



International Centre
for Dispute Resolution

PRESENTS



Argentina and Arbitration: *An International Arbitration under ICDR Rules and Administrative System*
plus

An ICDR International Roundtable: *Selecting a Seat for an International Commercial Arbitration—
Focus on Argentina and Latin America*

OCTOBER 10, 2008 BUENOS AIRES, ARGENTINA

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FORUM ON INTERNATIONAL ARBITRATION

Attorneys, Corporate Counsel, Business People involved in international commercial transactions should attend what will be an informative program providing *best practices and arbitrating tips* utilized by experienced international alternative dispute resolution (ADR) practitioners as well as *insights into the state of international arbitration in Argentina and the region.*

CONFERENCE GOALS

Arbitration is the method of dispute resolution preferred by the international business community.

The International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association (AAA), is the premier provider of international dispute resolution and a renowned resource on international ADR.

As such, the ICDR has organized this forum to provide practitioners with important information and guidance for international arbitrations, particularly those held in Latin America.

Part I of this program follows a mock international arbitration administered under the ICDR rules and administrative system. Based on a dispute between a U.S. and an Argentine party, the case provides participants with a comprehensive look at the issues that arise in an international arbitration and the techniques used by arbitrators to manage them as well as the divergent expectations of counsel trained in common-law versus civil-law traditions.

As each stage of the mock arbitration unfolds, a panel of expert international ADR practitioners discuss the approaches and “best practices” that they employ. Each session of the program covers one or more stages of an arbitration, introduced by a moderator and followed by topic-specific presentations from practitioners representing their clients. An arbitrator provides jurisdictionally based viewpoints typically considered in reaching a determination in an international arbitration.



Practitioners offer useful solutions as they consider whether and how the parties' arbitration clauses, the ICDR's International Arbitration Rules, the ICDR's New Guidelines for Information Exchange in International Arbitration, the IBA Rules of Evidence and any other relevant factors affect the case.

Additional issues covered include a request for interim relief to an emergency arbitrator pursuant to the ICDR's Article 37; arbitrator appointment; disclosures, document exchange and "discovery debates"; witness testimony, experts and presentation of evidence; costs and the award.

Part II of the program assembles a panel of international ADR experts to discuss the potential advantages and challenges in using ADR in Argentina and other Latin American countries and the factors instrumental in selecting a Latin American country as a seat for an international commercial arbitration. Subjects to be addressed include, among others, applicable laws, the role of the judiciary, the arbitral process, the rules of evidence, enforcement of awards and arbitration clauses, existing jurisprudence and new trends and developments regarding the ADR landscape in Argentina and Latin America.

Attendees will come away from this informative program with an overview of the present and future state of affairs in the region as well as clause-drafting and arbitrating tips to consider for their international arbitrations.

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



Registration and Coffee: 08:30–09:00

Welcome Remarks: 09:00–09:10

William K. Slate II,
President of the International Centre for Dispute Resolution, the international division of the American Arbitration Association; President and Chief Executive Officer of the American Arbitration Association, Washington, D.C.

Luis Manuel Martinez,
Vice President, International Centre for Dispute Resolution, New York; President Inter-American Commercial Arbitration Commission, New York

Alejandro Poineman,
Independent Arbitrator and Mediator, Buenos Aires

PART ONE: ARBITRATING UNDER THE ICDR RULES – How the ICDR System Works

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 – Non-signatories
- Discussion of mediation prior to the arbitration
- Article 37 – Interim Relief
- Initial pleadings
- Appointing the arbitrators

Moderator:

Luis Manuel Martinez, *International Centre for Dispute Resolution; New York – 10 minutes*

Initial Pleadings, “Statement of Claim” and “Statement of Defense” — Petition for Interim Relief Pursuant to Article 37:

Counsel for Claimant: Oliver J. Armas,
Chadbourne & Parke, LLP; New York – 15 minutes

Counsel for Respondent: Ignacio Suarez Anzorena,
Clifford Chance, LLP; New York – 15 minutes

Mediation Prior to Arbitration – The ICDR Appointment Process: Party-Appointed, List, Impartial and Independent – Disclosures & Challenges – IBA Guidelines on Conflicts of Interest in International Arbitration:

Counsel For Claimant: Julie Bédard, *Skadden, Arps, Slate, Meagher & Flom LLP; New York – 15 minutes*

Counsel For Respondent: Guido Santiago Tawil,
M & M Bomchil; Buenos Aires – 15 minutes

Emergency Arbitrator: Bernardo M. Cremades,
B Cremades y Asociados; Madrid – 15 minutes

Further discussion and audience Q & A – 5 minutes

Break (Coffee/Tea): 10:40–11:00



SESSION 2: 11:00–12:30

The Arbitration Progresses: The Preparatory Conference

- The arbitrator's jurisdiction, scheduling, language, confidentiality
- 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, the ICDR's New Guidelines for Information Exchange in International Arbitration

Moderator:

Jose Astigarraga, *Astigarraga Davis LLP; Miami*
– 10 minutes

The Preparatory Conference/Preliminary Hearing – How to Prepare for the First Hearing and Issues that May Arise – The Arbitrator's Competence and Procedural Order #1 to Satisfy the Compromiso:

Counsel For Claimant: **Nigel Blackaby**, *Freshfields Bruckhaus Deringer LLP; New York* – 15 minutes

Counsel For Respondent: **Adriana Polania**, *Director General, Inter-American Commercial Arbitration Commission; Bogotá* – 15 minutes

Document Exchange – Discovery – Witness Testimony – Experts – What are the Issues that May Arise?

Counsel For Claimant: **Harry Burnett**, *Fulbright & Jaworski LLP; New York* – 15 minutes

Counsel For Respondent: **Fernando Aguilar**, *Marval, O'Farrell & Mairal, Of Counsel; Buenos Aires* – 15 minutes

Arbitrator's Perspective: **Nicolas Gamboa**, *Morales, Gamboa, Chalela & Gamboa; Bogotá*
– 15 minutes

Further discussion and audience Q & A – 5 minutes

Lunch: 12:30–14:00

SESSION 3: 14:00–15:00

The Arbitrator's Perspective and Approach to an ICDR International Arbitration:

- The ICDR Arbitration Rules and the ICDR system.
- Panel Dynamics.
- Best Practices.
- Presentation of evidence, questioning the witness, effective advocacy from the arbitrator's perspective.
- Post-hearing submissions; drafting of the award pursuant to the ICDR® Rules; costs, interpretation or correction of the award; applicable laws and remedies; form of the award and enforcement issues.

Moderator:

Donald Donovan, *Debevoise & Plimpton LLP; New York*

Arbitrator: **J. Brian Casey**, *Baker & McKenzie, LLP; Toronto.*

Arbitrator: **Bernardo M. Cremades**, *B Cremades y Asociados; Madrid.*

Arbitrator: **Nicolas Gamboa**, *Morales, Gamboa, Chalela & Gamboa; Bogotá.*

Further discussion and audience Q & A – 5 minutes

Break (Coffee/Tea): 15:00–15:20



PART II AN INTERNATIONAL ARBITRATION ROUNDTABLE: Focus on Argentina and Latin America 15:20–17:00

International authorities examine the current state of affairs in—and what the future holds for—international ADR in Argentina and Latin America. Members of this distinguished panel discuss and debate various international ADR topics from their unique perspectives. Special emphasis will be given to an overview of the potential advantages and problems in selecting a Latin American country as a seat of arbitration.

Moderator:

William K. Slate II, *President of the International Centre for Dispute Resolution, President and Chief Executive Officer of the American Arbitration Association; New York*

Speakers:

Guillermo Argerich, *Independent Arbitrator; Buenos Aires*

Oliver J. Armas, *Chadbourne & Parke LLP; New York*

Jose Astigarraga, *Astigarraga Davis LLP; Miami*

Ignacio Suarez Anzorena, *Clifford Chance LLP; New York*

Julie Bédard, *Skadden, Arps, Slate, Meagher & Flom LLP; New York*

Roberto Illingworth Cabanilla, *Zavala Baquerizo Abogados; Guayquil*

J. Brian Casey, *Baker & McKenzie LLP; Toronto*

Virginie Colaiuta, *Hughes Hubbard & Reed LLP; Paris*

Bernardo M. Cremades, *B Cremades y Asociados; Madrid*

Osvaldo J. Marzorati, *Allende & Brea, Of Counsel; Buenos Aires*

Adriana Polania, *Director General, Inter-American Commercial Arbitration Commission; Bogota*

Alejandro Ponieman, *Independent Arbitrator & Mediator; Buenos Aires*

Topics to be explored include:

- **Where to Seat Your International Arbitration in the Americas.**
- **Common Law vs. Civil Law—Exploring the Differences.**
- **Interim Relief and International Arbitration.**
- **The Impact of Investor-State Arbitration in Argentina and the Americas: Present and Future.**
- **Discovery: Electronic Discovery and Document Exchange in International Arbitration and the ICDR's New Guidelines for Information Exchange in International Arbitration.**
- **Increasing the Use of International Mediation.**
- **Controlling Costs in International Arbitration.**
- **The IBA Guidelines on Conflicts of Interest in International Arbitration: Can They Be Revised to Gain Broader Acceptance?**

Closing Remarks: 17:00

Luis Martinez, *Vice President, International Centre for Dispute Resolution, New York; President, Inter-American Commercial Arbitration Commission*



FORUM ON INTERNATIONAL ARBITRATION

REGISTRATION FORM

OCTOBER 10, 2008
BUENOS AIRES,
ARGENTINA

Venue

Alvear Palace Hotel
Av. Alvear 1891, C1129AAA
Buenos Aires, Argentina
Tel: (+54-11) 4808-2100

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 September 26, 2008. We regret that no refunds can be made after that date.

For more information, please call
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REGISTRATION FEES (check one)

USD. \$200.00 USD. Student \$25*

Full payment must be received in order to process registration. Conference registration fees include admission to all sessions, along with the course materials, which will be available at the conference.

Languages: English and Spanish. Simultaneous translation will be available.

Materials: All materials will be available at the conference.

**Does not include lunch*

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