



International Chamber of Commerce
The world business organization

International Court of Arbitration®

ICC International Commercial Dispute Resolution: *Understanding the ICC System*

Date

Sunday 26 March – Tuesday 28 March 2006

Venue

Charleston Place Hotel, Charleston, South Carolina, USA

Objective

For the past eight years, US parties have been the most numerous of all nationalities in ICC Arbitration. This conference aims to give participants a greater understanding of the workings of the ICC International Court of Arbitration and to provide insight into current trends in the field of international dispute resolution. Leading experts in the field will share their knowledge and first-hand experience on some of the major issues in international arbitration.

Participants

The topics covered will be of interest to practicing lawyers, corporate counsel, arbitrators, mediators, academics, ADR experts and users, and business persons who wish to learn more about the international dispute resolution mechanisms offered by ICC.

International Court of Arbitration®

Since its creation in 1923, the ICC international Court of Arbitration has handled over 14,000 cases. The worldwide scope of its activity was again evidenced in 2005 with over 500 cases filed involving 1,422 parties from 117 countries and independent territories. The ICC Court itself is characterized by its broad representation, comprising members from 86 countries with diverse legal backgrounds. Over the years, ICC has developed a range of other dispute resolution rules, in addition to arbitration, and now offers a comprehensive package of dispute resolution services to meet the needs and challenges of international commerce today.

With the support of



**The United States Council
for International Business**
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- **Global Arbitration Review**

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International Chamber of Commerce

38, Cours Albert 1er, 75008 Paris, France
Telephone +33 1 49 53 28 69 Fax +33 1 49 53 29 42
Website www.iccconferences.com E-mail events@iccwbo.org

Program

Sunday 26 March 2006

6:00–8:00 **Welcome Cocktail Reception**

Monday 27 March 2006

8:00–9:00 **Registration**

9:00–9:15 **Welcome and Introduction**

- **Lorraine M. Brennan**, Director, Arbitration and ADR, North America, ICC International Court of Arbitration
- **Anne Marie Whitesell**, Secretary General, ICC International Court of Arbitration

9:15–10:30 **ICC Arbitration in Practice**

This panel of ICC arbitration experts will discuss the functioning of the ICC International Court of Arbitration and provide insights on the arbitration process from drafting the Request to obtaining a final award.

- **Gerald Aksen**, Retired Partner, Thelen Reid & Priest LLP, New York
- **Eric A. Schwartz**, Partner, Freshfields Bruckhaus, Deringer LLP, Paris
- **Anne Marie Whitesell**, Secretary General, ICC International Court of Arbitration

Moderated by

- **Nancy M. Thevenin**, Deputy Director, Arbitration & ADR, North America, ICC International Court of Arbitration

10:30–11:00 *Morning break*

11:00–12:30 **Drafting the Arbitration Clause**

A well drafted arbitration clause is the first step to an efficient arbitration. Using the standard ICC arbitration clause as a point of departure, this panel of experts will identify the critical elements of an effective arbitration clause and examine key issues such as the scope of the arbitration clause, applicable law, place of arbitration, number of arbitrators and language of the arbitration.

- **Stacie I. Strong**, Counsel, Baker & McKenzie, Chicago
- **John B. Kern**, John B. Kern International Law, LLC, Charleston
- **Mary T. O'Connor**, Partner, Kilpatrick Stockton LLP, London

Moderated by

- **Georgina Fabian**, Associate, Mayer Brown Rowe & Maw, Chicago

12:30–2:00 *Lunch*

2:00–3:30 **The Arbitral Appointment Process**

This panel will describe how arbitrators are appointed, confirmed, challenged and replaced under the ICC system. Participants will learn about the ICC standards of independence for an arbitrator and how arbitrators are selected in ICC cases.

- **Lorraine M. Brennan**, Director, Arbitration and ADR, North America, ICC International Court of Arbitration
- **Richard Hulbert**, Senior Counsel, Cleary Gottlieb Steen & Hamilton LLP, New York
- **Anne Marie Whitesell**, Secretary General, ICC International Court of Arbitration

Moderated by

- **Richard A. Farrier, Jr.**, Partner, Nelson Mullins Riley & Scarborough, LLP, Charleston

3:30–4:00 *Afternoon break*

4:00–5:30 **Effective Use of the Discovery Process in International Arbitration**

As arbitration increasingly becomes the preferred means of resolving international business disputes, parties must understand effective ways of obtaining discovery in a system that combines procedures from the civil and common law traditions. This panel will discuss issues such as document production, depositions, U.S. law regarding the arbitral panel's ability to order discovery from non-parties, and remedies for the failure to comply with discovery requests in international arbitration.

- **John Lorn McDougall, Q.C.**, Partner, Fraser Milner Casgrain LLP, Toronto
- **Paul Friedland**, Partner, White & Case LLP, New York
- **Dana H. Freyer**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP, New York

Moderated by

- **Joseph Belton**, Attorney at law, Wills & Massalon, L.L.C., Charleston

7:00–9:00 *Dinner*

Program *(continued)*

Tuesday 28 March 2006

9:00–10:30 An Overview of ICC's Different Dispute Resolution Services

In this session, international experts will explore the various dispute resolution mechanisms offered by the ICC, including the ICC Pre-Arbitral Referee, Appointing Authority, ADR, Expertise, and Dispute Board Rules. This session will also provide guidance for drafting multi-tier dispute resolution clauses.

- **David W. Plant**, Mediator & Arbitrator, New London
- **James J. Brady**, Founder & President, B-U Corp. Inc., Charleston
- **Mark Kantor**, Adjunct Professor, Georgetown University Law Center, Washington, D.C.

Moderated by

- **Glenn Hendrix**, Partner, Arnall Golden Gregory LLP, Atlanta

10:30–11:00 Morning break

11:00–12:30 Counterclaims, Cross-Claims and Set-Off Claims

This session will examine the scope of a party's ability to file counterclaims, cross-claims, and assert claims for set-off in international commercial arbitration, whether these claims arise from the same contract that is the subject of the arbitration or from different transactions.

- **Kenneth R. Fleuriet**, Counsel, King & Spalding LLP, London
- **Peter M. Griffin**, Partner, Baker Botts LLP, London
- **Dana C. MacGrath**, Counsel, O'Melveny & Myers LLP, New York

Moderated by

- **Marc-Olivier Langlois**, Associate, Hughes Hubbard & Reed LLP, Paris

12:30–2:00 Lunch

2:00–3:30 Damages and Costs in International Arbitration

This panel will discuss the types of damages that are commonly sought in international arbitration and offer insights on claims for direct and indirect damages, liquidated damages and penalties, and specific performance as an alternative remedy. The panel will also evaluate the different types of costs that may be sought in international arbitration.

- **Steven K. Davidson**, Partner, Steptoe & Johnson LLP, Washington DC
- **Lawrence Shore**, Partner, Herbert Smith LLP, London
- **Claudia T. Salomon**, Of Counsel, DLA Piper Rudnick Gray Cary LLP, New York

Moderated by

- **Stephen P. Groves**, Sr., Special Counsel, Nexsen Pruet Adams Kleemeier, LLC, Charleston

3:30–4:00 Afternoon break

4:00–5:30 Recognition and Enforcement of Foreign Arbitral Awards: A Survey of the U.S. Circuit Courts

This panel will provide an overview of key decisions in the U.S. circuit courts regarding the recognition and enforcement of international arbitral awards under the New York and Panama conventions.

- **E.R. Lanier**, Professor, College of Law, Georgia State University, Atlanta
- **Joel B. Harris**, Partner, Thacher Proffitt & Wood LLP, New York
- **John J. Kerr, Jr.**, Partner, Simpson Thacher & Bartlett LLP, New York

Moderated by

- **Lawrence S. Schaner**, Partner, Jenner & Block LLP, Chicago

5:30–5:45 Closing Remarks

- **Lorraine M. Brennan**, Director, Arbitration and ADR, North America, ICC International Court of Arbitration
- **Anne Marie Whitesell**, Secretary General, ICC International Court of Arbitration

6:30–8:00 Cocktail Reception Charleston School of Law (Transport provided)

Logistical Note

Event

ICC International Commercial Dispute Resolution: *Understanding the ICC System*

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Sunday 26 March – Tuesday 28 March 2006

Venue

Charleston Place Hotel
205 Meeting Street, Charleston, South Carolina 29401-3107, USA

Working language

English

CLE credits

An application has been made for the State Bar of **South Carolina**. ICC Events is a State Bar of **California** approved MCLE provider, is eligible for CLE credits under **New York's** approved jurisdiction procedures, and is Law Society and the General Council of the Bar of the **United Kingdom** External CPD Course provider.

Contribution to costs

- US\$ 990 for ICC/USCIB members
- US\$ 1,090 for non-members
- US\$ 220 for accompanying person

Registration before 24 February 2006

US\$ 890 “early-bird” special

The contribution to costs covers all conference activities, including documentation, networking lunches and contact breaks, Sunday reception and dinner on Monday. All fees are exclusive of travel and accommodation.

The accompanying person fee provides for Sunday cocktail reception and dinner on Monday. Sessions and networking lunches are restricted to participants only.

How to register

Easier and faster: registration and payment on-line at www.icconferences.com

or complete and return the registration form, indicating method of payment, and:

E-mail: events@iccwbo.org **Post:** ICC Events
Fax to: +1 33 1 49 53 29 42 International Chamber of Commerce
Phone: +1 33 1 49 53 28 69 38 Cours Albert 1^{er}, 75008 Paris, France

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

Conference information

- For any questions **concerning the programme** please contact **Lorraine M. Brennan**, Director or **Nancy M. Thevenin**, Deputy Director, Arbitration and ADR, North America, ICC International Court of Arbitration; Phone +1 212 703 5060 Email: lbrennan@uscib.org ; nthevenin@uscib.org
- For any question **concerning registration** please contact **Dorothy Cross**, Marketing Coordinator, ICC Events; Phone + 33 1 49 53 28 69; Email: dcc@iccwbo.org

Travel, visas and accommodation

Participants are responsible for making their own travel and hotel arrangements. A hotel reservation form for the “**Charleston Place**”, with which ICC has negotiated preferential rates at 269 US\$ per night (+prevailing city and state taxes), will be sent upon receipt of the registration form, together with the contribution to costs. All room reservations must be guaranteed by a credit card. **The pre-reservation cut-off date is Sunday 26 February 2006.** Hotel reservations received after Sunday 26 February will be accepted on a space and/or rate available basis only.

Dress code

Business casual for both Sunday cocktail reception & Monday dinner.

Cancellations

50% of the conference fee will be refunded for any cancellation received in writing by ICC Events prior to **Friday 24 February 2006**. No refund can be made for cancellations received after this date. You are welcome to send a substitute at any time. Please notify us if you plan to send a substitute since updated registration materials will be required.

Sponsorship opportunities

Companies that choose to become Conference Sponsors are given many opportunities to profile their business. They will receive maximum exposure during the event. If your organization is interested in sponsoring this conference, please contact Dorothy Cross at ICC, **dcc@iccwbo.org**; Phone +33 1 49 53 28 69.

Registration Form

S 0602

Register online
www.iccconferences.com
or complete and return to:
events@iccwbo.org
Fax: +33 1 49 53 29 42

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Host International Court of Arbitration®
Event **ICC International Commercial Dispute Resolution: *Understanding the ICC System***

Participant information

Title (Mr/Dr/Mrs/etc.)
Family name First/given name
Position
Company
Address
City/state Zip/postal code.....
Country E-mail
Phone (.....) Fax (.....)
Family name First/given name

Accompanying person

(Please check the appropriate box)

- US\$ 990 for ICC/USCIB members
 US\$ 1,090 for non-members
 US\$ 220 for accompanying person

Registration before 24 February 2006
 US\$ 890 “early-bird” special

Contribution to costs

Should you need an invoice please check box

Please note that all charges will be reflected in Euros.

By credit card: American Express Euro/MasterCard Visa
Card number Expiration date
Name of cardholder

By cheque:
payable to “**International Chamber of Commerce**” bearing the reference “**ICC S0602**” and indicating clearly the participant’s name.

Registration will be confirmed upon receipt of this completed registration form and contribution to costs

Cancellations

50% of the conference fee will be refunded for any cancellation received in writing by ICC Events prior to **Friday 24 February 2006**. No refund can be made for cancellations received after this date. You are welcome to send a substitute at any time. Please notify us if you plan to send a substitute since updated registration materials will be required.

Date Signature

The information you provide on this form will be used to compile the participants list for this event. By providing this information, you consent to ICC storing it in its database for the sole use of the ICC International Secretariat. You may have access to this information and request to have it deleted or corrected at any time by contacting ICC Events.