



International Centre
for Dispute Resolution

THE INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION (ICDR) PRESENTS
THE 6TH ANNUAL
MIAMI INTERNATIONAL ARBITRATION CONFERENCE
MARCH 30 - APRIL 1, 2008
THE THREE PILLARS OF STRENGTH: PRACTICE, PROCEDURE & LAW



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MARCH 30-APRIL 1, 2008

THE 6TH ANNUAL MIAMI INTERNATIONAL ARBITRATION CONFERENCE

The **3** Pillars Of Strength: **PRACTICE, PROCEDURE & LAW**

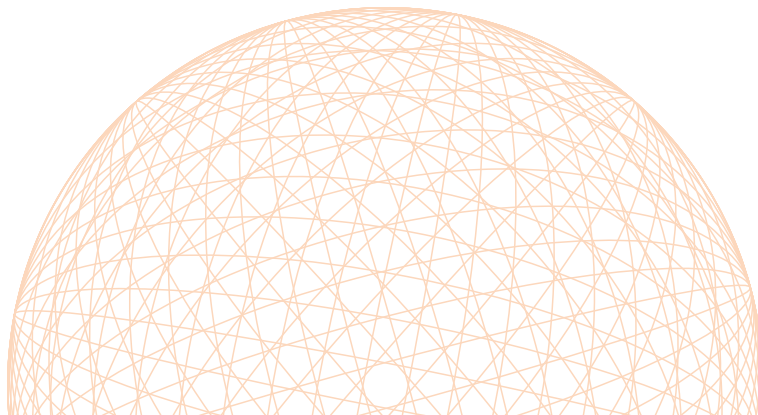
Consistent success for arbitrators and advocates depends upon mastering the three elements that form the backbone of arbitration – the **practice** of arbitration, the rules of **procedure** and the **arbitral law**. The Miami International Arbitration Conference is renowned for bringing together the world’s experts in all three – as faculty as well as attendees – to share best practices and experiences.

The program will feature outstanding presentations as well as the conference’s signature *tertulias*, at which all attendees will have the opportunity to share their knowledge.

Session highlights include an update on the most current arbitral law in the region as well as in-depth analyses of specific aspects of arbitral law (such as the law governing challenges to arbitrators). ICDR Rules will be analyzed as to how they apply to and affect the issues discussed.

TOPICS INCLUDE:

- **Current issues in arbitrator ethics**, including presentations by drafters of the IBA Guidelines on Conflicts of Interest.
- **Current problems and solutions in investor-state arbitrations** in the Americas.
- **The state and future of the New York Convention.**
- **Revisions to the UNCITRAL Rules** by the UNCITRAL Working Group.
- **Best practices and tactics of leading corporate counsel** in managing the prosecution and defense of arbitrations in house.
- **Restoring User Confidence in Arbitration**
- **Best practices of leading arbitrators** in managing the arbitral process.



MARCH 30, 2008

18:00 – 19:00 **Opening Reception**

MARCH 31, 2008

7:30 – 8:30

Conference Registration

8:00 – 8:45

**Continental Breakfast –
Cooperating Organization Networking**

8:45 – 9:00

Welcome And Conference Introduction

Richard Naimark,

Senior Vice President, ICDR, New York

José I. Astigarraga, Conference Chair

9:00 – 10:30

**Arbitrator Disclosure, Conflicts And Challenges In
International Commercial Arbitration**

The law applicable to arbitrator disclosure and conflict varies by jurisdiction. What are the regional differences currently? What duty do arbitrators have to investigate potential conflicts? What duty do the parties have to take notice of publicly available information? The speakers will discuss the latest law and practice strategies and tactics in challenging an arbitrator.

ICDR Rules: Articles 5 – 11

Moderator:

David W. Rivkin, Debevoise & Plimpton, New York

Faculty:

Carlos Nehring-Netto,

Nehring e Associados Advocacia, São Paulo

Eduardo Grebler, Grebler Advogados, Belo Horizonte

Juan Fernández-Armesto,

Armesto & Asociados, Madrid

Judd L. Kessler,

Porter Wright Morris & Arthur, Washington D.C.

Kenneth B. Reisenfeld,

Haynes and Boone, Washington D.C.

ICDR Representative:

Steven Andersen, Salt Lake City

Session Author:

Claudia T. Salomon, DLA Piper, New York

10:30 – 11:00 **Break**

11:00–12:30

**Investor-State Arbitration in the Americas:
Problems and Solutions**

The proliferation of investor-state arbitrations has generated a host of unique problems and challenges. Investor-state arbitrations seem more uncertain than ever, with the Bolivian denunciation and the Ecuadorian notice to the ICSID Convention, the reality of inconsistent decisions by arbitral tribunals on the same issue of law and backlash in the public opinion. Panelists will address these and other problems, posing possible solutions – including the possibility of using other institutional rules.

ICDR Rules: Article 1

Moderator:

R. Doak Bishop, King & Spalding, Houston

Faculty:

Barry Appleton, Appleton & Associates, Toronto

Barton Legum, Debevoise & Plimpton, Paris

Ignacio Suarez Anzorena,

Clifford Chance, Washington D.C.

Oscar M. Garibaldi,

Covington & Burling, Washington D.C.

Paolo Di Rosa, Arnold & Porter, Washington, D.C.

ICDR Representative:

Luis Martinez, New York

Session Author:

Cecilia Azar,

Azar, Ortega & Gómez Ruano, Mexico City

12:30 – 14:30 **Working Lunch**

Tertulia Breakout Session: Best Practices in the Americas

Extremely well received at last year's conference, tertulias (roundtable discussions) will once again draw on the collective expertise of all attendees with breakout sessions at which participants can report on and share the latest innovations and best practices in arbitration in the Americas. Conference attendees are encouraged to bring their authored articles to facilitate this discussion. Reporters will note the findings, which will then be synthesized and presented on the Conference's second day.

Reporters:

**Adriana Braghetta, L.O. Baptista Advogados
Associados, São Paulo**

Richard C. Lorenzo, Hogan & Hartson, Miami

12:30 – 14:30 Working Lunch

Tertulia Breakout Session: Best Practices in the Americas (Continued)

Moderators:

- Oliver J. Armas, *Thacher Proffitt, New York*
 Julie Bedard, *Skadden, New York*
 M. Cristina Cardenas, *Astigarraga Davis, Miami*
 Joaquim de Paiva Muniz,
Baker & McKenzie, Rio de Janeiro
 Federico Godoy, *Beretta Godoy, Buenos Aires*
 Sofia Gomez Ruano,
Azar, Ortega & Gómez Ruano, Mexico City
 Mauricio Gomm Ferreira dos Santos,
Buchanan Ingersoll, Miami
 Renaldy Gutierrez, *Gutierrez y Associates, Miami*
 Donald Hayden, *Baker & McKenzie, Miami*
 Adolfo E. Jimenez, *Holland & Knight, Miami*
 Christian Leathley, *Clifford Chance, New York*
 Luis O’Naghten, *Akerman Senterfitt, Miami*
 Hernando Otero,
Appleton & Associates, Washington D.C.
 Thomas Pieper, *Thacher Proffitt, New York*
 Yanett Quiroz Valdevinos, *CANACO, Mexico City*
 John Rooney, *Shutts & Bowen, Miami*
 Carlos Suplicy de Figueiredo Forbes,
Mundie e Advogados, São Paulo
 Nicolas Swerdloff,
Hughes Hubbard & Reed, LLP, Miami
 Robert Wisner, *McMillan Binch Mendelsohn, Toronto*

14:30 – 16:00

Best Practices of Top International Arbitrators for Managing the Arbitral Process

Some of the world’s eminent arbitrators, with a wealth of experience and knowledge among them, share their views on the best practices currently in use by arbitrators in the management of arbitral proceedings.

Moderator:

Hilary Heilbron, QC, *Brick Court Chambers, London*

Faculty:

- Emilio J. Cárdenas, *Attorney,*
Former Argentine Ambassador to the UN,
Buenos Aires
 Gonzalo Biggs, *Figueroa Valenzuela & Cia, Santiago*
 Nicolas Gamboa,
Gamboa, Chalela, Gamboa & Useche, Bogota

Pierre Mayer, *Dechert, Paris*

Claus von Wobeser,
Von Wobeser & Sierra, Mexico City

ICDR Representative:

Thomas Ventrone, *New York*

16:00 – 16:15 Break

16:15 – 17:30

Challenges to the Tribunal’s Award

Current advocacy styles have expanded the limited grounds for award vacatur. What are the strategic considerations in evaluating a challenge to the award? What is the current state of the law on enforcement of awards in the region? For example, the saga of the Colombian case of *Termorio* now has moved to United States courts, with a Federal appellate court issuing an important opinion on the enforcement of awards annulled in another country. In Mexico, *Radio Centro* showed the use of extraordinary writs to challenge an award. What is the current state of the use of amparos and other remedies to challenge arbitral awards?

ICDR Rules: Articles 26 - 30

Moderator:

C. Mark Baker, *Fulbright & Jaworski, Houston*

Faculty:

- Álvaro Rodrigo Castellanos,
RACSA Abogados, Guatemala City
 Carlos Loperena,
Loperena Lerch y Martin del Campo, Mexico City
 Cristóbal Eyzaguirre, *Claro y Cia., Santiago*
 Gilberto Giusti, *Pinheiro Neto, São Paulo*
 Pablo F. Richards, *Richards, Cardinal,*
Tutzer, Zabala & Zaefferer, Buenos Aires

ICDR Representative:

Thomas Ventrone, *New York*

Session Author

Lawrence S. Schaner, *Jenner & Block, Chicago*

18:30 -19:00

Special Advance Report on the ICDR/AAA Task Force on Exchange of Documentary and Electronic Materials

John Beechey, *Clifford Chance, London*

19:00 – 20:00 Reception

20:00 Dinner

APRIL 1, 2008

**8:00 – 9:00 Continental Breakfast –
Cooperating Organization Networking**

**9:00 – 10:30
UNCITRAL's Current Work on International
Arbitration Rules**

UNCITRAL has convened a working group of renowned experts to review its International Arbitration Rules. This session will feature a presentation by Jan Paulsson on key issues addressed by the Working Group at their February 4-8, 2008 meeting, with commentary by other members of the Working Group.

Moderator:

William K. Slate, II,
*President of the ICDR and President & CEO
of the American Arbitration Association, New York*

Speaker:

Jan Paulsson, *Freshfields Bruckhaus Deringer, Paris*

Commentators:

Delegates to UNCITRAL Working Group

Francisco González de Cossío,
González de Cossío Abogados, Mexico City

James E. Castello, *Dewey & LeBoeuf, Paris*

Andrés Jana, *Alvarez Hinzpeter Jana, Santiago*

Session Author:

Francisco González de Cossío,
González de Cossío Abogados, Mexico City

10:30 – 11:00 Break

**11:00 – 12:30
The New York Convention: Its Current State, Its Next
50 Years**

At this 50th anniversary of the New York Convention, leading lights in world of arbitration take stock of the Convention's state today and its next fifty years. Albert Jan Van Den Berg, one of the world's foremost authorities on the Convention, offers his thoughts on its past, present and future, with commentary by renowned practitioners and arbitrators.

Moderator:

Richard Naimark, *ICDR, New York*

Speaker:

Albert Jan Van Den Berg, *Brussels*

Commentators:

John Beechey, *Clifford Chance, London*

Eduardo Zuleta Jaramillo,
Zuleta Suarez Araque & Jaramillo, Bogota

Horacio Grigera Naon, *Arbitrator, Washington, D.C.*

12:30 – 14:00 Lunch – Tertulia Report

Moderator:

José I. Astigarraga, *Astigarraga Davis, Miami*

Reporters:

Adriana Braghetta,
L.O. Baptista Advogados Associados, São Paulo

Richard C. Lorenzo, *Hogan & Hartson, Miami*

14:00 – 15:30

**Restoring User Confidence in Arbitration:
Corporate Counsel Strategies for Managing International
Arbitration**

Strategies for Managing International Arbitration

Some users of arbitration – in particular, companies that can elect to submit their disputes to resolution by a variety of means – have expressed the opinion that arbitration is becoming more expensive, slower and less effective than other methods of dispute resolution. A panel of experienced corporate counsel explores tactics and best practices aimed toward improving user confidence in the application of international alternative dispute resolution to resolve their disputes. The panel shares thoughts on the current state of arbitration as a means of dispute resolution and implications for the future, including the steps that corporate counsels can take to best manage an arbitral dispute.

Moderator:

José I. Astigarraga, *Astigarraga Davis, Miami*

Faculty:

George J. Pierson,
*General Counsel, Parsons Brinckerhoff,
New York City*

Juan Carlos Luna, *Hewlett-Packard, Houston*

Sharon J. Zealey,
Senior Litigation Counsel, The Coca-Cola Company

Stephen Butler, *Bechtel Corp., San Francisco*

Steve Aeschbacher,
Associate General Counsel, Microsoft, Seattle

ICDR Representative:

Steven Andersen, *Salt Lake City*

15:30 - 15:45 Ice Cream Break

15:45 – 17:15

The Latest Developments in the Region on the Law of Arbitration in The Americas

Experts will report on the most recent decisions of import in the Americas, including:

- The Colombian Constitutional Court has held that in a domestic arbitration, the parties may agree on the procedure to be followed by the arbitral tribunal and limited constitutional challenges to arbitral awards.
- The D.C. Circuit has refused to enforce the *Termorio* award previously vacated by the Colombian courts.
- The Canadian Supreme Court has upheld arbitral agreements of online consumer contracts.
- Is *Radio Centro* over in Mexico?
- The Ecuadorian Supreme Court has held that it is for the arbitrators, not the court, to rule on the validity of a contract.
- An Argentine court has issued an anti-arbitration injunction to prevent an investor-state arbitration seated in Washington D.C. from moving forward on the basis that the appointing authority's failure to provide a reasoned award in a challenge to an arbitrator had violated Argentina's rights.
- Ecuador has reportedly started the process of denunciation of several BITs, including those with Cuba, El Salvador, Honduras, Guatemala, Nicaragua, Dominican Republic, Paraguay and Uruguay.

Moderator

Daniel Vielleville, *Crowell & Moring, Washington D.C.*

Faculty

Alfredo Bullard González,

Bullard, Falla & Ezcurra, Lima

M. Cristina Cardenas, *Astigarraga Davis, Miami*

John A. Terry, *Torys, Toronto*

Paul E. Mason, *Diaz, Reus Rolff & Targ, Miami*

Pedro J. Martínez-Fraga,

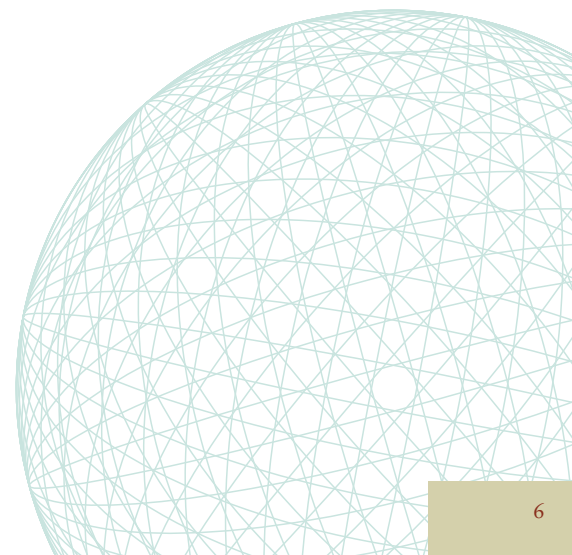
Squire, Sanders & Dempsey, Miami

ICDR Representative:

Luis Martinez, *New York*

17:15 Closing Remarks

Albert Orosa, District Vice President, AAA



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REGISTRATION FORM

THE 6TH ANNUAL MIAMI INTERNATIONAL ARBITRATION CONFERENCE

THE THREE PILLARS OF STRENGTH: PRACTICE, PROCEDURE & LAW

MARCH 30 – APRIL 1, 2008

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