

Arbitration

Study of a mock case - under the 2012 ICC Arbitration Rules

- **Simulation of an ICC arbitration case - highlighting differences in culture, legal practice**
 - **Participants gain hands-on practical experience of international commercial arbitration**
 - **the case will be based on the new ICC Arbitration Rules 2012**
-
- Request of Arbitration
 - Answer to the Request
 - Selection of the arbitrator
 - Terms of Reference
 - Powers & duties of the arbitrator
 - Simulation of an arbitral procedure
 - Simulation of an arbitral hearing
 - Cross examination & oral pleadings
 - The award
 - Enforcement of the award

Wednesday Nov. 9 – Saturday Nov. 12, 2011

Wednesday 10:30 – 18:30 - Saturday 9:00 – 13:00

Austria Trend Hotel Ananas, Rechte Wienzeile 93-95,

1050 Vienna, Austria

Who should attend ?

- Arbitrators
- Lawyers
- Litigators
- In-house legal counsel
- Legal directors, corporate counsel
- Legal practitioners advising international trading companies

Purpose of this study of a mock case

This study of a mock arbitration case aims to meet the practical needs of those involved in international trade and investment and will simulate an ICC arbitration proceeding, highlighting differences in cultures and legal practices.

Every truly international arbitration practitioner is well advised to acquaint himself/herself with the ICC Rules of Arbitration and their practical, hands-on implementation. This specialized workshop and the mock case will be based on the new ICC Arbitration rules 2012.

While maintaining the traditional advantages of ICC arbitration, new ICC Arbitration rules 2012 will bring about considerable changes and innovations to the ICC's arbitral proceedings in particular regarding multiparty scenarios, the initiation phase & the ability to obtain interim measures of relief from an emergency arbitrator even before the Arbitral Tribunal is constituted. Increased efficiency, reduction of cost, enhanced protection of fundamental procedural rights, & the electronic handling of arbitration are key issues in focus.

International Dispute Settlement by arbitration is the preferred method in cross-border commercial cases. The ICC Court of Arbitration has settled more than 17.000 cases over the years. The ICC Court is the world's leading institution for resolving international business disputes. In 2010 alone, 790 cases were filed, involving 2,145 parties from 140 countries. 1.331 new arbitrators from 73 countries have been appointed (we hope, that in the future you will be among them !) Vienna has been the place of arbitration in 25 of these cases, putting Vienna next to Paris, London, Geneva & Zurich amongst European venues.

Working Method

- Study of a mock case within small working groups
- The mock case will be sent to participants before the training
 - so that they can read the facts
 - prepare for working in groups
 - identify the contractual clauses which cover the events mentioned in the facts.
- Technical and practical presentations with international experts - including key persons involved in the drafting and implementation of the ICC Rules of Arbitration.

Debate amongst participants and speakers during interactive plenary sessions.

Speakers

Christian Aschauer, Partner at ARP Andreas Reiner & Partners, Vienna. Christian Aschauer has broad experience in international arbitration both as a party representative & as an arbitrator under the ICC, VIAC & Milan Chamber Rules as well as under the UNCITRAL Rules of Arbitration. He is a Member of the ICC Commission on Arbitration & a Member of the ICC Task Force on the Revision of the ICC Rules of Arbitration.

Andrea Carlevaris, Partner at Bonelli Erede Pappalardo, Rome. His practice covers commercial civil litigation as well as domestic and international arbitration. He focuses on issues of international conflicts of law and international civil procedure. He regularly appears in international arbitration proceedings. He also worked as an advisor for the International Court of Arbitration.

Philipp Habegger, Partner at Walder Wyss, Zurich. He specialises in litigation and arbitration. He has acted in more than one hundred international arbitrations under a variety of applicable arbitration rules and substantive laws both as counsel and arbitrator. Philipp Habegger has the distinct honour of being a Court Member of the ICC International Court of Arbitration and the Arbitration Committee of the Swiss Rules of International Arbitration.

Werner Jahnel, Counsel at Lalive, Zurich. He specialises in international arbitration and has experience as counsel, arbitrator and secretary to the arbitral tribunal in ad hoc and institutional proceedings (under the rules of the ICC, LCIA, Vienna, SCC, Tribunal Arbitral de Barcelona, and Corte de arbitraje de la Cámara de Comercio de Madrid), and subject to various procedural and substantive laws.

Claudia Krapfl, Gleiss Lutz Rechtsanwälte

Detlev Kühner, Partner at BMH Avocats, Paris.

Andreas Reiner, founding partner of ARP Andreas Reiner & Partners (Vienna), is an Honorary Professor and Lecturer in International Arbitration at the Vienna University of Economics and Business, and Mediator. Andreas Reiner is a former member of the ICC International Court of Arbitration and frequently acts as chairman of ICC arbitral tribunals (as well as arbitral tribunals working under the auspices of other arbitral institutions and ad hoc proceedings).

Barbara Helene Steindl, attorney-at-law (Vienna), head of arbitration with Brauneis Klauser Prändl Rechtsanwälte GmbH; Barbara Helene specialises in international arbitration involving construction, cross-border trade, energy & protection of foreign investment; she is an experienced counsel & arbitrator under the ICC/Vienna/UNCITRAL/Danish & Swiss Rules, ICC Commission & Task Force member, appointed ad hoc clerk at the Court of Arbitration for Sport in Lausanne & YIAG/LCIA representative for Central & Eastern Europe.

Galina Zukova, ICC Court of Arbitration

Program

Wednesday Nov 9, 2011 - 10:30 a.m. – 6:30 p.m.

Start of registration: 9:45 a.m.

The Request for Arbitration

Morning:

- Arbitration in the world today
- general principles of arbitration
- “Mathematics” of Disputes: Dispute avoidance, ADR, Arbitration - state court vs. arbitration proceedings
- Presentation of ICC and positioning of ICC arbitration
- ICC Dispute Resolution Services
- the arbitration clause in the underlying contract – as basis for arbitration
- the approach to arbitration - Civil law vs. Common law
- considerations of cost and efficiency – cooperation between the party and its council

Afternoon:

- Working groups on the preparation and drafting of the Requests for Arbitration
- Report from the working groups and discussions
- specificity of the Request for Arbitration, Answer & counterclaims
- Proof of Authority of party representatives
- urgent interim or conservatory relief

followed by a get-together – networking, dinner & drinks

.....

Thursday, Nov 10, 2011 – 9:00 – 17:30

Answer the Request for Arbitration

Morning:

- Working groups on the preparation and drafting of the Answer to the Request for Arbitration
- Report from the working groups and discussions

Afternoon:

- Role of the Secretariat of the ICC Court of Arbitration before the Terms of Reference
- Selection and Appointments of Arbitrators
- Challenge & Replacement of Arbitrators
- Procedural approaches: Civil law vs. Common law
- the arbitrators' / the parties' duties with regard to confidentiality

followed by a get-together – networking, dinner & drinks

.....

Friday, Nov 11, 2011 – 9:00 – 17:30

Terms of Reference, Arbitral Proceedings

Morning:

- Constitution of the Arbitral Tribunal
- Extent of the arbitrator's disclosure obligation, Independence, impartiality & availability
- Powers, duties and the role of arbitrators
- Working groups on the preparation and drafting of the "Terms of Reference"
- Simulation of an arbitral procedure
- Arbitral procedures up to the first hearing
- Measures against attempts to delay proceedings
- tools to improve cost-effectiveness & efficiency: Case Management Techniques
- Report from the working groups and discussions

Afternoon:

- Simulation of an arbitral hearing
- Preparation of written witness statements
- Preliminary hearings, testimony and other evidence – cross examination
- oral pleadings

followed by a get-together – networking, dinner & drinks

.....

Saturday, Nov 12, 2011 9:00 – 13:00

The Award

Morning:

- Working groups on the preparation and drafting of the Award
- Report from the working groups and discussions
- Role of the Secretariat of the ICC Court, from the "Terms of Reference" to the end of the procedure
- Scrutiny of awards - Role of the Secretariat on the ICC International Court of Arbitration
- Enforcement of arbitral awards – The New York Convention
- Conclusion

Organization

Dates: Wednesday Nov. 9, 2011 start at 10:30
until Saturday Nov. 12, 2011 – 13:00 hours

Venue: Austria Trend Hotel Ananas, Rechte Wienzeile 93-95, 1050 Vienna

Conference fee: (includes full documentation, coffee breaks, lunch, dinner)

EUR 1740 + 20 % VAT (EUR 1392 + 20 % VAT for members of ICC Austria)

EUR 1390 + 20 % VAT for "Early Bird" registration up to Sept. 9, 2011 (EUR 1112 + 20 % VAT for members of ICC Austria)

EUR 970 + 20% VAT for members of YAAP, YIAG of LCIA, students & full time academics

Please transfer the conference fee after receipt of the invoice to: Bank Austria, Vienna, Austria IBAN: AT88 1100 0016 4633 2500 / BIC: BKAUATWW

Your registration will only be valid when your conference fee has been received.

Please register at least 14 working days before the conference.

Cancellation Policy:

A full refund will only be given for cancellations received up to 14 working days before the conference. Cancellations must be made in writing. Should you be unable to attend the conference yourself, you may nominate a colleague to take your place.

Registration:

@ Email: icc@icc-austria.org
Fax: +43-1-504 83 00-3703
ICC Austria
Wiedner Hauptstraße 57
1040 Vienna, Austria

Information:

Max Burger-Scheidlin (Information)
+43-1-504 83 00-4303
m.burger-scheidlin@icc-austria.org
Natascha Mottl (organization)
+43-1-504 83 00-4306
n.mottl@icc-austria.org

Side Events

Wednesday - Friday

get-together

networking, dinner & drinks

€20.- per evening

Please register with Ms. Mottl

Tel: +43-1-504 83 00-4306
Email: n.mottl@icc-austria.org

Further ICC Conferences & Seminars

Oct 3 + 4, 2011

New ICC Arbitration Rules 2012

May 7 – 11, 2012

International Trade Finance Week

Conference on Bank Guarantees
Conference on Letters of Credit
Case Studies on Letters of Credit

Registration

ICC Austria Fax: +43-1-504 83 00-3703 E-Mail: icc@icc-austria.org

Yes, I am registering for the Mock Case under the 2012 ICC Arbitration Rules Nov 9 - 12, 2011 in Vienna.

Family Name, First Name, Title

Company/Institution (as the invoice is to be made out)

VAT Number (obligatory for invoicing for European participants)

Street

Postcode / City / Country

Tel.

Fax

Email-Address

Professional Title/Position

Signature

I agree that my name & address may be registered electronically by ICC Austria & that ICC Austria may inform me about further programs by mail, fax or email.

I am further registering for the following side events (€20 per evening)

- get-together on Wednesday
get-together on Thursday
get-together on Friday