ICC Austria Conference – Interdisciplinary Forum

A fine line: how to counter – and employ Guerrilla Tactics in International Arbitration & Litigation

- Be prepared for all eventualities: Facing guerrilla tactics in arbitration & litigation
  - Where does poor behaviour end – and guerrilla tactics do start?
  - Effective strategies to anticipate, prevent and react to guerrilla tactics
  - Are there technically legal “guerrilla-like” practices that may be used?

- Tools limiting the employment of guerrilla tactics
  - Direct sanctions of (investment) tribunals and courts against guerrilla tactics
  - Deterrence by award setting-aside and enforcement proceedings
  - May tribunals draw adverse inferences or disqualify party representatives?

- Adopting alternative means to fight guerrilla tactics
  - Fighting guerrilla tactics through investigators, technological means and advocacy tools
  - How can professional PR & media presence tame opponent’s guerrilla tactics?

- Preventing guerrilla tactics: State courts and institutional support
  - Various support available from state courts
  - The support offered by international arbitration institutions

Don’t miss the opportunity for an update & discussion of these hot topics with key experts, such as

Simon Greenberg, Paris; Stephen Philipsohn, London; Edna Sussman, New York; Vladimir Pavic, Belgrade; Bennar Balkaya, Istanbul; John Ellison, London; Bernhard. F. Meyer, Zurich; Günter Horvath, Vienna; Loretta Malintoppi, Paris; Barbara Helene Steindl, Vienna; Christopher Lau, Singapore; Nicole Bäck-Knapp, Vienna; David P. Roney, Geneva; Herfried Wöss, Mexico (TBC); Michael M. Collins, Dublin; Timur Aitkulov, Moscow; Shai Wade, London; Gerold Zeiler, Vienna; Stephan Wilske, Stuttgart; Philippe Cavalieros, Paris; Alexander Lütgendorf, Cairo; Benedict Hamilton, London; Elke Umbeck, Hamburg; Despina Fruth Oprisan, Bucharest

Friday 12 & Saturday 13 November 2010
Friday: 10:00 a.m. – 6:30 p.m. Saturday: 9:30 a.m. – 1:00 p.m.
Hotel Savoyen, 1030 Vienna, Austria

Conference sponsored by Brauneis Klauser Prändl, attorneys (Vienna)
Who should attend?

- arbitration practitioners
- lawyers
- in-house counsel
- construction, engineering companies
- banking and financial institutions
- chartered accountants
- forensic experts
- investigators

Purpose of this conference

The difficult economic situation worldwide implicates a significant increase in international arbitration and litigation. However, when times get tough, tactics sometimes get dirty. It becomes noticeable that so-called "guerrilla tactics" emerge more frequently. These include attempts to constrain proceedings, filing repeated unmeritorious challenges, filing litigation against arbitrators and institutions, as well as illegal measures like bribing, intimidating witnesses and threatening of arbitrators. Guerrilla tactics simply aim to eliminate the benefits of arbitration & litigation.

This interdisciplinary conference “Guerrilla Tactics in International Arbitration & Litigation” will not only highlight the legal aspects of this sensitive issue but also provide an insight into the activities of professional investigators, forensic experts and PR-specialists in order to show how to anticipate and detect guerrilla tactics, how to design preventive and defence measures and which options there are to counter-attack – a fine and difficult line to walk.

Speakers


Bennar Balkaya, Attorney-at-Law, Balkaya & Balkaya, Istanbul. Specialized in domestic/international arbitration/litigation, mediation & enforcement proceedings, in particular in commercial matters, international trade & maritime law. She is the Turkey representative of the ICC YAF and committee member of the CIArb, European Branch.

Nicole Bäck-Knapp, member of management & head of Finances & Services, Ecker & Partner, Vienna. Nicole is an expert for crises & financial communication. She further serves as an advisor to the Institute for Mass Media & Communication Science & lectures at the Werbeakademie WIFI, Vienna.

Philippe Cavalieros, Lawyer, Renault, Boulogne Bilancourt. General Counsel Eurasia, Head of International Arbitration at Renault since 2005. Philippe is a former assistant counsel of the ICC Secretariat to the International Court of Arbitration.

Michael M. Collins, Senior Counsel (Ireland and England), Attorney (New York), immediate past Chairman of the Bar Council of Ireland, Bencher of King's Inns and current President of Arbitration Ireland. Michael acts in international litigation and arbitration & focuses on commercial, competition & EC law.

John Ellison, Partner, KPMG, London; UK Chairman of KPMG Forensic & KMPG’s Global International Litigation & Arbitration Group; John has 25 years of experience as accountant, specialized in investigation/expert witness work.

Despina Fruth Oprisan advises on merger & acquisition, general corporate and commercial law and litigation & arbitration. Prior to become a private lawyer and partner at Fruth Oprisan & Associates law firm, Despina served as judge in Bucharest civil court and later as president of the administrative court. Education: Bucharest University, Faculty of Law; PhD in Law and recipient of various grants from NATO, British Know Found and US State Department.

Simon Greenberg, Deputy Secretary General, Paris, ICC International Court of Arbitration.

Benedict Hamilton, Associate Managing Director, Financial Investigations, Kroll, London. Experienced in (technically supported) investigations & reviews.

Günther Horvath, Partner, Freshfields Bruckhaus Deringer, Vienna. Specialized in international commercial arbitration with a primary focus on corporate law, post-M&A matters, industrial engineering and construction. Günther acts as Counsel, Chairman and party-appointed arbitrator, frequently, in ICC, VIAC & ad hoc arbitration cases.

Christopher Lau, Senior Counsel, 3VB, Singapore. Christopher is a FCIArb, FSIArb & a Chartered Arbitrator with extensive experience in Asia & Europe.

Alexander Lütgendorf, Solicitor (England & Wales), Hafez, Cairo. Alexander is a full-time international arbitration lawyer with an active public international law/investment arbitration practice. He serves as member of ICC task forces & observer delegate to the UNCITRAL Working Group on Arbitration.

Loretta Malintoppi, Attorney-at-Law, Eversheds LLP, Paris. Loretta serves as Vice-President of the ICC International Court of Arbitration. She specializes in investment arbitration & is experienced in complex public international law issues.

Bernhard F. Meyer, Attorney-at-Law, Meyer Müller Eckert, Zurich; Bernhard is an internationally renowned arbitrator, serves as the President of the Swiss ICC Arbitration Commission, as head of the arbitration section of the Attorneys' Association of Zurich & is a member of the ASA Board of Directors.

Vladimir Pavic, Associate Professor in Private International Law & International Commercial Arbitration at the University of Belgrade Faculty of Law.

Steven Philippsohn, Barrister, PCB Litigation, London. Steven is regularly retained for strategic advice & has considerable experience in resolving major international disputes. He regularly uses state court proceedings in support of pending arbitration matters.

David P. Roney, Barrister and Solicitor (Ontario, Canada), Schellenberg Wittmer, Geneva. David regularly acts as counsel and arbitrator in a broad range of international arbitrations. He is Co-Founder of the Foundation for International Arbitration Advocacy and serves as Co-Chair of the ICC Commission’s Task Force on the New York Convention.
International Conference – Guerrilla Tactics

Barbara Helene Steindl, Attorney-at-Law, Brauneis Klauser Prändl, Vienna; Barbara specializes in international arbitration involving construction, cross-border trade, energy & protection of foreign investment; she is an experienced counsel & arbitrator under the ICC/VIAC/UNCITRAL & Swiss Rules, ICC task force member & YIAG/LCIA representative.

Edna Sussman, Attorney-at-Law, SussmanADR LLC, New York; Edna acts as a full time arbitrator & mediator & serves as a Distinguished ADR Practitioner in Residence at the Fordham University School of Law. Edna focuses on complex international commercial, energy & environmental matters.

Elke Umbeck, Attorney-at-Law, Heuking Kühn Lüer Wojtek, Hamburg. Elke focuses on corporate law, particularly post M&A disputes, as well as international private, maritime & transportation law. She is experienced as arbitrator in ad-hoc proceedings & serves as counsel in DIS and ad hoc cases.

Shai Wade, Solicitor (England & Wales), Reed Smith, London; specialized in international large scale complex & investment arbitration disputes; Shai is an expert in international trade, energy, banking, IT, telecoms, joint-venture & corporate disputes.

Stephan Wilske, Attorney-at-Law (New York, U.S. Supreme Court; Germany), Gleiss Lutz, Stuttgart. Stephan heads the firm’s International Arbitration Focus Group. He regularly acts as counsel/arbitrator in international commercial and investment arbitration proceedings.

Herfried Wöss, Attorney-at-Law, Wöss & Partners, Mexico; Herfried acts as arbitrator & counsel in commercial arbitration involving state parties & mostly concerning construction matters. Herfried is experienced in dispute resolution under WTO, NAFTA & FTAs regimes.

Gerold Zeiler, Attorney-at-Law, Schönherr Rechtsanwälte, Vienna; Gerold focuses on international commercial & investment arbitration as well as litigation; he acts as arbitrator/counsel in ad hoc cases & proceeding under VIAC, ICC, UNCITRAL & ICSID Rules.

Program

Friday, November 12, 2010

Start of registration: 8:15 a.m.
Conference: 10:00 a.m. – 6:30 p.m.

Introduction by the Executive Director of ICC Austria

Facing the reality of guerrilla tactics in international arbitration
- A problem of definition – do arbitrators recognize guerrilla tactics when they see them?
- Procedural tactics of a guerrilla nature & suggestions for counsel how to counter & employ from the perspective of counsel before commercial & investment tribunals

Facing guerrilla tactics – Sanctions of the tribunal & the threat of setting aside & enforcement proceedings
- How may commercial & investment tribunals cope with & sanction guerrilla tactics of the parties/their counsel?
- May award setting aside or annulment proceedings help limit the employment of guerrilla tactics?
- May guerrilla tactics employed in arbitral proceedings give rise to a valid defence to enforcement of awards?

Facing guerrilla tactics – Investigation, media work & the in-house perspective
- Professional investigation of guerrilla behaviour
- Are certain guerrilla tactics tameable by initiating sensible media presence?
- The in-house counsel’s perspective
- Views and experiences from Russia, Mexico, Turkey, Egypt, South East Asia and Romania

Cocktail – Reception & Conference Dinner (side event)

Saturday, November 13, 2010

9:30 a.m. – 1:30 p.m.

Preventing guerrilla tactics in arbitration through state court & institutional support

Guerrilla tactics in international litigation
- Is there a need to wage war in several places – How may state courts support fighting guerrilla practises before an arbitral tribunal?
- The perspective of international arbitration institutions
- Guerrilla tactics in litigation

Preventing/Employing “guerrilla tactics” in arbitration and litigation
- Fighting guerrilla tactics by technological means
- Advocacy tools to counter guerrilla tactics in arbitration & litigation
- Sensible employment of ethically correct “harsh tactics” with a “guerrilla touch”
- Are there technically legal “guerrilla-like” practices that may be used in arbitration/litigation?
Dates: Friday, 12 November 2010, 10:00 a.m. – 06:30 p.m.
Saturday, 13 November 2010, 09:30 a.m. – 01:00 p.m.
Venue: Austria Trend Hotel Savoyen Vienna, Rennweg 16, 1030 Vienna
(http://www.austria-trend.at/Hotel-Savoyen-Vienna/en/)

Conference fee: (includes full documentation, coffee breaks, lunch)
EUR 790 + 20% VAT
(EUR 632 + 20% VAT for members of ICC Austria)
EUR 590 + 20% VAT for early registration up to 20. September 2010
(EUR 472 + 20% VAT for members of ICC Austria)
EUR 395 + 20% VAT for members of YAAP, YIAG of LCIA, students and full time academics

Please transfer the conference fee after receipt of the invoice to:
Bank Austria, Vienna, Austria
IBAN: AT88 1100 0016 4633 2500 / BIC: BKAUATWW

Your registration is only valid after receipt of the conference fee.
Please register at least 14 working days before the conference.

Cancellation Policy:
A full refund will only be given for cancellations received up to 14 working days before the conference. Cancellations must be made in writing. Should you be unable to attend the conference yourself, you may nominate a colleague to take your place.

Registration:
 ICC Austria Fax: +43-1-50105 - 3703 Email: icc@icc-austria.org

Family Name, First Name, Title
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Yes, I am registering for the
Conference “Guerrilla Tactics in International Arbitration & Litigation”
12 - 13 November 2010 in Vienna.

Please provide the conference documentation (one option only):
Yes, I am registering for the
Conference Cocktail for “Guerrillas”
Friday, 12 November 2010

Add to your program:

Yes, I am registering for the
Conference Cocktail
Friday, 12 November 2010

I agree that my name and address may be registered electronically by ICC Austria and that ICC Austria may inform me about further programs by mail, fax or email.