y Sierra SC, Santa Fe, Mexico; Co-Chair, IBA Task Force on Extraterritorial Jurisdiction*

Organising Committee

Katherine Gonzalez Arrocha *Director for Latin America, ICC Dispute Resolution Services, Panama City, Panama*

Guido Tawil *M&M Bomchil Abogados, Buenos Aires, Argentina; Senior Vice-Chair, IBA Arbitration Committee, Co-Chair, IBA Latin American Regional Forum*

Claus Von Wobeser

Eduardo Zuleta *Zuleta & Partners Legal Group, Bogota, Colombia; Secretary, IBA Arbitration Committee*

Simultaneous translation from English/ Spanish/English will be provided.

0800 – 0900

Registration at the JW Marriott Caracas hotel

0845 – 0900

Welcome and opening remarks
Fernando Pelaez-Pier
Pierre Tercier *President, ICC International Court of Arbitration, Paris, France*

0900 – 1015

The judge's duties in arbitration: control or collaboration?

- The courts' perspective
- The arbitrators' perspective
- The advocates' perspective

Session Chair

Eduardo Gonçalves Barreto Ferreira
Kujawski Brancher e Gonçalves, São Paulo, Brazil

Speakers

Nigel Blackaby *Freshfields Bruckhaus Deringer, Paris, France*

Honorary Manuel Jose Cepeda *Justice, Constitutional Court of Colombia, Bogota, Colombia*

Claus Von Wobeser

Honorary Carmen Zuleta de Merchan
Justice, Constitutional Chamber of the Supreme Court of Justice, Caracas, Venezuela

1015 – 1045 COFFEE BREAK

1045 – 1200

The intervention of the courts in arbitration (I)

Precautionary measures

- Before the constitution of the tribunal
- After the constitution of the tribunal
- Parallel proceedings

Session Chair

Katherine Gonzalez Arrocha

Speakers

Luis Alfredo Araque *Araque Reyna Sosa Viso & Pittier, Caracas, Venezuela*

Juan Fernandez Armesto *Armesto & Asociados, Madrid, Spain*

Nicolas Gamboa Morales *Gamboa Chalela & Gamboa, Bogota, Colombia*

Eduardo Silva Romero *Dechert, Paris, France*

1215 – 1415 LUNCH

Keynote speakers

Recent developments in ICC arbitration
Pierre Tercier

Recent developments in Ibero American arbitration

Fernando Pombo *Gomez-Acebo & Pombo, Madrid, Spain; President of the IBA*

1430 – 1545

The intervention of the courts in arbitration (II)

Action to set aside

- An exceptional recourse or an appeal?
- May it be waived?
- Judges specialised in arbitration?

Session Chair

Jose Ricardo Feris *Counsel, ICC International Court of Arbitration, Paris, France*

Speakers

Rafael Bernal *Centro de Arbitraje y Conciliacion – Camara de Comercio de Bogota, Bogota, Colombia*

Gilberto Giusti *Pinheiro Neto Advogados, São Paulo, Brazil; Vice-Chair, IBA Arbitration Committee*

Eugenio Hernandez Breton *Baker & McKenzie, Caracas, Venezuela*

Ignacio Suarez Anzorena *Clifford Chance, Washington DC, USA*

1545 – 1615 COFFEE BREAK

1615 – 1730

The intervention of the courts in arbitration (III)

Recognition and enforcement of awards

- The concept of public order in arbitration
- Public order as viewed by the courts
- Latin America, a constitutional public order?
- Limits to judicial powers imposed by the New York Convention

Session Chair

David Arias *Perez Llorca, Madrid, Spain*

Speakers

Eloy Anzola *International Arbitrator, Caracas, Venezuela*

Donald Donovan *Debevoise & Plimpton, New York, USA*

Honorary Pedro Rondon Haaz *Justice, Constitutional Chamber of the Supreme Court of Justice, Caracas, Venezuela*

Eduardo Zuleta

1930 – 2230 Hosted welcome cocktail
OFFERED BY THE HOST COMMITTEE

0730 – 0830

Registration at the JW Marriott Caracas hotel

0830 – 0945

Arbitration and fundamental rights: an attack on arbitration or a protection against excesses of power?

- The protection of fundamental rights in arbitration
- Constitutional actions against arbitral awards
- The constitutional action: the only way to protect fundamental rights in arbitration?
- State in arbitration: violation by individuals of the fundamental rights of the state?

Session Chair

Diana Droulers *Director, Arbitration Centre, The Caracas Chamber, Caracas, Venezuela*

Speakers

Tatiana B de Maekelt *Valera Maekelt Bentata & Asociados, Caracas, Venezuela*

Fernando Mantilla Serrano *Shearman & Sterling LLP, Paris, France*

Pedro Nikken *Baumeister & Brewer Abogados Consultores, Caracas, Venezuela*

Guido Tawil

0945 – 1015 COFFEE BREAK

1015 – 1245 Workshop

A group of specialists will review and discuss together with the audience, in an interactive format, one or more cases involving court intervention in arbitration.

Session Chair

Cristian Conejero *Cuatrecasas, Paris, France*

Speakers

Adriana Braghetta *Olavo Baptista, São Paulo, Brazil*

Daniel Posse *Posse Herrera & Ruiz, Bogota, Colombia*

Javier Robalino *Perez Bustamante & Ponce, Quito, Ecuador*

Andrea Saldarriaga *Independent Arbitration Advisor, Paris, France*

Victorino Tejera *Macleod Dixon LLP, Caracas, Venezuela*

1245 – 1300

Closing remarks

Guido Tawil

Claus Von Wobeser

Young Arbitrators Course

Presented by the International Bar Association and the ICC Venezuela

1400 at JW Marriott Caracas

All the working sessions and the conference materials will be in Spanish

The drafting of two key elements in arbitration: the arbitration clause and the terms of reference

The purpose of this program designed for young arbitration practitioners is to analyse two key elements in any arbitration: the arbitration clause and the terms of reference. Through interactive panels, some of the issues that will be discussed along with the audience include: what the main obstacles that arise at the moment of drafting those documents and how to avoid those obstacles.

Several studies have shown that in most cases, the failure of arbitrations is attributable to poor drafting and/or to a lack of substance of the arbitration clause. It has also been shown that companies that have included arbitration clauses in their contracts with appropriate contents have obtained favorable results in resolving disputes. Similarly, if the terms of reference are well drafted, structured and balanced, it will facilitate the conduct of the process, allowing the arbitration process to be handled in an efficient, fast and predictable manner.

Delegates are able to register separately for the Young Arbitrators course by submitting the application form provided by ICC Venezuela. For further information, please contact Ms. Nazarely Alvarez by tel. +58 (212) 571 8831 or e-mail: eventos@iccvenezuela.org

Continuing Professional Development / Continuing Legal Education

For delegates from countries where CPD / CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD / CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This conference has been accredited for CPD / CLE by the Law Society of England and Wales. Delegates should ask staff at the registration desk for information as to how to obtain the hours.

Host Committee

Araque Regua Socio Voto & Pineda

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CALLEN ITRABO PLAZA MORE

BAKER & MCKENZIE

Macleod Dixon S.C.
CALLE TRUJILLO

Benson Perez Matos
Antakly & Watts

MATA BORIAS,
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FERRERAS
ABOGADOS

BERMÚDEZ NEVETT
MEZQUITA-LÓPEZ

Mélich, Pérez Luciani & Asociados, A.C.



Mendoza Palacios
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& Asociados

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Ruden
McClosky s.c.

SQUIRE SANDERS
LEGAL COUNSEL
WORLDWIDE



TINOCO, TRAVIESO,
PLANCHART & NUÑEZ
ABOGADOS

HOGAN & HARTSON

TORRES
PLAZ &
ARAUJO

ICC Venezuela
Cámara de Comercio Internacional
Organización Empresarial Mundial

TRAVIESO EVANS
ARRIA RINGEL & PAZ

General Information

Date
17–18 April, 2008

Venue
JW Marriott Caracas
Av. Venezuela con Calle Mohedano, El Rosal
Caracas
Tel: +58 (212) 9572222
Fax: +58 (212) 9571111
Website: www.marriott.com

Language
All working sessions and conference materials will be in English. Simultaneous translation from English/Spanish/English will be provided.

How to register
Register online at <http://www.ibanet.org/conferences/Arbitration/judiciary/> and make payment by credit card to avail of the ten percent online registration discount or complete the attached registration form and return it to Flavia Alves at the IBA together with your payment.

Fees
Online registrations received:

| | <i>On or before 07 April</i> | <i>after 07 April until 13 April</i> |
|--------------------------|----------------------------------|--|
| Local lawyers*** | US\$ 300 | US\$ 660 |
| IBA member | US\$ 420 | US\$ 525 |
| Non-member* | US\$ 525 | US\$ 660 |
| Young lawyers (under 30) | US\$ 315 | US\$ 660 |
| Academics / Judges | US\$ 315 | US\$ 660 |
| Senior lawyers** | US\$ 315 | US\$ 660 |
| Corporate counsel | US\$ 380 | US\$ 660 |

Hard copy registration forms and fees received:

| | <i>On or before 07 April</i> | <i>after 07 April</i> |
|--------------------------|----------------------------------|---------------------------|
| Local lawyers*** | US\$ 335 | US\$ 735 |
| IBA member | US\$ 470 | US\$ 585 |
| Non-member* | US\$ 585 | US\$ 735 |
| Young lawyers (under 30) | US\$ 350 | US\$ 735 |
| Academics / Judges | US\$ 350 | US\$ 735 |
| Senior lawyers** | US\$ 350 | US\$ 735 |
| Corporate counsel | US\$ 425 | US\$ 735 |

Full payment must be received in order to process your registration.

- Fees include**
- Attendance at all working sessions
 - Conference materials, including any available speaker's papers submitted to the IBA
 - Access to the above conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the conference
 - Lunch on 17 April
 - Tea and coffee during breaks
 - Invitation to hosted reception on 17 April

*By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:
(1) Password access to certain parts of the IBA website
(2) Receipt of IBA e-news and access online versions of International Bar News

- (3) Pay the member rate for any subsequent conference registrations for this calendar year
- (4) Take advantage of IBA Member Rewards

**Criteria: 65 years or over, and a member of the IBA for 20 years or more, and no longer engaged in private practice.
***Venezuelan residents

Please note that registrations are not transferable.

List of participants
In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by 13 April at the latest.

Payment of registration fees
US dollars: by bank transfer to the IBA until 2 April account number: 53236-6 at Banco Itau, 0885 Cidade Vargas Branch, (SWIFT Code ITAUBRSP), CNPJ 07.562.031/0001-85 Rua Nelson Fernandes, 171, São Paulo, SP, 04319-000, Brazil.
Use an exchange rate of US\$1.00/R\$2.10
Please pay all bank charges so that the IBA receives the full invoiced amount.

Please ensure that a copy of the bank transfer details is attached to your registration form.
PLEASE ENSURE THAT YOUR NAME AND THE WORDS 'ARBCONF' APPEAR ON ANY TRANSFER OR DRAFT. Credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

Cancellation of registration
If cancellation is received in writing at the IBA office by 07 April, fees will be refunded less a 25 per cent administration charge. We regret that no refunds can be made after this date.

Travel arrangements and Visas
Participants are responsible for making their own travel arrangements. It is recommended that you check your Visa requirements with your local embassy or consulate. We are unable to send out letters supporting Visa applications to embassies prior to receipt of your registration form and full payment of registration fees.
Please apply for your Visa in good time.

Hotel accommodation
A limited number of rooms have been reserved at the JW Marriott Caracas until 28 March.

JW MARRIOTT CARACAS
Av. Venezuela con Calle Mohedano, El Rosal
Caracas
Tel: +58 (212) 9576999 Fax: +58 (212) 9576333
Website: www.marriott.com

For the nights of 16 and 17 April. The following rate is per night, exclusive of breakfast, service charges and local taxes.

Deluxe single room: US\$ 319.00

Please complete the attached accommodation form and send it direct to the hotel to make your reservation. The hotel requires a credit card number to secure your reservation.

Cancellation and no-show policy
Any cancellation made within 48 hours before arrival will incur a cancellation fee of one night's charge.
Please note that any reservation made after 28 March will be subject to availability and cannot be guaranteed at the special IBA rate.

As a limited number of rooms have been blocked at the hotel, availability cannot be guaranteed once the room block is full.

Delegates are responsible for making accommodation reservations direct with the hotel and entering into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates (should these differ from the special IBA rate). The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

Disabled access
The hotel JW Marriott Caracas is wheelchair accessible. Please notify us if you require special assistance.

Promotional literature
Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact Andrew Webster-Dunn at the IBA andrew.webster-dunn@int-bar.org

Young Arbitrators Course
Date
18 April, 2008

Venue
JW Marriott Caracas
Av. Venezuela con Calle Mohedano, El Rosal
Caracas
Tel: +58 (212) 9572222
Fax: +58 (212) 9571111
Website: www.marriott.com

Language
All working sessions and conference materials will be in Spanish.

How to register
Delegates are able to register separately for the Young Arbitrators course by submitting the application form provided by the ICC Venezuela. For further information, please contact Ms. Nazarely Alvarez by tel. +58 (212) 571 8831 or e-mail: eventos@iccvenezuela.org

Programme
Further details to follow.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

ARBITRATION AND THE JUDICIARY

17 - 18 April 2008

Please read the 'general information' section before completing this form and return it together with your payment to Flavia Alves at the address below.

Personal details (Please attach your business card or write in block capitals)

Name _____

Membership number (if applicable) _____ Date of birth _____

Firm/company/organisation _____

Address _____

Tel _____ Fax _____

E-mail _____

Badge

Name and country to be shown on badge, if not as above _____

Special dietary requirements _____

Guest

for Hosted welcome cocktail on 17 April Only - ONE GUEST ALLOWED _____

Register online at www.ibanet.org/conferences/Arbitrationjudiciary/ and make payment by credit card to avail **ten percent** online registration discount

Arbitration and the judiciary

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|--|--------------------------|-------------------|----------------|
| Local lawyers *** | US\$ 335 | US\$ 735 | US\$ |
| IBA member | US\$ 470 | US\$ 585 | US\$ |
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| Senior lawyers** | US\$ 350 | US\$ 735 | US\$ |
| Corporate counsel | US\$ 425 | US\$ 735 | US\$ |
| TOTAL AMOUNT PAYABLE | | | US\$ |

** Criteria: 65 years or over, and a member of the IBA for 20 years or more, and no longer engaged in private practice.

*** Venezuelan residents

Full payment must be received in order to process your registration.

Please note that registrations are not transferable.

***Join the IBA today and register for this conference at the IBA member rate.
Please find the IBA membership application form at www.ibanet.org**

continued overleaf

Payment

- I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.
(By bank transfer to the IBA account number: 53236-6 at Banco Itau, 0885 Cidade Vargas Branch, (SWIFT Code ITAUBRSP),
CNPJ 07.562.031/0001-85 Rua Nelson Fernandes, 171, São Paulo, SP, 04319-000, Brazil).

Use an exchange rate of US\$1.00/R\$2.10

Please pay all bank charges so that the IBA receives the full invoiced amount.

BANK TRANSFERS ARE ONLY ACCEPTABLE UNTIL 2 APRIL

- Please charge the total amount due to my:

- Visa
 MasterCard
 American Express

Card number _____ Expiry date _____

Name of card holder _____

Signature _____ Date _____

Where did you find out about this Conference?

- IBA conference Other conference Direct mail Internet Advertisement
 E-Mail Editorial Recommendation Other

IBA listings are provided to relevant 3rd parties for marketing purposes. The IBA will treat your personal information with the utmost respect and in accordance with UK data privacy laws.

- If you are agreeable to passing on your details, please tick this box
 If you do not wish to receive IBA information and materials, please tick this box

Please send the completed form to:

Flavia Alves

International Bar Association

International Bar Association, Rua Helena, 170, 14º Andar, São Paulo, SP 04552-050, Brazil

Tel: + 55 (11) 30441456 Fax: + 55 (11) 30440803

E-mail: latin.conferences@int-bar.org Website: www.ibanet.org

ARBITRATION AND THE JUDICIARY CONFERENCE

17 - 18 April 2008

JW MARRIOTT CARACAS HOTEL

Name _____

Company _____

Address _____

Tel: _____ Fax: _____

E-mail: _____

Deluxe single room: US\$ 319.00

The above rate is per night, exclusive of breakfast, service charges and local taxes.
Any reservations made after 28 March will be subject to availability and cannot be guaranteed at the above rate.

Please reserve: Deluxe single room

Arrival date _____ Departure date _____

Cancellation and no-show policy

Any cancellation made within 48 hours before arrival will incur a cancellation fee of one night's charge.

IF YOU NEED AN EARLY OR LATE CHECK IN OR CHECK OUT, PLEASE, CONTACT THE HOTEL IN ADVANCE

Payment details Please charge my credit card:

Visa MasterCard American Express Diners

- Accommodation will only be guaranteed if the reservation request is accompanied by a credit card number

Card number _____ Expiry date _____

Name of cardholder _____

Signed _____ Date _____

To secure your booking the hotel requires one night's deposit per room.

Please return to:

JW Marriott Caracas

Av. Venezuela con Calle Mohedano, El Rosal
Caracas

Tel: +58 (212) 9576999

Fax: +58 (212) 9576333

Website: www.marriott.com



the global voice of
the legal profession

International Bar Association

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of 30,000 individual lawyers and more than 195 bar associations and law societies spanning all continents. It has considerable expertise in providing assistance to the global legal community.

Grouped into two divisions – the **Legal Practice Division** and the **Public and Professional Interest Division** – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of business law around the globe. Additionally, the IBA's high-quality publications and world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and professional associates.

The IBA's **Bar Issues Commission** provides an invaluable forum for IBA member organisations to discuss all matters relating to law at an international level.

The IBA's **Human Rights Institute** (HRI) works across the Association, to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

Other institutions established by the IBA include the **Southern Africa Litigation Centre** and the **International Legal Assistance Consortium**.

The IBA Arbitration Committee

The Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes. Through its publications and conferences, the Committee seeks to share information about international arbitration and promote its use and improve its effectiveness.

The Committee also has four subcommittees relating to: the recognition and enforcement of arbitral awards; investment treaty arbitration; conflicts of interest; and the IBA Rules of Evidence.

Additionally, the Arbitration Committee works with the following Committees to form the Dispute Resolution Section:

- Consumer Litigation
 - Litigation
 - Mediation
- Negligence and Damages

The Latin American Regional Forum (LAF) of the IBA

The Latin American Forum covers all countries in Latin America as well as Mexico, Puerto Rico and Spanish-speaking areas of the Caribbean. The LAF provides a focus for all activities in the region. The group organises sessions at IBA Conferences and in particular has been instrumental in ensuring that a Latin American perspective is addressed during relevant special sessions. The LAF is closely affiliated with the **North American Forum** as the regions are geographically proximate and share many issues.

International Court of Arbitration of the ICC

ICC International Court of Arbitration is the leading body in international commercial arbitration. Founded to resolve business disputes of an international character, its strict impartiality and effectiveness are recognized everywhere. Countless business contracts, including many where one party is a government body, now refer to the ICC Rules of Arbitration. www.iccarbitration.org.

International Bar Association

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