

International Commercial Arbitration Mock case study under the ICC Rules of Arbitration

Jounieh, Lebanon, 10-13 March 2015

Venue

Holy Spirit University of Kaslik (USEK)
Jounieh, Lebanon

Objective

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, magistrates, academics, corporate counsel and LL.M. students.

Co-organized by



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PROGRAMME

Day 1 Afternoon 14:30 – 20:00

- 14:30 – 15:00 *Welcome and registration*
- 15:00 – 15:15 Presentation of the mock-case and organization of the training
- 15:15 – 15:45 Introduction to International Commercial Arbitration
Characteristics of ICC Arbitration
- 15:45 – 16:15 Arbitration in Lebanon
- 16:15 – 16:45 Negotiating and drafting an arbitration clause
- 16:45 – 17:30 Workshop: The essential elements of an arbitration Clause –
Pathological Arbitration Clauses
- 17:30 – 18:00 *Coffee Break*
- 18:00 – 18:30 Summary of discussions (in plenary)

The Request for Arbitration

- 18:00 – 18:30 General Presentation (in plenary)
- 18:30 – 19:30 Preparing the Request for Arbitration (in groups)
- 19:30 – 20:00 Discussion (in plenary)
Q&A
- 20:00 *Dinner*

Day 2 Afternoon 15:00 – 20:00

The Answer to the Request for Arbitration

- 15:00 – 15:30 General Presentation (in plenary)
- 15:30 – 16:15 Preparing the Answer to the Request (in groups)
- 16:15– 17:00 Discussion (in plenary)
- 17:00 – 17:30 *Coffee break*

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The Constitution of the Arbitral Tribunal

- 17:30 – 19:15** 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)
- 19:15– 20:00** The role of the ICC Secretariat before the Terms of Reference

Day 3 Afternoon 15:00 – 20:00

Terms of Reference

- 15:00 – 15:30** General Presentation (in plenary)
- 15:30 – 16:15** Preparing the Terms of Reference (in groups)
- 16:15 – 17:00** Discussion (in plenary)
- 17:00 – 17:30** *Coffee Break*
- 17:30 – 18:15** Case Management conference and Procedural Timetable
- 18:15 – 19:00** 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)
- 19:15 – 20:00** Simulation of an arbitral hearing: preliminary hearings, testimony and other evidence

Day 4 Afternoon 15:00 – 20:00

The Award

- 15:00 – 16:00** Analysis of the award (in groups)
- 16:00 – 17:00** Discussion (in plenary)
- 17:00 – 17:30** The role of the ICC Secretariat from the Terms of Reference until the end of the procedure
- 17:30 – 18:00** *Coffee break*

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- 18:00 – 18:45** 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)
- 18:45 – 19:15** The Lebanese legal system regarding the enforcement of arbitral awards
- 19:15 – 19:45** The costs of an Arbitration
- 19:45 – 20:00** Closing remarks

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SPEAKERS

Chairman of the seminar

Sigvard Jarvin, Arbitrator; Independent practitioner in international arbitration, Jarvinarb, France

ICC representatives (to be confirmed)

Andrea Carlevaris, Secretary General, ICC International Court of Arbitration, Paris; Director of ICC Dispute Resolution Services

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

Ziva Filipic, Counsel, ICC International Court of Arbitration, Paris

Sami Houerbi, Director Eastern Mediterranean, Middle-East and Africa, ICC International Court of Arbitration, ADR; Dubai/Tunis

Marie-Camille Pitton, Counsel, ICC International Court of Arbitration, Paris

Suggested speakers (to be confirmed)

Julien Fouret, Counsel, Castaldi Mourre & Partners, Paris

Nathalie Najjar, Lecturer in charge of courses at Paris II, Panthéon Assas University, France; Lecturer in charge of courses at the Faculty of Law of Saint Joseph University; Partner, Ibrahim Najjar Law firm, Beirut; Chairman of the Arbitration Commission of the International Chamber of Commerce- Lebanon

Michael Polkinghorne, Partner, White & Case LLP, Paris

Mireille Taok, Associate, Reed Smith; Lecturer at Paris Dauphine University, France

Roland Ziadé, Partner, Linklaters LLP, Paris; Alternate Member of the ICC International Court of Arbitration

Organizers

Stephanie Goubelle, Manager, ICC Arbitration and ADR Promotion, International Court of Arbitration, Paris

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