

What's Different About International Arbitration? Practical Tips for Lawyers and Arbitrators

International arbitration differs in key ways from domestic United States arbitration and from litigation in local courts, from the vocabulary used to the presentation of evidence to the form of an arbitral award. This day-long training program for lawyers and arbitrators will address the legal and the cultural differences from domestic U.S. practice. Attendees will learn not only the substantive legal rules, but also the practical "know how" needed to approach international arbitration with confidence.

Conference Chairs

Judge Judith Kaye, Skadden, Arps, Slate, Meagher & Flom LLP
Robert Smit, Simpson Thacher & Bartlett LLP
Edna Sussman, SussmanADR

Date, Time, Place

Monday November 24, 2014, 8h30–17h30
NYIAC, 150 East 42nd St., 17 Fl, New York NY 10017

Cost¹

NYIAC Individual Members: \$410
Regular Registration: \$455

CLE²

Professional Practice: 4.0 NY credits
Skills: 1.5 NY credits
Ethics and Professionalism: 1.0 credit

Registration

Please register by November 17 at www.nyiic.org.
For more information, contact info@nyiic.org.

AUDIENCE

You Should Attend If You

- ... are an arbitrator and wish to expand your practice to international cases
- ... are a litigator and want to represent clients in international arbitration

¹ Financial hardship rate available.

² Administered by Simpson Thacher & Bartlett LLP

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- ... are in-house at a company exploring alternative dispute resolution options
- ... have some international arbitration experience but want to deepen your understanding of how cases proceed in practice

And Want to Learn About

- ... the basic legal framework governing international arbitration
 - ... the significance of the seat of arbitration
 - ... how the institutions make arbitrator appointments
 - ... strategies for selecting party appointed arbitrators
 - ... process differences: briefs vs. memorials, discovery vs. disclosure
 - ... the impact of cultural differences on advocacy and conduct of the hearing
 - ... ethics for counsel in a world of conflicting obligations
 - ... practical suggestions from leading arbitrators
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DETAILED PROGRAM

Sign-in (8h30-9h)

1. Setting the Stage (9h-9h30)

The conference co-chairs, Rob Smit and Edna Sussman, will introduce the program and faculty, and will provide an overview of the substantive and stylistic differences between domestic and international arbitration.

Panelists: Robert Smit, Edna Sussman

2. The Legal Landscape and the Role of the Courts (9h30-11h)

Guest lecturer Justice Gerard Lynch of the United States Court of Appeals for the Second Circuit will address evolving judicial attitudes toward international arbitration. Panelists will discuss the basic legal framework, the significance of the seat of the arbitration, and issues related to enforcement – all with a focus on the ways in which international cases differ from domestic arbitration cases.

Moderator: Judith Kaye

Panelists: George Bermann, Hagit Elul, Marc Goldstein, Benno Kimmelman

CLE: 1.5 credits Professional Practice

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3. Administering Institutions and Appointment of Arbitrators (11h15-12h30)

Representatives of leading arbitral institutions will explore the differences between the rules governing domestic and international arbitrations, including how arbitrator appointments and challenges are handled. Experienced practitioners will address strategies for selecting party-appointed arbitrators.

Moderator: Alexandra Dosman

Panelists: Oliver Armas, Robert Davidson, Helena Erickson, Luis Martinez, Josefa Sicard-Mirabal, Robert Smit,

CLE: 1.0 credits Professional Practice

4. The Conduct of an International Arbitration: Distinctive Features (13h15-15h)

Experts will identify and explain each stage of the international arbitration process, highlighting differences from domestic practice: (1) pleadings and briefs vs. requests for arbitration and memorials; (2) the preliminary conference; (3) discovery vs. disclosure; (4) approaches to witness evidence; (5) the conduct of the hearing; (6) and post-hearing surprises.

Moderator: Aníbal Sabater

Panelists: Eleonora Coehlo, Samaa Haridi, Charles Moxley, Laurence Shore

CLE: 1.5 credits Skills

5. Ethical Cross-Currents in International Practice (15h15-16h15)

Panelists will explore the array of ethical issues relevant to lawyers in international practice, including the applicable rules of ethics, guidance from institutions, and ethical codes for experts.

Moderator: John Fellas

Panelists: Franco Ferrari, Paul Friedland, Thomas Halket, Jennifer Permesly

CLE: 1.0 credits Ethics and Professionalism

6. Conversation with Leading Arbitrators: Tips on How to Develop an International Arbitration Practice (16h15-17h45)

This session will feature established international arbitrators sharing the highlights of their practice and addressing attendee questions about how to develop a practice in international arbitration.

Moderator: James Carter

Panelists: Gerald Aksen, Carolyn Lamm, Horacio Grigera Naón, Edna Sussman

CLE: 1.5 credits Professional Practice

Reception (17h45-19h)

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FACULTY

Co-Chairs

Judge Judith Kaye, Skadden, Arps, Slate, Meagher & Flom LLP
Robert Smit, Simpson Thacher & Bartlett LLP
Edna Sussman, SussmanADR

Special Guest Speaker

Judge Gerard E. Lynch, United States Court of Appeals for the Second Circuit

Confirmed Faculty

Gerald Aksen, Arbitrator & Mediator
Oliver J. Armas, Hogan Lovells US LLP
George Bermann, Columbia Law School
James Carter, Wilmer Cutler Pickering Hale and Dorr LLP
Eleonora Coehlo, Castro Barros Sobral Gomes Advogados
Robert Davidson, JAMS
Alexandra Dosman, New York International Arbitration Center
Hagit Elul, Hughes Hubbard & Reed LLP
Helena Erickson, Institute for Conflict Prevention and Resolution
John Fellas, Hughes Hubbard & Reed LLP
Franco Ferrari, NYU School of Law
Paul Friedland, White & Case LLP
Marc Goldstein, Marc J Goldstein Litigation & Arbitration Chambers
Horacio Grigera Naón, Washington College of Law
Thomas Halket, Halket Weitz LLP
Samaa Haridi, Weil Gotshal & Manges LLP
Judith Kaye, Skadden, Arps, Slate, Meagher & Flom LLP
Benno Kimmelman, Sidley Austin LLP
Carolyn Lamm, White & Case LLP
Luis Martinez, International Center for Dispute Resolution
Charles Moxley, MoxleyADR
Jennifer Permesly, Chaffetz Lindsey LLP
Aníbal Sabater, Norton Rose Fulbright
Laurence Shore, Herbert Smith Freehills LLP
Josefa Sicard-Mirabal, SICANA, Inc./International Court of Arbitration

Reception Sponsor: Simpson Thacher & Bartlett LLP

In Cooperation with the American Bar Association, Section of International Law

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