THE ROLE OF THE JUDICIARY IN ARBITRATION

MEXICO CITY | 26 MARCH 2019
9:15 – 9:30 Welcome and opening remarks
Maria Fernanda Garza Merodio, President of ICC Mexico; Orestia, S.A., Mexico City
Gabrielle Kaufmann-Kohler, President of the International Council for Commercial Arbitration; Lévy Kaufmann-Kohler, Geneva
Alexis Mourre, President of the ICC International Court of Arbitration, Paris

9:30 – 10:00 Keynote address
Introduction on the shared spheres of jurisdiction between arbitral tribunals and national courts and the importance of a pro-enforcement legal regime to ensure the efficiency and success of the arbitral international proceedings.

Speaker:
Dominique Hascher, Co-Chair of the International Council for Commercial Arbitration Judiciary Committee; Supreme Judicial Court of France, Paris

10:00 – 11:15 Panel on “Jurisdiction: the role of arbitral tribunals and courts”
Approaches under different legal systems on allocation of jurisdictional competence between arbitral tribunals and national courts. Authority of an arbitral tribunal to consider and decide disputes over its own jurisdiction, existence, validity, legality and scope of the parties’ arbitration agreement.

Speakers:
Albert Jan van den Berg, Hanotiau & van den Berg, Brussels
Bernardo Sepúlveda, Creel García-Cuéllar Aiza y Enríquez, Mexico City
Lucy Reed, Centre for International Law at the National University of Singapore, Singapore

Moderated by:
Eduardo Siqueiros Twomey, Siqueiros Arbitration, Mexico City

11:15 – 11:30 Coffee break

11:30 – 12:45 Panel on “Enforcement of court or arbitrator-ordered interim measures”
Enforceability of interim measures through national courts in different jurisdictions and tools that the arbitral tribunal has within its powers to ensure enforceability of interim measures (i.e. draw adverse inferences from the parties’ conduct).

Speakers:
Margarita Luna Ramos, Retired Justice of the Mexican Supreme Court of Justice, Mexico City
Carolyn Lamm, White & Case, Washington D.C.
Carlos Loperena Ruiz, Member of the ICC International Court of Arbitration in representation of Mexico; Vice-President of the Commission on Arbitration & ADR of ICC Mexico; Loperena, Lerch y Martín del Campo, S.C., Mexico City

Moderated by:
Víctor Ruiz Barboza, Vice-President of the Commission on Arbitration & ADR of ICC Mexico; Ruíz-Silva Abogados, S.C., Mexico City

12:45 – 14:00 Panel on “Judicial assistance in the taking and disclosure of evidence”
Arbitrators generally enforce disclosure orders by seeking assistance of national courts, particularly when the orders are directed to third parties. Experience on requesting judicial assistance in the taking and disclosing evidence in different jurisdictions.

Speakers:
Doak Bishop, King & Spalding, Houston
Bernardo M. Cremades, B. Cremades y Asociados, Madrid
Omar Guerrero Rodríguez, Hogan Lovells, México
Moderated by:
**Cecilia Azar Manzur**, Alternate Member of the ICC International Court of Arbitration in representation of Mexico; Vice-President of the Commission on Arbitration & ADR of ICC Mexico; Galicia Abogados, S.C., Mexico City

14:00 – 15:45 **Lunch break**
Lunch speech “Advantages and drawbacks of the judiciary intervention or assistance in Latin America. Principal tensions between arbitral tribunals and national courts”

** Speaker:**
**Guillermo Ortíz Mayagoitia**, Former Chief Justice of the Mexican Supreme Court of Justice; Von Wobeser y Sierra, Mexico City

15:45 – 17:00 **Panel on “Different causes for non-enforcement of arbitral awards”**
Interpretations in distinct jurisdictions of the exceptions to recognition and enforcement of awards provided by Article V of the New York Convention in order to avoid the enforcement of an arbitral award. Strategies used by counsel to minimize the risk of annulment by national courts.

**Speakers:**
**Cavinder Bull**, Drew & Napier, Singapore
**Andrés Jana**, Bofill Mir & Álvarez Jana, Santiago de Chile
**Neófito López Ramos**, Magistrate of the Fifteenth Collegiate Court on Civil Matters of First District, Mexico City

**Moderated by:**
**Alejandro Ogarrio Ramírez España**, President of the Commission on Arbitration & ADR of ICC Mexico; Ogarrio Daguerre, S.C., Mexico City

17:00 – 17:15 **Coffee break**

17:15 – 18:30 **Panel on “Investment arbitration under USMCA”**
Principal amendments and impact on ISDS in the region of the new investor-state arbitration framework provided by chapter 14 of the USMCA, including the exclusion of Canada from the investor-state arbitration, the asymmetrical fork-in-the-road provision and the allegedly pro-state orientation of the treaty.

**Speakers:**
**Juan Fernández Armesto**, Armesto y Asociados, Madrid
**Donald Francis Donovan**, Debevoise & Plimpton, New York

**Moderated by:**
**Claus von Wobeser**, Vice-President of ICC Mexico; Von Wobeser y Sierra S.C., Mexico City

18:30 – 18:45 **Conclusions and closing remarks**
**Gabrielle Kaufmann-Kohler**, President of the International Council for Commercial Arbitration; Lévy Kaufmann-Kohler, Geneva
**Alejandro Ogarrio Ramírez España**, President of the Commission on Arbitration & ADR of ICC Mexico; Ogarrio Daguerre, S.C., Mexico City
**Claus von Wobeser**, Vice-President of ICC Mexico; Von Wobeser y Sierra S.C., Mexico City

19:00 **Cocktail reception**