

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION (ICDR) PRESENTS

**The 6th Annual
Miami International Arbitration Conference**

THE THREE PILLARS OF STRENGTH: PRACTICE, PROCEDURE & LAW

Consistent success for arbitrators and advocates depends upon mastering the three building blocks 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--as faculty as well as attendees--in all three 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.

Highlighted sessions 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 of leading corporate counsel** in managing the prosecution and defense of arbitrations in-house.
- **Best practices of leading arbitrators** in managing the arbitral process.

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Cooperating Organizations

American Arbitration Association (AAA)
Florida Bar International Law Section (FBILS)
Inter-American Bar Association (IABA)
Inter-American Commercial Arbitration Commission (IACAC)
Mediation and Arbitration Commission of the Mexico City National Chamber of
Commerce (CANACO)

Conference Steering Committee

José I. Astigarraga - 2008 Chair
Steven Andersen
Mark Appel
Manuel Bautista
Luis Martinez
Richard Naimark
Albert Orosa
Thomas Ventrone

PROGRAM AGENDA

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**

The latest law and practice on arbitrator disclosure, conflict 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 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, Sao 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. There seems to be more uncertainty in investor state arbitration with the Bolivian and Ecuadorian denunciations of their adherence 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 with possible solutions including the possibility of using other institutional rules.

ICDR Rules: Articles 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 - TERTULIAS - BREAK OUT SESSIONS - BEST PRACTICES IN THE REGION

Building on last year's successful round of tertulias (roundtable discussions), this year's conference will once again draw on the collective expertise of all attendees by convening breakout sessions in which participants will have the opportunity to report on and share the latest innovations and best practices in arbitration in the region. Conference attendees are welcome to bring articles they have written to facilitate this discussion. Reporters will note and report the findings, which will then be synthesized and presented on the Conference's second day.

Reporters: Adriana Braghetta, Baker & McKenzie, Sao Paulo

Richard C. Lorenzo, Hogan & Hartson, Miami

Moderators:

Adolfo E. Jimenez, Holland & Knight, Miami

Carlos Suplicy de Figueiredo Forbes, Mundie e Advogados, Brazil

Donald Hayden, Baker & McKenzie, Miami

Federico Godoy, Beretta Godoy, Buenos Aires

Hernando Otero, Appleton & Associates, Washington D.C.

Renaldy Gutierrez, Gutierrez y Associates, Miami

James Hosking, Clifford Chance, New York

John Rooney, Shutts & Bowen, Miami

Julie Bedard, Skadden, New York

M. Cristina Cardenas, Astigarraga Davis, Miami

Mauricio Gomm Ferreira dos Santos, Buchanan Ingersoll, Miami

Nicolas Swerdloff, Hughes Hubbard & Reed, LLP, Miami

Oliver J. Armas, Thacher Proffitt, New York

Robert Wisner, McMillan Binch Mendelsohn, Toronto

Sofia Gomez Ruano, Azar, Ortega & Gómez Ruano, Mexico City

Yanett Quiroz Valdevinos, CANACO, Mexico City

14:30 – 16:00 **BEST PRACTICES OF SOME OF THE WORLD’S TOP ARBITRATORS FOR
MANAGING THE ARBITRAL PROCESS**

Top arbitrators share their views on the best practices currently in use by arbitrators in the management of arbitral proceedings. We have noticed a wealth of experience and knowledge as we have observed these and other ICDR arbitrators have participated in the ICDR Advanced Case Management Arbitrator Symposia. We thought that this was a great format to explore some of those same ideas.

Moderator:

Hilary Heilbron, QC, Brick Court Chambers, London

Faculty:

Amb. Emilio J. Cárdenas, The Scowcroft Group, Buenos Aires
Gonzalo Biggs Bruna, 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 **REFRESHMENTS**

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* has now 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, Sao 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 ITS INTERNATIONAL ARBITRATION RULES**

UNCITRAL has convened a working group of renowned experts to review its Arbitration Rules. The group's next meeting, scheduled for February 4-8, 2008, will take place shortly before the Conference. This session will feature a presentation by Jan Paulsson on key issues being addressed by the Working Group 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**

The New York Convention marks its fiftieth anniversary this year. Some of the leading lights in world of arbitration are taking stock of the Convention's state today and its next fifty years. Albert Jan Van Den Berg, one of the world's leading authorities on the Convention, will offer his thoughts on its past, present and future, with commentary by renowned practitioners and arbitrators.

Moderator: Richard Naimark, International Centre for Dispute Resolution, 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, Baker & McKenzie, Sao Paulo

Richard C. Lorenzo, Hogan & Hartson, Miami

14:00 – 15:30 **RESTORING CONFIDENCE: CORPORATE COUNSEL STRATEGIES FOR MANAGING INTERNATIONAL ARBITRATION**

There exists a current of thought that some arbitration is becoming more expensive, slower and less effective as a means of dispute resolution. In the end, the opinion that most matters is that of the users of arbitration, namely companies that can elect to submit their disputes to resolution by a variety of means. A panel of experienced corporate counsel will share their thoughts on the current state of arbitration as a means of dispute resolution and its implications for the future, including their views of what steps corporate counsel can take to best manage an arbitral dispute. This session will explore tactics and best practices towards improving confidence in the use of international dispute resolution to resolve their disputes.

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**

Experts will report on the most recent decisions of import in the region. 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, seemingly rejecting the holding of Termorio, and seemingly limiting 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 in 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. A Panamanian Commercial Court has ruled that consumer arbitrations are not constitutional.

Moderator

Arif Hyder Ali, 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

REGISTRATION INFORMATION

6th Annual ICDR Miami International Arbitration Conference

NAME _____
COMPANY _____
ADDRESS _____
CITY _____ STATE/PROVINCE _____
ZIP/POSTAL CODE _____ COUNTRY _____
TELEPHONE _____ FAX _____
E-MAIL _____

REGISTRATION FEES

(Full payment must be received in order to process registration.)

Conference registration fees include admission to all seminars, along with the course materials, luncheon, dinner, breaks and cocktail receptions as outlined in the program agenda.

Registration

- \$775 USD up to February 29, 2008 (\$200 Savings)
- \$975 USD after February 29, 2008

Special Group Rates

- \$50 USD Discount for Y&I Members
- FREE Registration for Current Judges

METHOD OF PAYMENT

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CANCELLATION POLICY: Please note that space availability is limited. Should you need to cancel your registration, a refund of one-half of your registration is available 20 calendar days prior to the conference date. We regret that no refunds can be made after that date.

Questions? Please contact AndersenS@adr.org.

HOTEL REGISTRATION

The Biltmore Hotel

1200 Anastasia Avenue
Coral Gables, Florida 33134
United States of America

Telephone: 305-445-1926

Toll-Free Number: 800-727-1926

Fax: 305-913-3158

E-mail: reservations@biltmorehotel.com. Please reference group **code 1207**.

Website: www.biltmorehotel.com - must enter group **code 1207** and password **02362**.

These rooms are available on a first come first serve basis
Please refer to "Group 1207 and ICDR Conference" to get discounted rate.