Arbitration Advocacy in Changing Times

ICCA CONGRESS RIO 2010

Hotel Sofitel, Rio de Janeiro, Brazil – May 23rd to May 26th – 2010

Monday, May 24th

8:00 – 9:00 AM
Registration at Sofitel

9:30 – 10:00 AM
Coffee-break

10:00 – 12:00 PM
ICCA Day 02

12:00 – 2:00 PM
Lunch

2:00 – 2:30 PM
Coffee-break

2:30 – 3:00 PM
Transfers to MAM

3:00 – 3:30 PM
The Reception at MAM

3:30 – 4:00 PM
Transfers to Sofitel

4:00 – 4:30 PM
Lunch at Copacabana Palace and Caesar Park

4:30 – 5:30 PM
Transfers to Sofitel

5:30 – 6:00 PM
Coffee-break

6:00 – 7:00 PM
ICCA Day 03

7:00 – 8:00 PM
Transfer to NHM

Monday, May 24th - Transfers

*From Sofitel, Copacabana Palace and Caesar Park

Tuesday, May 25th

8:00 – 9:00 AM
Registration at Sofitel

9:30 – 10:00 AM
Coffee-break

10:00 – 12:00 PM
ICCA Day 02

12:00 – 2:00 PM
Lunch

2:00 – 2:30 PM
Coffee-break

2:30 – 3:00 PM
Transfers to MAM

3:00 – 3:30 PM
The Reception at MAM

3:30 – 4:00 PM
Transfers to Sofitel

4:00 – 4:30 PM
Lunch at Copacabana Palace and Caesar Park

4:30 – 5:30 PM
Transfers to Sofitel

5:30 – 6:00 PM
Coffee-break

6:00 – 7:00 PM
ICCA Day 03

7:00 – 8:00 PM
Transfer to NHM

Tuesday, May 25th - Transfers

*From Sofitel, Copacabana Palace and Caesar Park

Wednesday, May 26th

8:00 – 9:00 AM
Registration at Sofitel

9:30 – 10:00 AM
Coffee-break

10:00 – 12:00 PM
Closing Ceremony and Cocktail at The Sugar Loaf

12:00 – 2:00 PM
Transfers to NHM

2:00 – 3:00 PM
Transfers to Sofitel, Copacabana Palace and Caesar Park

3:00 – 3:30 PM
Coffee-break

3:30 – 4:00 PM
ICCA Day 03

4:00 – 5:00 PM
Transfers to Hotels

5:00 – 7:00 PM
Transfers to Sugar Loaf

7:00 – 9:00 PM
Gala Dinner at National History Museum

Wednesday, May 26th - Transfers

*From Sofitel, Copacabana Palace and Caesar Park

Supporting Entities

Sponsors

Master Sponsors

Speakers

Immediately following the ICCA Rio Congress, on May 26th, young arbitration practitioners (under 40) from all over the world will be gathering for the traditional YAP Conference. Join us!
11:00 Opening and Welcome
24th May 2010
Arbitration Advocacy in Changing Times

This session looks at the expectations of advocacy and of counsel from the perspective of all the participants in the arbitral process.

a) What are the expectations for counsel from the bar and court jurisdictions?

b) The arbitrators and their collaboration with counsel in order to achieve a productive and effective hearing.

c) Advocacy in international arbitration.

d) The relative merits of oral argument and post-hearing briefs.

e) The role of transnational public policy. Corruption and money laundering in commercial and investment relations.

13:30 Lunch
13:00 Effective Advocacy in the Written and Procedural Phases of Arbitration

Chair: Carlos Nehring-Brazil
Speakers: Klaus Michael Sachs-Germany; Dushyant Dave-India; Paul Friedland-USA

a) Effective written submissions;

b) The effective use of legal sources: How much is too much and what is the role for iura publici?

c) Advocacy and time control in international arbitration;

d) The role of transnational public policy.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

15:00 Dispute Resolution and the New Paradigm

Chair: Arthur Marriott Q.C.-U.K.
Speakers: Donald Dennis-VAN; Antonio Gálvez-Díaz-Ceber Alfonso Canessa-Colombia

The recent profusion of writing and training programs on advocacy affords the contemporary advocate an increased awareness of the expectations that the tribunal place upon advocacy. While the substantive quality of the advocate’s representation, whether by oral or written presentation, while the tribunal the quality of the advocate makes an enormous difference to the ability to assist the factual and legal issues and to decide the case fairly and in the time and cost of the proceeding. The claims of the client, the documentation, and the persuasiveness of the presentation complete the early stages of arbitration. At the hearing, too, the documentary evidence often becomes the focal point, with the foundation of the case not made and there is reference to references to other judicious selection of legal sources.

This session considers the best practices for both counsel and arbitrators during the oral phase of the arbitration.

a) The role of experts in international arbitration.

b) The costs of arbitration and party payments;

c) Advocacy and time control in international arbitration;

d) The relative merits of oral argument and post-hearing briefs.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

17:00 Close of Day 1

---

9:00 Advocates: Neutrals or Advocates?

Chair: Hans van Steenis-Netherlands
Speakers: Laurence Boisson de Chazournes-Switzerland; Guido Tawil-Argentina; Teresa Cheng-Hong Kong

Fundamental rights are playing an increasing role in international arbitration. Constitutional law has been the traditional means for enforcing such rights under domestic law, but on occasions these remedies are not available because the remedy is not in the same forum as the dispute. Whether they are settled in the ICSID framework. This session looks at the question of the forum to be applied for the purpose of protecting such rights in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Fundamental rights are playing an increasing role in international arbitration. Constitutional law has been the traditional means for enforcing such rights under domestic law, but on occasions these remedies are not available because the remedy is not in the same forum as the dispute. Whether they are settled in the ICSID framework. This session looks at the question of the forum to be applied for the purpose of protecting such rights in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

b) The relative merits of oral argument and post-hearing briefs.

c) The role of transnational public policy.

d) Compliance with local legal requirements.

e) The ‘international’ administrative contract and arbitration.

13:30 Lunch

13:00 How significant is advocacy in international arbitration and how culturally specific is this significance? This question is often asked, but is not always answered in a satisfactory manner. In many cases, the public policy might be used effectively by advocates as sources of norms in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

Speakers: Claudia Doak Bishop-USA; Luiz Olavo Baptista-Brazil; Eduardo Zuleta-Colombia; Claudia Escobar-Chile

Modern international arbitration involves substantial written advocacy. There has developed a standardized procedure for full written submissions with documentary evidence attached, supported by written witness statements, which are not in the same forum as the dispute. Whether they are settled in the ICSID framework. This session looks at the question of the forum to be applied for the purpose of protecting such rights in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

How significant is advocacy in international arbitration and how culturally specific is this significance? This question is often asked, but is not always answered in a satisfactory manner. In many cases, the public policy might be used effectively by advocates as sources of norms in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

9:00 Lunch

11:00 Effective Advocacy in the Written and Procedural Phases of Arbitration

Chair: Carlos Nehring-Brazil
Speakers: Klaus Michael Sachs-Germany; Dushyant Dave-India; Paul Friedland-USA

13:30 Lunch

13:00 Effective Advocacy in the Written and Procedural Phases of Arbitration

Chair: Carlos Nehring-Brazil
Speakers: Klaus Michael Sachs-Germany; Dushyant Dave-India; Paul Friedland-USA

a) Effective written submissions;

b) The effective use of legal sources: How much is too much and what is the role for iura publici?

c) Advocacy and time control in international arbitration;

d) The relative merits of oral argument and post-hearing briefs.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

15:00 Dispute Resolution and the New Paradigm

Chair: Arthur Marriott Q.C.-U.K.
Speakers: Donald Dennis-VAN; Antonio Gálvez-Díaz-Ceber Alfonso Canessa-Colombia

The recent profusion of writing and training programs on advocacy affords the contemporary advocate an increased awareness of the expectations that the tribunal place upon advocacy. While the substantive quality of the advocate’s representation, whether by oral or written presentation, while the tribunal the quality of the advocate makes an enormous difference to the ability to assist the factual and legal issues and to decide the case fairly and in the time and cost of the proceeding. The claims of the client, the documentation, and the persuasiveness of the presentation complete the early stages of arbitration. At the hearing, too, the documentary evidence often becomes the focal point, with the foundation of the case not made and there is reference to references to other judicious selection of legal sources.

This session considers the best practices for both counsel and arbitrators during the oral phase of the arbitration.

a) The role of experts in international arbitration.

b) The costs of arbitration and party payments;

c) Advocacy and time control in international arbitration;

d) The relative merits of oral argument and post-hearing briefs.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

17:00 Close of Day 2

26th May 2010

9:00 Arbitration Advocacy and Constitutional law

Chair: Carlos Nehring-Brazil
Speakers: Laurence Boisson de Chazournes-Switzerland; Guido Tawil-Argentina; Teresa Cheng-Hong Kong

Modern international arbitration involves substantial written advocacy. There has developed a standardized procedure for full written submissions with documentary evidence attached, supported by written witness statements, which are not in the same forum as the dispute. Whether they are settled in the ICSID framework. This session looks at the question of the forum to be applied for the purpose of protecting such rights in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

How significant is advocacy in international arbitration and how culturally specific is this significance? This question is often asked, but is not always answered in a satisfactory manner. In many cases, the public policy might be used effectively by advocates as sources of norms in international arbitration. The challenge of arbitral awards on constitutional grounds or the abuse of habeas corpus are among the more frequent challenges. The Constitutional rights of investors have become the subject of jurisprudential developments in numerous jurisdictions. International arbitration is not a substitute for the exercise of traditional public law remedies, but it provides an alternative forum that can address the same issues.

9:00 Lunch

11:00 Effective Advocacy in the Written and Procedural Phases of Arbitration

Chair: Carlos Nehring-Brazil
Speakers: Klaus Michael Sachs-Germany; Dushyant Dave-India; Paul Friedland-USA

13:30 Lunch

13:00 Effective Advocacy in the Written and Procedural Phases of Arbitration

Chair: Carlos Nehring-Brazil
Speakers: Klaus Michael Sachs-Germany; Dushyant Dave-India; Paul Friedland-USA

a) Effective written submissions;

b) The effective use of legal sources: How much is too much and what is the role for iura publici?

c) Advocacy and time control in international arbitration;

d) The relative merits of oral argument and post-hearing briefs.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

15:00 Dispute Resolution and the New Paradigm

Chair: Arthur Marriott Q.C.-U.K.
Speakers: Donald Dennis-VAN; Antonio Gálvez-Díaz-Ceber Alfonso Canessa-Colombia

The recent profusion of writing and training programs on advocacy affords the contemporary advocate an increased awareness of the expectations that the tribunal place upon advocacy. While the substantive quality of the advocate’s representation, whether by oral or written presentation, while the tribunal the quality of the advocate makes an enormous difference to the ability to assist the factual and legal issues and to decide the case fairly and in the time and cost of the proceeding. The claims of the client, the documentation, and the persuasiveness of the presentation complete the early stages of arbitration. At the hearing, too, the documentary evidence often becomes the focal point, with the foundation of the case not made and there is reference to references to other judicious selection of legal sources.

This session considers the best practices for both counsel and arbitrators during the oral phase of the arbitration.

a) The role of experts in international arbitration.

b) The costs of arbitration and party payments;

c) Advocacy and time control in international arbitration;

d) The relative merits of oral argument and post-hearing briefs.

e) Settlement discussions. How and when and what are the potential roles for the arbitrators in settlement discussions?

17:00 Close of Day 2

---

11:30 Keynote Address: Advocacy and Ethics in International Arbitration

Chair: Alex Woolf-Brazil

Close of Conference