

# CI Arb International Arbitration Conference 2017

'The Synergy and Divergence between  
Civil Law and Common Law in  
International Arbitration'

**7 - 8 December 2017**

**Hôtel Marriott Champs Élysées  
70 Avenue des Champs-Élysées  
75008 Paris, France**

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#CI ArbParis**



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continuing legal education  
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qualified lawyers.  
(7h 30 per day).

La participation à cette  
conférence est validée  
au titre de la formation  
continue des avocats.  
(7h 30 par jour).

# Programme (Day one)

Thursday 7 December 2017 \*This programme is subject to change

• 8.00am	Registration and Coffee
• 9.00am	<b>Welcome and Opening Comments</b> Romain Dupeyré (Master of Ceremony), Partner, DWF (France) AARPI Anthony Abrahams, Director General, Chartered Institute of Arbitrators Nayla Comair-Obeid, President, Chartered Institute of Arbitrators Alexis Mourre, President, ICC International Court of Arbitration
• 9.20am	<b>Keynote Speech</b> Guy Canivet, Member, French Constitutional Council and former President of the French Cour de Cassation
• 9.40am	<b>Address of CIArb Patron</b> Nabil Elaraby, Chairman, Board of Trustees, Cairo Regional Centre for International Commercial Arbitration and Patron of the Chartered Institute of Arbitrators
• 9.45am	<b>Panel Discussion 1: The Role of Legislation in Developing and Sustaining an Arbitration Friendly Seat</b> <b>Chair:</b> Lord Dyson, 39 Essex Chambers <ul style="list-style-type: none"><li>• <b>Features and specificities of modern arbitration legislation</b> Raphaël Gauvain, Member of the French National Assembly</li><li>• <b>Immunity of arbitrators, challenges, liability and fees</b> Lord Peter Goldsmith QC PC, Partner, Debevoise &amp; Plimpton LLP</li><li>• <b>Setting aside arbitral awards</b> Felix Dasser, Partner, Homburger (Zurich)</li><li>• <b>London Principles on a safe seat and its impact on legislation</b> Janet Walker, Professor, Osgoode Hall Law School, York University (Ontario)</li><li>• <b>American legislative perception to arbitration</b> John D. Daley, Deputy Assistant Legal Adviser, U.S. Department of State</li></ul>
• 11.15am	Coffee Break
• 11.35am	<b>Panel Discussion 2: What the Client Wants - Strategic Choices in Drafting Arbitration Agreements</b> <b>Chair:</b> Jason Fry, Partner, Clifford Chance (Paris) <ul style="list-style-type: none"><li>• <b>Choice between ad hoc and institutional arbitration: Is there a civil/common law divergence?</b> Benedicte Wautelet, General Counsel, Le Figaro</li><li>• <b>Are international or regional institutions more favourable?</b> Alma Forgó, Head of Commercial Litigation &amp; Arbitration, Airbus Group (Toulouse)</li><li>• <b>Are there favourable institutions for certain disputes or certain states?</b> Christophe Lobier, Senior Litigation Counsel, GE Energy Connections (Paris)</li><li>• <b>Time and cost: Effective dispute management</b> Alison Pearsall, Legal Counsel, Shell (Paris)</li><li>• <b>Essential elements in drafting arbitration clauses (including choice of applicable law, seat and language of the arbitration)</b> Pierrick Le Goff, General Counsel, Alstom (France)</li></ul>
• 13.05pm	Lunch
• 14.05pm	<b>Panel Discussion 3: The Perspective from Arbitral Institutions on Building the Synergy between Civil and Common Law</b> <b>Chair:</b> Alexis Mourre, President, ICC International Court of Arbitration <ul style="list-style-type: none"><li>• <b>Role of arbitral institutions in bridging the gap between civil and common law</b> Claire de Tassigny Schuetze, Senior Legal Counsel, Permanent Court of Arbitration</li><li>• <b>The influence of UNCITRAL Arbitration Rules</b> Audley Sheppard QC, Chairman, The London Court of International Arbitration (LCIA) Board</li><li>• <b>What role should arbitral institutions have at inception and during the arbitration proceedings?</b> Sasha A. Carbone, Associate General Counsel, American Arbitration Association</li><li>• <b>Should institutional rules be legal system neutral?</b> Annette Magnusson, Secretary General, Arbitration Institute of the Stockholm Chamber of Commerce</li><li>• <b>New trends in arbitration rules</b> Diego P. Fernández Arroyo, Member, CAM Arbitration Council- Camera Arbitrale and Professor, School of Law of Sciences Po, Paris</li></ul>

• 15.35pm	Coffee Break
• 15.55pm	<p><b>Panel Discussion 4: The Art of Advocacy - The Civil and Common Law Styles</b>  <b>Co-Chairs:</b> Ann Ryan Robertson, International Partner, Locke Lord (Texas)  Axel Reeg, Partner, Reeg Rechtsanwälte (Germany)</p> <ul style="list-style-type: none"> <li>• <b>The true role of counsel: Rights, obligations and tactics</b> Derek Wood CBE QC, Falcon Chambers Arbitration (London)</li> <li>• <b>Written pleadings and ascertaining the content of the applicable laws</b> Wendy J. Miles QC, Partner, Debevoise &amp; Plimpton (London)</li> <li>• <b>Weighing the evidence: Experts and witnesses v. documentary evidence</b> Georges Affaki, Partner, Affaki Société d'Avocats (Paris)</li> <li>• <b>Cross examination and oral pleadings</b> Pierre Mayer, Mayer Pierre Cabinet d'Avocats (Paris)</li> <li>• <b>Fees and costs</b> Laurence Shore, Partner, BonelliErede (Milan)</li> </ul>
• 17.25pm	<p><b>Open Forum: Civil-Common Law Divergence and Convergence - The Telecommunications and New Technologies Case Study</b>  <b>Chair:</b> Elie Kleiman, Partner, Freshfields Bruckhaus Deringer (Paris)</p> <ul style="list-style-type: none"> <li>• <b>Public - private partnerships in the telecommunication industry and the common law/civil law dichotomy</b> Tom Cunningham, Principal, Tom Alan Cunningham PLLC (Texas)</li> <li>• <b>Security, privacy and evidence</b> Michael Polkinghorne, Partner, White &amp; Case (Paris)</li> <li>• <b>Electronic disclosure in international arbitration</b> Julian D. M. Lew QC, 20 Essex Street (London)</li> <li>• <b>Rise of mediation and other forms of ADR for the resolution of telecommunications/new technologies disputes</b> Béatrice Castellane, Partner, Cabinet Castellane Avocats (Paris)</li> <li>• <b>Telecommunications and IP rights</b> Thomas D. Halket, Adjunct Professor of Law, Fordham University School of Law</li> </ul>
• 18.55pm	Drinks reception



# Programme (Day two)

Friday 8 December 2017 \*This programme is subject to change

• 8.30am	<b>Registration and Coffee</b>
• 9.00am	<b>Welcome Address</b> Laurence Burger, Chair, European Branch, Chartered Institute of Arbitrators Jalal El Ahdab, Chair, Paris Chapter, Chartered Institute of Arbitrators
• 9.15am	<b>Panel Discussion 5: The New Global Order and Arbitration</b> <b>Chair:</b> Teresa Cheng SC, Senior Counsel and Chairman, Asian Academy of International Law <ul style="list-style-type: none"><li>• <b>The EU-Canada Comprehensive Economic and Trade Agreement (CETA) and arbitration</b> Antonio Crivellaro, Partner Emeritus, BonelliErede (Milan)</li><li>• <b>How can Investment Treaty Arbitration Best Serve its Goals?</b> David W. Rivkin, Partner, Debevoise &amp; Plimpton (New York)</li><li>• <b>The Impact of Brexit on Arbitration</b> Nigel Rawding QC, Partner, Freshfields Bruckhaus Deringer (London)</li><li>• <b>Investment arbitration in search of its new frontiers</b> Benoit Le Bars, Partner, Lazareff Le Bars (Paris)</li><li>• <b>Third Party Funding: Addressing New Global Challenges for International Arbitration</b> Stavros Brekoulakis, Professor, Queen Mary University of London and Editor-in-Chief, CI Arb Arbitration Journal</li></ul>
• 10.45am	<b>Coffee Break</b>
• 11.15am	<b>Panel Discussion 6: Judicial Intervention, Perceptions and Reactions: The Civil and Common Law Approaches</b> <b>Chair:</b> Vivian Ramsay, Judge of the Singapore High Court and Former Judge of the High Court of England and Wales. <ul style="list-style-type: none"><li>• <b>Judicial approaches to arbitration</b> Lord Neuberger of Abbotsbury, President, Supreme Court of the United Kingdom</li><li>• <b>Judicial appointments in arbitration</b> Rosemary Barkett, Former US Circuit Judge of the US Court of Appeals for the Eleventh Circuit and Judge of the Iran-US Claims Tribunal</li><li>• <b>Challenges to arbitrators: Judicial perceptions (including immunity of arbitrators)</b> Nicolas von Werdt, Judge, Federal Supreme Court of Switzerland</li><li>• <b>Annulment of arbitral awards</b> Dominique Hascher, Judge, French Cour de Cassation</li><li>• <b>Enforcement and recognition of awards, decisions and orders</b> Thomas Pfeiffer, Former judge at the Court of Appeal (Oberlandesgericht) Hamm and Director of Heidelberg Centre for International Dispute Resolution</li></ul>
• 12.45pm	<b>Address by CI Arb Deputy President</b> James Bridgeman, Practising barrister, Chartered Arbitrator and certified mediator
• 13.00pm	<b>Lunch</b>
• 14.00pm	<b>Post-lunch address</b> Lord Keen of Elie QC, Advocate General for Scotland
• 14.15pm	<b>Panel Discussion 7: Arbitrators - The Civil and Common Law Styles</b> <b>Chair:</b> Carole Malinvaud, Partner, Gide Loyrette Nouel (Paris) <ul style="list-style-type: none"><li>• <b>Immunity of arbitrators</b> Alan Redfern, One Essex Court (London)</li><li>• <b>Assessment of evidence from a civil law perspective</b> Ibrahim Fadlallah, Independent Arbitrator and Emeritus Professor of Law, University of Paris</li><li>• <b>Role in ascertaining the content of the applicable law</b> Lawrence Newman, Of Counsel, Baker &amp; McKenzie LLP (New York)</li><li>• <b>Tribunal dynamics</b> Elliott Geisinger, Partner, Schellenberg Wittmer (Geneva)</li></ul>

• 15.30pm	<b>Coffee Break</b>
• 16.00pm	<p><b>Panel Discussion 8: The Civil-Common Law Dichotomy: Practical Solutions to Current Problems</b>  <b>Chair:</b> Phillip Capper, Partner, White &amp; Case (London)</p> <ul style="list-style-type: none"> <li>• <b>Approach to factual and legal issues</b> Reza Mohtashami, Partner, Freshfields Bruckhaus Deringer (Paris)</li> <li>• <b>Approaches to choice of arbitrators</b> Karl-Heinz Böckstiegel, Independent arbitrator and Former Patron of the Chartered Institute of Arbitrators</li> <li>• <b>The decision-making process</b> Alexander G. Fessas, Secretary General, ICC International Court of Arbitration</li> <li>• <b>The role of academics in bridging the gap between common law and civil law</b> Mohamed S. Abdel Wahab, Head of Arbitration, Zulficar &amp; Partners (Cairo)</li> <li>• <b>Adversarial and inquisitorial techniques</b> Lucy Greenwood, Principal, Greenwood Arbitration (Texas)</li> </ul>
• 17.30pm	<p><b>Concluding remarks</b>  Pierre Tercier, Emeritus Professor, University of Fribourg  George A. Bermann, Professor of Law, Columbia Law School, and Director, Center for International Commercial and Investment Arbitration (CICIA)</p>
• 18.15pm	<p><b>Closing remarks and end of conference</b>  Nayla Comair-Obeid, President, Chartered Institute of Arbitrators</p>

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The Chartered Institute of Arbitrators  
12 Bloomsbury Square, London, WC1A 2LP, UK

**T:** + 44 (0)20 7421 7427

**E:** [events@ciarb.org](mailto:events@ciarb.org)

**W:** [www.ciarb.org](http://www.ciarb.org)



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