



International Centre
for Dispute Resolution



Comitê Brasileiro de Arbitragem

July 27, 2007

The International Centre for Dispute Resolution® (ICDR)
and The Comitê Brasileiro de Arbitragem (CBAr)
present

The ICDR's International Arbitration Practice
Arbitrating in Brazil under the ICDR Rules and Administrative System
plus an
ICDR International Arbitration Energy Roundtable

SÃO PAULO, BRAZIL 09:00–17:35

Sponsor:

PINHEIRO NETO ADVOGADOS

In the little over a decade since the passage of the Brazilian Arbitration Act, Brazil's long-standing culture of court tradition has come to embrace the benefits of modern arbitration practice.

Brazil's growing acceptance of arbitration—the method of dispute resolution most favored by the international business community—makes it *extremely important for attorneys, corporate counsel and business people involved in international commercial transactions to be up to speed on international arbitration practices.*

CONFERENCE GOALS:

The International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association (AAA), is the premier administrator of international alternative dispute resolution (ADR) and a renowned resource on international ADR. This conference will provide a review of the ICDR Rules and its administrative system, as well as the insights and experiences of knowledgeable international ADR practitioners as they discuss their approach to participating in an international arbitration.

Arbitration provides options unavailable in litigation that clearly impact the resolution of disputes in increasingly complex technical fields. The field of international energy arbitration will also be covered through an ICDR/CBAR roundtable discussion.

- ▶ **PART I of the conference follows an international arbitration administered under the ICDR rules**, as the steps of a mock case and fact pattern unfold. Each of the three sessions represents one or more stages of an arbitration, introduced by a moderator and followed by topic-specific presentations from a panel of practitioners of both common and civil law traditions. Each panel will discuss its unique perspective on preparing for an ICDR international arbitration, focusing on the following;
 - ▶ Examining how the ICDR's rules are applied by institution and arbitrators and how the ICDR system functions procedurally
 - ▶ Exploring the differences between common and civil law approaches to an arbitration case at various stages of the matter
 - ▶ Providing jurisdictionally based viewpoints that are typically considered in an international arbitration pursuant to the ICDR system
- ▶ **PART II convenes a panel of experts in the field of international energy arbitration** to discuss—with a focus on the Americas—recent developments, issues, cases and trends and to speculate on what lies ahead for ADR in this field. Attendees will come away with an overview of the present and future state of affairs in the field of international energy arbitration, as well as clause-drafting and arbitrating tips to consider for international energy cases and practical advice on how to avoid potential problems during each phase of these cases.

Audience participation in a moderated question-and-answer discussion concludes each session.

Conference Organizing Committee: Luis Martinez, Eduardo Damião Gonçalves, Steve Andersen, Mark Appel, Thomas Ventrone, Richard Naimark and Adriana Braghetta

Program Agenda

Registration and Coffee: 08:30–09:00

Welcome Remarks: 09:00–09:10

Eduardo Damião Gonçalves, President, CBAr, BKBG Sociedade de Advogados, São Paulo
Luis Manuel Martinez, Vice President, International Centre for Dispute Resolution, Vice President, Inter-American Commercial Arbitration Commission, New York

PART I: ARBITRATING UNDER THE ICDR RULES – What to Expect

SESSION 1: 09:10–10:40

The Arbitration Commences.

- Introduction of the mock case and the ICDR system, rules and institutional role
- Review of the arbitration clause
- Discussion of mediation prior to the arbitration
- Article 37
- Roundtable panel discussion and audience Q & A—common law and civil law practices in preparing the Statement of Claim and the initial pleadings; cultural factors surrounding the selection and appointment of arbitrators; the independence of arbitrators and ethical and language issues

The ICDR Perspective/Moderator: **Luis Manuel Martinez**, International Centre for Dispute Resolution, New York - 15 minutes

Commencing the Arbitration - Initial Pleadings - Mediation Prior to Arbitration:

Common Law Practitioner: **Oliver J. Armas**, Thacher Proffitt & Wood LLP, New York - 15 minutes

Civil Law Practitioner: **Mauricio Gomm Santos**, Buchanan Ingersoll & Rooney, Miami; Lara & Gomm Santos Advogados, Curitiba - 15 minutes

The ICDR Appointment Process:

Common Law: **David Lindsey**, Clifford Chance LLP, New York - 15 minutes

Civil Law: **Adriana Noemi Pucci**, Veirano Advogados, São Paulo - 15 minutes

Panel Discussion: 15 minutes

Roundtable format for further discussion and audience Q & A.

Break (Coffee/Tea): 10:40–11:00

SESSION 2: 11:00–12:30

The Arbitration Progresses.

- ICDR system and rules during the preparatory conference (preliminary hearing) stage
- Issues in evidence and potential areas of conflict in common law versus civil law approaches to document production or discovery
- Panel discussion: the scope of discovery requests; the use of depositions, interrogatories and electronic discovery; the IBA (International Bar Association) Rules of Evidence

Moderator: **Adriana Braghetta**, Vice-President CBAr, Trench, Rossi & Watanabe, associated with Baker & Mckenzie International Swiss Verein - 10 minutes

The ICDR Perspective: **Luis Manuel Martinez**, International Centre for Dispute Resolution, New York - 5 minutes

The Preparatory Conference/Preliminary Hearing - Issues to Consider - Procedural Order #1:

Civil Law: **Pedro A. Batista-Martins**, International Arbitrator, Rio de Janeiro - 15 minutes

Common Law: **John Fellas**, Hughes Hubbard & Reed LLP, New York - 15 minutes

Document Exchange/Discovery:

Civil Law: **Gilberto Giusti**, Pinheiro Neto Advogados, São Paulo - 15 minutes

Common Law: **Henry G. Burnett**, Fulbright & Jaworski, New York - 15 minutes

Panel Discussion: 15 minutes

Roundtable format for further discussion and audience Q & A.

Lunch: 12:30–14:00

SESSION 3: 14:00–15:30

The Hearings and the ICDR Award

- The ICDR system and rules during the hearings phase of the arbitration
- The role of the arbitrators in witness testimony, including witness statements, preparing the witness, the weight of the testimony and questioning the witness
- Common law versus civil law practitioner approaches to the use of experts, presentation of evidence and its admissibility at evidentiary hearings as well as applicable privileges and the IBA Rules of Evidence
- Panel discussion: the drafting of the award pursuant to the ICDR Rules; international practice and enforcement issues

Moderator: **Carlos Forbes**, Mundie Advogados, São Paulo - 10 minutes

The ICDR Perspective: **Luis Manuel Martinez**, International Centre for Dispute Resolution, New York - 5 minutes

The Role of the Arbitrators - Witness Testimony - Experts - Evidence and Privileges:

Common Law: **George K. Foster**, Dechert LLP, New York - 15 Minutes

Civil Law: **João Bosco Lee**, Castro, Valença, Lee e Araújo Sociedade de Advogados, São Paulo - 15 minutes

Drafting the Award - Enforcement

Common Law: **Arif Hyder Ali**, Crowell & Moring LLP, Washington D.C. - 15 minutes

Civil Law: **Hermes Marcelo Huck**, Lilla, Huck, Otranto, Camargo e Messina Advogados, São Paulo - 15 minutes

Panel Discussion: 15 minutes

Roundtable format for further discussion and audience Q & A.

Break (Coffee/Tea): 15:30–16:00

PART II: ICDR INTERNATIONAL ARBITRATION ENERGY ROUNDTABLE 16:00–17:30

International authorities examine the current state of affairs in international arbitration within the energy field. The panel will discuss the potential advantages and challenges in using ADR in the field of energy in the Americas, as well as what the future holds for ADR in the international energy field. This panel will also provide practical advice regarding potential problems to avoid and clause-drafting tips to consider when handling international energy arbitration cases.

Moderator: **José I. Astigarraga**, Astigarraga Davis, Miami

- **Carlos Cesar Borromeu de Andrade**, Legal Counsel - Manager of International Affairs, Legal Dept, Petrobras, Petroleo Brasileiro, S.A., Rio de Janeiro
- **Paolo Di Rosa**, Arnold & Porter, Washington D.C.
- **Stirling Leech**, Clyde & Co., London
- **Agostinho Pereira de Miranda**, Miranda Correia Amendoeira & Associados, Lisbon
- **Eloy Campagnoni Andrade**, Campagnoni Advogados, São Paulo
- **Jose Emilio Nunes Pinto**, Jose Emilio Nunes Pinto Advogados, Rio de Janeiro
- **Fernando Eduardo Serec**, Tozzini, Freire, Teixeira e Silva, São Paulo

LANGUAGE: English, Spanish and Portuguese; simultaneous translation will be available from English into Portuguese.

Materials will be available at the conference.

Registration

REGISTRATION FEE

Check one. USD \$180.00 BRL R \$350,00

VENUE

Pinheiro Neto Advogados

Rua Hungria, 1.100

Jardim Europa

01455-000 São Paulo, SP

BRAZIL

Telephone: (55 11) 3247-8400

HOW TO REGISTER

Registration Form Please type or print.

Mr. / Sr. Ms. Mrs. Dr.

Name: _____

Job Title: _____

Company: _____

Address: _____

Address: _____

City: _____ Province/State: _____

Country _____ Postal Code _____

Tel _____ Fax _____

Email address _____

Please charge \$180 USD to my: VISA MasterCard American Express

Card Number _____ Expiration Date _____

Name on Card _____

Signature _____

Full payment must be received in order to process registration. Conference registration fees include admission to all sessions, along with the course materials, luncheon and breaks as outlined in the program agenda.

Cancellation Policy: Please note that space availability is limited. Should you need to cancel your registration, a refund of 50% of the registration fee paid is available until July 20, 2007. We regret that no refunds can be made after that date.

In cooperation with:  **American Arbitration Association**
Dispute Resolution Services Worldwide

REGISTRATION THROUGH THE ICDR

► **Online** at www.adr.org/events

► **Fax** completed form to:
+1 212.246.7274
Attention: Quincy Smith

► **Email** details to:
SmithQ@adr.org
Attention: Quincy Smith

For more information, please call
+1 212.484.3258

REGISTRATION THROUGH CBAr

► **Make a deposit** in the registration fee amount of BRL R \$350,00 to the following bank account:

Comitê Brasileiro de Arbitragem

CNPJ: 04.561.271/0001-77

Banco Unibanco

Agência 0499

Conta nº 113012-3

► Once the deposit is made in Brazil:

Fax completed registration form (at left, leave credit card information blank) to:

(55 11) 3897-0330

Attention: Juliana Carosini

or

Email details to:

carosini@bkg.com.br

Attention: Juliana Carosini

For more information, please call
(55 11) 3897-0300