Juris Conferences LLC is pleased to present its second annual symposium on the conduct of international arbitration. Leading international arbitrators and practitioners, from North America and Europe will discuss, in Socratic form, four topics of importance to lawyers, arbitrators and businessmen who are involved in the resolution of international commercial disputes through arbitration. The subjects that will be taken up will be of critical importance to persons interested in how international arbitrations can be effectively and fairly conducted.

Vienna
10 April 2006
at Grand Hotel Wien

The panel of leading arbitrators and arbitration counsel will include:

- Giorgio Bernini
- David Brown
- Robert Davidson
- Emmanuel Gaillard
- Grant Hanessian
- Kaj Hobér
- David J. Howell
- Sigvard Jarvin
- Pierre Karrer
- Christoph Liebscher
- Michael J. Moser
- Lawrence W. Newman
- Michael Polkinghorne
- Michael Pryles

Each session will be led by two leading arbitrators, a civil lawyer and a common lawyer in each case. However all members of the panel will be invited to contribute to each of the areas being discussed, enabling delegates to benefit from the collective experience and insight of many of the leading arbitrators before whom they may appear as counsel.
8.30 - 9.00 REGISTRATION
Coffee and tea upon arrival

9.00 - 10.30 WORKING SESSION 1
Discovery in international arbitration

Discussion leaders - Pierre Karrer & Michael Polkinghorne
Items for consideration to include:
• The arbitrator’s role in facilitating necessary discovery and resolving discovery disputes.
• How do arbitrators deal with discovery requests?
• What cross-cultural “norms” are emerging?
• Are arbitrators seeing broader discovery requests, and what does the future hold?
• How may discovery requests and objections to discovery be framed to persuade arbitrators?
• Dealing with electronic documentation and discovery of computer records.
• Dealing with claims to privilege and confidentiality.
• To what extent do arbitrators draw adverse inferences from a party’s reluctance to provide discovery.
• Should materials produced in discovery be made available to the arbitrators as well as to the parties?
• Should the parties be the ones to determine the documents they want, rather than the arbitrators? Which approach is more efficient?

10.30 - 11.00 COFFEE / TEA BREAK

11.00 - 12.30 WORKING SESSION 2
Advocacy before international arbitration tribunals

Discussion leaders - Emmanuel Gaillard & Speaker to be announced
Items for consideration to include:
• Is the art of good advocacy the same before arbitral tribunals and state courts?
• What styles of advocacy do arbitrators find persuasive, and what is counter-productive?
• Written and oral advocacy. What should be written and what should be said?
• Do arbitrators care about rules of evidence such as leading witnesses?
• The use of visual aids, computer presentations etc. in hearings.
• How may advocates learn their trade in international arbitration?
• What are the good habits of successful advocates and what are the bad habits of unsuccessful advocates?
• How do the parties deal with the fact that, when witness statements are presented in writing in advance, most of the testimony that will be adduced will be during cross-examination?
• To what extent should arbitrators ask questions of witnesses?
• Hearsay evidence: Whether it should be offered and how arbitrators should respond, whether it should be objected to and how arbitrators should deal with it.

Reserve your place today.
Space in the meeting room is limited.
ON THE CONDUCT OF INTERNATIONAL ARBITRATION

12.30 - 14.00 NETWORKING LUNCHEON

14.00 - 15.30 WORKING SESSION 3
Presentation of evidence

Discussion leaders - Lawrence W. Newman & Sigvard Jarvin

Items for consideration to include:
- Dealing with advocates from different legal cultures, with different expectations as to the role of cross-examination.
- Should cross-examination be confined to the scope of the witness’s statement?
- Rabbits out of the hat. Should counsel be permitted to present documents for the first time in cross-examination?
- The role of the tribunal in controlling cross-examination.
- Preparing witnesses for cross-examination. Cultural issues. Parties versus other witnesses.
- Use of leading questions - Cultural objections.
- Should points made in cross-examination be underscored at the time or should they be saved for summation or post-hearing briefs?

15.30 - 16.00 COFFEE / TEA BREAK

16.00 - 17.30 WORKING SESSION 4
Management of arbitral proceedings

Discussion leaders - Kaj Hobér & Michael Pryles

Items for consideration to include:
- Principles for the successful conduct of an arbitration.
- The role of preparatory conferences and how to make them effective.
- Controlling the exchange of pleadings and the submission of documentary and witness evidence.
- Whether to have any hearing, or more than one hearing, and if so where and for how long.
- Dealing with common law and civil law expectations as to the purpose of hearings.
- The planning that the tribunal and parties must undertake for a successful hearing.
- Controlling time at a hearing.
- The role of opening and closing arguments, and post-hearing briefs.
- Dealing with witness evidence and witness conferencing.
- Organizing questions by the arbitrators: When? How many?
- Expert Testimony: Separate hearings, confrontations between experts?

17.45 - 19.00 DRINKS RECEPTION

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Faculty

SIGVARD JARVIN is Counsel to Jones Day, Paris. He was rapporteur at the 1990 and 1998 ICCA Congresses and was General Counsel, ICC International Court of Arbitration, Paris (1982-1987) and member of the Court (1988-1995).

PIERRE A. KARRER is Honorary President of the Swiss Arbitration Association and a Court Member of the ICC.

CHRISTOPH LIEBSCHER is a Partner and Head of the Arbitration Practice Group of Wolf Theiss & Partners, Vienna. He is Alternate Member for Austria of the Court of Arbitration of the ICC.

MICHAEL J. MOSER is China Managing Partner of Freshfields Bruckhaus Deringer. He is Co-Chairman of the China Arbitration Forum, Vice Chairman of the HKIAC and a member of the Panel of Arbitrators of CIETAC.

LAWRENCE W. NEWMAN is a Partner in the litigation department of the New York office of Baker & McKenzie. He is the author and co-author of several works on international arbitration and litigation.

MICHAEL POLKINGHORNE is a Partner in White & Case, Paris. He is an alternative Australian member of the ICC’s International Court of Arbitration and was formerly at Coudert Freres, where he was co-head of the firm’s Global Arbitration Practice.

MICHAEL PRYLES is President of the Australian Centre for International Commercial Arbitration, President of the Asia Pacific Regional Arbitration Group and a consultant to the law firm Clayton Utz.
REGISTRATION FORM

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JURIS CONFERENCES - SECOND ANNUAL LEADING ARBITRATORS’ SYMPOSIUM • VIENNA • 10 APRIL 2006

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