



# *ICC Arbitration Today: Bridging the Cultural Gap in International Arbitration*

**New York – Monday, September 15, 2008**

**Venue: Hilton New York**  
1335 Avenue of the Americas  
New York, NY 10019, USA

## **International Court of Arbitration®**

The International Court of Arbitration® has a distinguished and long-standing history of international dispute resolution. In 2007 alone, it received almost 600 requests for arbitration from all over the world. Of the 1,611 parties in the cases filed with the International Court of Arbitration® in 2007, North America captured the second most number of parties involved.

## **ICC Dispute Resolution Services**

ICC Dispute Resolution Services (ICC DRS) provides international business with alternatives to court litigation. ICC DRS has developed a wide range of alternatives to court litigation including arbitration and runs one of the most respected and widely used courts of international commercial dispute resolution.

## **With the support of**

## **The United States Council for International Business (USCIB)**

USCIB is the U.S. National Committee to the International Chamber of Commerce (ICC). USCIB's Arbitration Committee serves as the contact point for the International Court of Arbitration® and its multi-faceted dispute resolution services. The committee provides assistance in the nomination of arbitrators, makes referrals to parties seeking attorneys, organizes seminars and corporate roundtables, and answers questions regarding the arbitration process and ICC Dispute Resolution Services.



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By definition, international arbitrations bring together parties, counsel, and arbitrators from different countries and backgrounds. Inevitably, the participants bring to the proceedings viewpoints, expectations, and values that are shaped by their legal culture, as well by their national, regional or ethnic cultures. While it is increasingly recognized that cross-cultural issues play an important role in international arbitration, the objective of this conference is to move beyond this starting point to provide arbitration users and counsel with practical insights into how these differences should be understood and managed in order to ensure an efficient, functional, and successful international arbitration.



## Morning

8:00 – 9:00 **Registration**

9:00 – 9:10

### Welcome and Introduction

- **Josefa Sicard-Mirabal**, Director, Arbitration & ADR, North America, ICC International Court of Arbitration
- **Jason Fry**, Secretary General, ICC International Court of Arbitration

9:10 – 10:10

### Frame of Reference: How core legal values impact arbitration

Each arbitration participant brings views and norms that are formed by his or her legal system and that color his or her views of the dispute. Looking at the world's legal systems on a global level, are there fundamental differences, and if so, how can they be managed? These distinguished law professors will address the core values and key commercial principles of their systems, how they compare, and how arbitration users can address and discuss these issues in a manner that promotes dialogue and, where possible, leads to agreement. Specific attention will be focused on the legal systems of Asia, Europe, Latin America, Middle East, and North America.

- **Prof. Nabil Antaki**, Professor of Law, University of Montreal, Associate Director of Centre de Droit, des Affaires et du Commerce International (CDACI), *Syria*
- **Prof. Dr. Klaus Peter Berger**, Director, Banking Law Institute, Center for Transnational Law (CENTRAL), University of Cologne, *Germany*
- **Prof. Alejandro Garro**, Adjunct Professor of Law; Senior Research Scholar, Parker School of Foreign and Comparative Law, Columbia University Law School, *Argentina*
- **Prof. Keechang Kim**, LLB, LLM, PhD., Professor of Law, Law Faculty, Korea University, *Korea*
- **Prof. Rusty Park**, Professor of Law, Boston University School of Law, *United States*

10:10 – 10:30

### Questions from Participants

10:30 – 10:45 *Break*

10:45 – 11:35

### ICC Perspective: Panel of former and the current ICC Secretary General

This panel features former and the current Secretary General of the International Court of Arbitration®, all culturally rooted in different regions of the world and with very diverse legal backgrounds. Each will provide a historical standpoint on how culture played a role in the arbitration proceedings that occurred during their term. This panel will also discuss the importance of culture for the future of international arbitration, how arbitration has evolved to address cultural issues, and whether it has been successful in addressing these issues.

- **Stephen R. Bond**, Partner, White & Case LLP; Secretary General (1985-1991), *United States*
- **Yves Derains**, Founder, Derains & Associés; Secretary General (1977-1981), *France*
- **Jason Fry**, Secretary General (2007– present), *New Zealand*
- **Horacio Grigera-Naon**, Director of the International Arbitration Program, American University Washington College of Law; Secretary General (1996-2001), *Argentina*

11:35 – 11:55

### Questions from Participants

11:55 – 12:10 *Break*

## Afternoon

12:10 – 1:00

### **The Arbitrator's Perspective: Cultural Differences in Procedural Preferences and Decision-Making**

How do arbitrators from different legal cultures examine, evaluate, and decide commercial disputes? What are the differences in procedural approaches and decision-making styles? How do arbitrators agree on an approach that takes into account the different procedural preferences, legal cultures, and favored local practices of the participants, including the arbitrators themselves? In this panel, world renowned arbitrators from Asia (Singapore), Europe (France and the United Kingdom), and the United States, will share their insights on how to agree on effective and efficient procedures that take into account the varied cultural preferences and differences of the participants.

- **Gerald Aksen**, Independent Arbitrator; former Vice Chairman of the ICC International Court of Arbitration, *United States*
- **Judith Gill**, Partner, Allen and Overy, *United Kingdom*
- **Christopher Lau**, Senior Counsel; Consultant, Alban Tay Mahtani & de Silva LLP, *Singapore*
- **Pierre Mayer**, Partner, Dechert LLP, *France*

1:00 – 1:20

### **Questions from Participants**

1:20 – 2:40 *Lunch*

2:40 – 3:30

### **Counsel's Perspective: Advocating from Different Cultural and Legal Backgrounds**

Experienced counsel appreciate that sensitivity to cultural issues – with the tribunal, counsel, parties, and even witnesses – can make the difference between success and failure in an international arbitral proceeding. And counsel themselves come from backgrounds as diverse as the cases on which they work. What are the tensions created by cultural differences between counsel and the various arbitration participants, counsel's basic advocacy approach, and the lawyer's duty to effectively represent his or her clients' interests? This panel of international arbitration practitioners from the United States, Canada, the United Arab Emirates, and Italy, will discuss the legal and cultural influences of their own backgrounds and how these influences come into play in an arbitration (from pleadings, to submissions to hearings).

- **Mark Beckett**, Partner, Latham & Watkins LLP, Chair of the USCIB Arbitration Committee, *United States*
- **Julie Bedard**, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates, *Canada*
- **Andrea Carlevaris**, Senior Lawyer, Bonelli Erede Pappalardo Studio Legale, *Italy*
- **Essam al Tamimi**, Founder & Senior Partner, Al Tamimi & Company, Advocates and Legal Consultants, *United Arab Emirates*

3:30 – 3:50

### **Questions from Participants**

3:50 – 4:05 *Break*

4:05 – 4:55

### **Client's Perspective: Representing the International Client**

The parties – the real end-users of arbitration – play a critical role in the manner in which cultural issues in arbitration are addressed. How does corporate counsel expect arbitration counsel, the members of the tribunal, and the arbitral institution to address cultural differences? What have they found are the most effective strategies? Corporate counsel from companies headquartered in South Korea, the United States, Brazil, and France will share their own experiences in multicultural arbitration proceedings.

- **Pedro Aguiar de Freitas**, General Legal Counsel, Companhia Vale do Rio Doce, *Brazil*
- **Bryan Hopkins**, Vice President and General Counsel, Samsung Electronics America, Inc., *South Korea*
- **John Sander**, Vice President and Associate General Counsel, Schering-Plough Corporation, *United States*
- **Franck Tassan**, Group General Counsel, Carrefour, *France*

4:55 – 5:15

### **Questions from Participants**

5:15 – 5:30 **Closing**

- **Jason Fry**, Secretary General, ICC International Court of Arbitration

5:30 – 7:00 *Reception*

# Logistical note

**Date:** Monday, September 15, 2008

**Venue:** Hilton New York

1335 Avenue of the Americas  
New York, NY 10019, USA

**Working language:**

English

**How to register:**

Please complete and return the registration form indicating method of payment to:

**E-mail:** [ifs@iccwbo.org](mailto:ifs@iccwbo.org)    **Post:** INTERNATIONAL COURT OF ARBITRATION®

**Tel:** 212.703.5044                      Arbitration and ADR, North America

**Fax:** 212.575.0327                      1212 Avenue of the Americas, 21st Floor

**Website:** [www.iccwbo.org](http://www.iccwbo.org)                      New York, NY 10036-1689

Registration will be confirmed upon receipt of the registration form and contribution to costs.

**Registration fees:**

**Early Bird Special – Until Monday, August 18, 2008**

■ US\$ 380 for ICC/USCIB members and non-members

**After Monday, August 18, 2008**

■ US\$ 450 for ICC/USCIB members

■ US\$ 550 for non-members

The fee includes working papers, refreshments, lunch, and reception.

**Travel and accommodation:**

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations. A list of hotels in New York, with which USCIB has negotiated preferential room rates, is available upon request.

**Cancellation charge:**

50% of the contribution to costs will be refunded if notice of cancellation is received in writing **before August 18, 2008**. Cancellations after this date are not refundable. However, registration may be transferred to another person from the same company or organization at no extra charge, provided that notice is sent to [ifs@iccwbo.org](mailto:ifs@iccwbo.org) prior to the Conference.



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## Third Annual ICC New York Conference

*ICC Arbitration Today: Bridging the Cultural Gap  
in International Arbitration*

### PARTICIPANT INFORMATION

TITLE / FIRST NAME / LAST NAME	<input type="text"/>	<input type="text"/>	<input type="text"/>
POSITION	<input type="text"/>		
COMPANY NAME	<input type="text"/>		
ADDRESS	<input type="text"/>		
CITY / STATE / ZIP CODE	<input type="text"/>	<input type="text"/>	<input type="text"/>
COUNTRY	<input type="text"/>	TEL.	<input type="text"/>
CONTACT E-MAIL	<input type="text"/>	FAX	<input type="text"/>

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**By check:** payable to "USCIB" indicating the participant's name clearly.

Date .....                      Signature .....

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