

# INTERNATIONAL COMMERCIAL ARBITRATION MOCK CASE STUDY UNDER THE ICC RULES OF ARBITRATION

Jounieh, Lebanon – 1-3 March 2016

## Venue

**Holy Spirit University of Kaslik (USEK)**  
Jounieh, Lebanon

## Highlights

Drawn on the experience of renowned arbitration practitioners in a multicultural and international environment, this training will provide an in-depth understanding of the ICC arbitration procedure under the 2012 ICC Rules of Arbitration.

By using a practical case-study approach and role-playing exercises to address series of situations that arise during arbitration, participants will gain the experience and competence to prepare for arbitral proceedings under the ICC Rules: from drafting the request and the answer, preparing the witnesses, simulating arbitral hearings, drafting an award and to discussing its enforcement.

## Who should attend?

This programme will benefit practicing lawyers, arbitrators, corporate counsel, magistrates, academics, Master 2 and PhD students.

## Working language

English

## Supported by the International Chamber of Commerce in Lebanon:



**Organized by:** the International Court of Arbitration of the International Chamber of Commerce (ICC) and the Holy Spirit University of Kaslik (USEK):



## PROGRAMME

### Day 1

14:30 – 20:00

14:30 – 15:00

Welcome and registration

15:00 – 15:05

Opening remarks

Ghada Karam  
Sami Huerbi

15:05 – 15:15

Presentation of the mock-case and organization of the training

Sami Huerbi  
Ghada Karam

15:15 – 15:40

Introduction to International Commercial Arbitration  
Characteristics of ICC Arbitration

Michael Polkinghorne

15:40 – 16:00

Arbitration in Lebanon

Bassam Mirza

16:00 – 16:45

Negotiating and drafting an arbitration clause  
Pathological Arbitration Clauses

Joachim Kuckenburg  
Sami Tannous

### *The Request for Arbitration*

16:45 – 17:10

General Presentation (in plenary)

Sami Tannous

17:10 – 18:00

Preparing the Request for Arbitration (in groups)

Workshop leaders:

Sami Tannous  
Diamana Diawara  
Joachim Kuckenburg  
Bassam Mirza

18:00 – 18:20

Discussion (in plenary)  
Q&A

### *The Answer to the Request for Arbitration*

18:20 – 18:40

General Presentation (in plenary)

Michael Polkinghorne

18:40 – 19:30            **Preparing the Answer to the Request (in groups)**

**Workshop leaders:**

**Joachim Kuckenburg**  
**Sami Tannous**  
**Bassam Mirza**  
**Diamana Diawara**

19:30 – 20:00            **Discussion (in plenary)**

20:00                      *Dinner*

**Day 2**                    **15:00 – 20:00**

***The Constitution of the Arbitral Tribunal***

15:00 – 15:45            **Selection and appointment of arbitrators from the point of view of the parties**  
**Analysis of the terms Independence and Impartiality**  
**Powers & duties of arbitrators**  
**Statement of Independence and availability**  
**Decision on challenge & Replacement (IBA Guidelines on Conflicts of Interest in International Arbitration)**

**Joachim Kuckenburg**  
**Michael Polkinghorne**

15:45 – 16:15            **Scenario exercises on the selection, appointment and challenge of arbitrators**

**José Ricardo Feris**  
**Nada Sader**

16:15 – 16:45            **The role of the ICC Secretariat before the Terms of Reference**

**Diamana Diawara**

***Terms of Reference***

16:45 – 17:15            **General Presentation (in plenary)**

**Nada Sader**

17:15 – 18:00            **Preparing the Terms of Reference (in groups)**

**Workshop leaders:**


**Diamana Diawara**  
**Mireille Taok**  
**Michael Polkinghorne**  
**Nada Sader**

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18:00 – 18:45	Discussion (in plenary)
18:45 – 19:15	Case Management conference and Procedural Timetable <b>José Ricardo Feris</b> <b>Mireille Taok</b>
19:15 – 20:00	Conduct of the Arbitration Procedural Approaches: civil law versus common law The background Concepts of an Arbitration (e.g. the Seat, the applicable law) Establishing the facts of the case, witnesses, experts, cross examination IBA Rules on the Taking of Evidence in International Arbitration (2010)  <b>Michael Polkinghorne</b> <b>Joachim Kuckenburg</b>
<b>Day 3</b>	<b>15:00 – 20:00</b>
15:00 – 16:00	Simulation of an arbitral hearing: preliminary hearings, testimony and other evidence <b>Chair of the Arbitral Tribunal:</b>  <b>Joachim Kuckenburg</b>  <b>Co-arbitrators:</b>  <b>Mireille Taok</b> <b>Nada Sader</b>  <b>2 witnesses from the audience</b>
<i>The Award</i>	
16:00 – 17:00	Analysis of the award (in groups) <b>José Ricardo Feris</b> <b>Bassam Mirza</b> <b>Joachim Kuckenburg</b> <b>Diamana Diawara</b>
17:00 – 17:30	Discussion (in plenary)
17:30 – 18:00	The role of the ICC Secretariat from the Terms of Reference until the end of the procedure  <b>Diamana Diawara</b>

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<b>18:00 – 18:30</b>	<i>Coffee break</i>
<b>18:30 – 19:00</b>	<b>The enforcement of arbitral awards, the 1958 New York Convention on Recognition and Enforcement of Foreign Arbitral Awards (e.g. analysis regarding the meaning of a “Foreign arbitral award”, Article V and the reasons to resist enforcement)</b>  <b>Joachim Kuckenburg</b>
<b>19:00 – 19:30</b>	<b>The Lebanese legal system regarding the enforcement of arbitral awards</b> <b>Nada Sader</b>
<b>19:30 – 20:00</b>	<b>The costs of an Arbitration</b> <b>José Ricardo Feris</b>
<b>20:00</b>	<b>Closing remarks</b> <b>Sami Huerbi</b>

## SPEAKERS

**Diamana Diawara**

Counsel, ICC International Court of Arbitration, Paris

**José Ricardo Feris**

Deputy Secretary General, ICC International Court of Arbitration, Paris

**Sami Houerbi**

Director for the Mediterranean, Middle East & Africa, ICC International Court of Arbitration; Partner, Houerbi Law Firm, Dubai/ Tunis

**Joachim Kuckenburg**

Partner, KAB – KUCKENBURG BURETH BOINEAU et Associés, Paris

**Bassam Mirza**

Founding Partner, Pellerin Kecsmar Mirza Law Firm; Lecturer at the Faculty of Law of Saint-Joseph University, Paris/ Beirut

**Michael Polkinghorne**

Partner, White & Case LLP, Paris

**Nada Sader**

Partner, Derains & Gharavi International, Beirut

**Sami Tannous**

Counsel, Freshfields Bruckhaus Deringer, Dubai

**Mireille Taok**

Avocat à la Cour, Reed Smith, Abu Dhabi; Lecturer at French Universities, France

## ORGANIZER

**Ghada Karam**, Associate Professor, Dean Assistant in International relations, Faculty of Law Holy Spirit University of Kaslik, Lebanon

## REGISTRATION FORM

I shall attend the “**International Commercial Arbitration-Mock case study under the ICC Rules of Arbitration**” on March 1-3, 2016 and will pay the registration fee indicated below:

Yes  No

Please complete the registration form and return it by **Thursday, February 25<sup>th</sup>, 2016** to:  
T +961 (9) 600 611 F: +961 (9) 600 651 or email: [fdroit@usek.edu.lb](mailto:fdroit@usek.edu.lb)

**Registration fee: 400 \$ per student**  
**650 \$ per professional participant**

**Method of payment:** By bank transfer

BLOM Bank sal  
Beneficiary: Université Saint-Esprit Kaslik  
-Account No. (USD) 023/02/300/0670577/1/6  
(IBAN: LB11 0014 0000 2302 3000 6705 7716)  
-Account No. (Eur.) 023/04/300/0670577/1/4  
(IBAN : LB81 0014 0000 2304 3000 6705 7714)  
-Swift code : BLOMLBBX

Please indicate the name of the participant and the title of the training.

**Participant information:** (please print or type)

Participant information: \_\_\_\_\_

Title (Mr/Dr/Mrs/etc.): \_\_\_\_\_

Family name: \_\_\_\_\_

First/given name: \_\_\_\_\_

Position: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Zip/postal code: \_\_\_\_\_ City/state: \_\_\_\_\_

Country: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Signature: \_\_\_\_\_

Please note that the number of seats in the conference room is limited. As they will be distributed on a “first come first served” basis, we recommend that you make your reservation ASAP.

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## BIOGRAPHIES



**Diamana Diawara**  
**Counsel, ICC International Court of Arbitration, Paris**

Diamana Diawara (Malian/French) has begun her career in 2012 as a Deputy Counsel at the Secretariat of the International Court of Arbitration of the International Chamber of Commerce (ICC). She administers on a daily basis hundreds of arbitral procedures in the team in charge of the Middle Eastern, African and Francophone European regions. Appointed as Counsel for the same team in the fall 2015, Diamana uses her experience and expertise in arbitral proceedings for the benefit of the users of the International Court of Arbitration of the ICC.

Diamana also acts as a Lecturer in the Master 2 degree in International Commercial law of Paris Ovest Nanterre-La Défense University and in the Diplôme Universitaire in Domestic and International Arbitration of Montpellier University.

She is a member of several professional networks. In particular, she is a member of the OHADA 40 group of the Comité français de l'arbitrage, of the Young Arbitrators Forum (YAF) of the ICC, and has recently been appointed as a member of the IBA Arb40 Steering Committee.

She holds Masters degrees in International Business Law from Paris 1 and Paris Ovest Nanterre La Défense University and is a graduate from the LLM Program of Golden Gate University San Francisco, California.





**José Ricardo Feris**  
**Deputy Secretary General, ICC International Court of Arbitration, Paris**

José Ricardo Feris is the Deputy Secretary General of the ICC International Court of Arbitration in Paris, France. He also serves as Global Co-Chair of the ICC Young Arbitrators Forum and Secretary of the ICC Latin American Arbitration Group.

Before being appointed Deputy Secretary General he held the positions of Deputy Counsel, Counsel in charge of Latin America and the Iberian Region, and Managing Counsel.

He received his law degree “magna cum laude” from the Pontificia Universidad Católica Madre y Maestra in the Dominican Republic, where he served as Chair of the Law Students Association. He also holds an LL.M. in International Legal Studies from New York University, where he served as Graduate Editor of the Journal of International Law and Politics. He is admitted to practice in the Dominican Republic. His experience in international dispute resolution includes being a law clerk to Judges Rezek and Kooijmans at the International Court of Justice in The Hague. He also worked for the Legal Advisor to the President of the Dominican Republic and represented the Dominican Republic before the Free Trade Agreement of the Americas’ negotiation rounds.

In 2006 he was recognized by Junior Chamber International as “Outstanding Young Dominican.” He has also been identified by Latin Lawyer as one of the most noteworthy arbitration careers of the Latin American diaspora. He is a founding member and currently serves as board member and Co-Chair of the Editorial Committee of the Latin American Arbitration Association (ALArb). In addition to Spanish, his native language, he speaks English, French and Portuguese.



**Sami Houerbi**  
**Director of the ICC Eastern Mediterranean, Middle-East and Africa ICC Dispute Resolution Services, Dubai/ Tunis**

Sami Houerbi is the Director of the ICC Eastern Mediterranean, Middle-East and Africa ICC Dispute Resolution Services, where he is in charge of raising awareness about Alternative Dispute Resolution mechanisms throughout the region and promoting ICC Arbitration and ADR Rules.

Prior to that, he was member of the Secretariat of the International Court of Arbitration in Paris, where he was directly involved in the administration and managing ICC arbitration proceedings.

Mr. Houerbi is a registered lawyer of the Tunis Bar Association and the Managing Partner of Houerbi Law firm, which areas of practice include mainly: Corporate Law, Arbitration and Litigation.

Sami Houerbi acts regularly as arbitrator under ad hoc and various international arbitration institutions.

He holds a post-graduate degree in international law from the University of Paris II and an LL.M in German Law from the Ludwig-Maximilian University in Munich.

His working languages are Arabic, English, French and German.



**Joachim Kuckenburg**  
Partner, KAB – KUCKENBURG BURETH BOINEAU et  
Associés, Paris

Joachim Kuckenburg, is a German lawyer (Rechtsanwalt) admitted to the Berlin bar practicing in Paris. He started his professional career as a federal officer with the German Anti Trust and Merger Control Office (Bundeskartellamt) in Berlin in 1989. In 1992, he turned to international arbitration when he became a counsel to the Paris based ICC International Court of Arbitration. He started private practice in 1998 as the head of the arbitration department of an international law firm in Paris, and founded in 2001 what is today KAB-KUCKENBURG BURETH BOINEAU et Associés where he specializes in international arbitration and in various aspects of international contract law. He acts both as counsel to parties and as arbitrator under various arbitration systems, and assists his clients in negotiations and drafting of international business transactions in fields such as international sale, distribution, services, technical installations/engineering/construction and know-how transfer. He has extensively published on the subject. He is a Fellow of the Chartered Institute of Arbitrators, London, and a member of various professional associations.

He is consistently listed in the peer-rated Who's Who of International Commercial Arbitration since 2004. His working languages are English, French and German.

For more information, visit [www.avoKAB.com](http://www.avoKAB.com).

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**Bassam Mirza**

**Founding Partner, Pellerin Kecsmar Mirza Law Firm;  
Lecturer at the Faculty of Law of Saint-Joseph University,  
Paris/ Beirut**

Bassam Mirza is a lawyer at the Paris and the Beirut Bars. He is a member of the “Comité Français de l’Arbitrage” and referenced as arbitrator on the ICC France list of arbitrators. He is also a lecturer at the Faculty of Law of Saint-Joseph University.

Bassam Mirza is a Founding Partner of “Pellerin Kecsmar Mirza” an international arbitration boutique Law Firm with offices in Paris and Beirut.

Prior to that, he practiced international arbitration and litigation in Paris for more than seven years within prestigious international Law Firms (Magic Circle Law Firm Linklaters LLP and French Law Firm Gide Loyrette Nouel) and headed the international arbitration practice group of a leading middle-eastern Law Firm based in Beirut.

Bassam Mirza acts regularly as counsel and arbitrator under ad hoc and various international arbitration institutions including ICC.

He holds a post-graduate degree in International Law from the University of Paris II as well as a post-graduate degree in Litigation, Arbitration and ADR from the same university.

His working languages are Arabic, French and English.



**Michael Polkinghorne**  
Partner, White & Case LLP, Paris

Michael Polkinghorne is a partner at White & Case LLP, resident in Paris where he heads the office's arbitration and energy groups. He is a dual-qualified (civil and common law) lawyer and an acknowledged name in arbitration, notably in the areas of energy, telecommunications, project finance and infrastructure.

Michael has served as counsel and arbitrator in numerous arbitrations conducted under most major institutional rules, helping to resolve disputes for a range of significant commercial and sovereign clients. He is the former Australian member of the International Court of Arbitration of the ICC, and a current member of the ICC Task Force on arbitrations involving state entities.

Michael has written extensively on energy dispute resolution and foreign investment, and provides courses on long-term energy contracts and dispute resolution. He is consistently ranked in the top tier of arbitration practitioners in Paris, and was named "Energy Lawyer of the Year" at Euromoney's 2014 Global Commercial Arbitration Awards.



**Nada Sader**  
**Partner, Derains & Gharavi International, Beirut**

Ms. Nada Sader is a partner at Derains & Gharavi International, and heads since 2015 the Beirut office of the firm. She is a member of the Beirut, Paris & New York Bars.

She joined the Paris office of Derains & Gharavi as an associate, back when it was created in 2009.

Ms. Sader has significant experience of acting as counsel and arbitrator in ad hoc and institutional commercial arbitrations under civil and common law, as well as under investment treaties and general public international law. She has also advised companies on public international law matters, including compliance with national, regional and international sanctions.

She holds a post-graduate degree in Litigation, Arbitration and Alternative Dispute Resolution from the University of Paris II and an LL.M. in General Studies from Georgetown University Law Center.

Her working languages are English, French and Arabic.



**Sami Tannous**  
Counsel, Freshfields Bruckhaus Deringer, Dubai

Sami Tannous is Counsel based in Freshfields' Dubai office. He is an international arbitration specialist focusing on international commercial arbitration and investor-state arbitration. Sami has represented clients in international arbitrations under all major arbitration rules including the ICC,

LCIA, ICSID, DIAC, SCC and UNCITRAL rules, with seats in London, Paris, Dubai, Geneva, The Hague and Washington, and has also sat as arbitrator.

His practice has a particular focus on matters arising in the oil and gas industry, although he also has experience of arbitrations in the banking, real estate, defence, travel, media, and construction sectors. In addition, Sami is a member of Freshfields' Global Investigations Group, and regularly advises clients in internal corporate and regulatory investigations.

Sami graduated from the London School of Economics and Political Science with a degree in Law with French law and a Diplôme d'Etudes Juridiques Françaises from the Université Robert Schumann in Strasbourg. He obtained his Legal Practice Course from the College of Law London.

Before relocating to Dubai, Sami practised law in London and Paris. He is fluent in English, French and Italian and has some knowledge of Spanish and Arabic.



**Mireille Taok**  
**Avocat à la Cour, Reed Smith, Abu Dhabi; Lecturer at French Universities, France**

Mireille Taok is an international arbitration specialist and member of the Paris Bar practicing with Reed Smith since 2009.

Before joining the Abu Dhabi office in 2014, she was based in Paris where she represented public and private parties in international arbitration cases related to construction and general commercial disputes governed by the substantive laws of various European, Middle Eastern and North African countries.

Recently, Mireille completed a secondment at Baker Hughes, a leading supplier of oilfield services, products and technology, where she acted as Counsel responsible for the UAE, Oman and Yemen. She currently sits on a legislative drafting committee preparing UAE security-related Regulations and advises various private and governmental entities on general corporate matters and assists them in negotiating sensitive contracts.

Mireille also acts as an independent arbitrator and gives lectures in French and Lebanese universities on arbitration and alternative dispute resolution (Paris Dauphine University, University of Poitiers and USEK).

She holds a PhD in international trade law, an LLM in French private law, and a Law degree in Lebanese Law. Her PhD thesis analyses, in the light of comparative law and of the new *lex mercatoria*, numerous institutional and *ad hoc* international commercial arbitral awards regarding the termination of contracts in a wide range of legal areas including oil and gas, construction, licensing, shipping, distribution and franchising.

Mireille is member of the ICC Lebanon and UAE National Committees, and of ICC Commissions on Arbitration, Trade and Investment, Digital Economy, and Environment & Energy.

Her Working languages are Arabic, French and English.