

# INTERNATIONAL DISPUTE RESOLUTION: DIVERSITY TOWARDS CONVERGENCE?

**Krakow, Poland – 15-16 October**

## Venue

**Aula Senacka Collegium Novum UJ**

Golebia 24  
Krakow 31-007  
Poland

## Highlights

This conference aims to explore the complexities and ambivalence of dispute management and effective dispute resolution through arbitration and ADR in a globalized international business context.

By exploring prevalent and current topics through discussion and case studies participants will go beyond the current state of affairs to consider the wider context of resolving disputes in the CEE. Attendees will get equipped with what an ADR-practitioner and user needs to know in order to be successful in the field of dispute resolution and effective dispute management.

## Who should attend

- All local, regional and international professionals involved in international arbitration and mediation, attorneys, arbitrators and mediators
- In-house counsel and legal and business advisers
- Academics specializing in international and commercial law

## Supported by:



## Media partner:



**Organized by:** the International Court of Arbitration of the International Chamber of Commerce (ICC) and the Faculty of Law and Administration of the Jagiellonian University in Krakow:



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## PROGRAMME

### 15 October 2015

#### 9:00 – 9:15 Welcome

**Jerzy Pisuliński**, Deputy Dean, Jagiellonian University, Krakow

#### 9:30 – 10:00 Opening remarks

**Alexis Mourre**, President, ICC International Court of Arbitration, Paris

#### 10:30 – 13:00 Panel 1: Current landscape of international arbitration and ADR from the CEE's perspective: legislation and practice

The first session will assess the evolution of the legislative framework and developments in the practice of dispute resolution in Central and Eastern Europe.

Arbitration in Central and Eastern Europe in the light of the European Parliament Study  
**Tony Cole**, Senior Lecturer, Brunel University, London

The Italian laboratory on ADR: any lessons to learn from CEE Countries?  
**Michelangelo Cicogna**, Partner, De BertiJacchia, Milan

CEE – between East and West, practical remarks from the perspective of a counsel and an arbitrator  
**Timothy Lindsay**, Partner, Dechert, London

Developments in the CEE's arbitral practice on the example of the new rules of arbitral proceedings administered by KIG  
**AndrzejSzumański**, Professor, Jagiellonian University, Krakow

Institutional responses to the proliferation of arbitration and ADR in light of the rise of new agents and competition in the field of dispute resolution  
**Alice Fremuth-Wolf**, Deputy Secretary General, VIAC, Vienna

#### 14:30 – 17:30 Panel 2: Tailor-made dispute management and resolution to fit the business needs

The second session aims to identify the paradigms of dispute management and resolution exploring the premise of *arbitration as the primary choice of dispute resolution by the business*.

A culture of ADR/industry specific dispute resolution? A perspective from the energy industry  
**Marco Lorefice**, Senior Lawyer, Edison SPA, Milan

Discovery Networks Litigation Policy and past experiences  
**Sebastian Urban**, Legal Director, Discovery Networks CEEMEA, Warsaw

A response of the legal counsel to the changing needs of the business  
**MałgorzataSurdek**, Partner, CMS Cameron McKenna, Warsaw

Active settlement facilitation by arbitrators  
**Philipp Habegger**, President, Arbitration Court Swiss Chambers' Arbitration Institution / Partner, Lalive, Zurich

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Use of dispute boards in commercial contracts

**Wolf von Kumberg**, Member of the Board of Directors, IMI / Chair of the Board of Management, CIArb, London

What is the best way to increase the popularity of business mediation in Europe – through education, legislation or just plain encouragement?

**Roman Rewald**, President, Lewiatan Mediation Centre / Partner, Weil, Gotshal&Manges, Warsaw

## 16 October 2015

### 9:30 – 12:30 Panel 3: Common law v. civil law: cohabitation, contamination or clash?

This session on international arbitration will assess the points of convergence and divergence between the systems of civil and common law. The interaction will be analyzed through the lens of procedural and evidentiary aspects, such as document production and witness testimony.

#### I. Contract

A. Is there a difference between how common law and civil law interpret contracts?

**Jacob Grierson**, Partner, McDermott Will & Emery, Paris/London

B. Good faith obligation in negotiating and complying with the obligations arising from a contract: do common law and civil law see this differently?

**Michael Young**, Partner, Allen&Overy, Paris

C. Force Majeure/Hardship: different approaches or growing convergence?

**BartoszKrużewski**, Partner, Clifford Chance, Warsaw

#### II. Arbitral Agreement

Non-signatories – consent vs. commercial reality

**Stavros Brekoulakis**, Professor, Queen Mary University of London, London

#### III. Procedure

A. Do institutions administer arbitration proceedings under common law and civil law differently?

**AnjaHavedal-Ipp**, Counsel, SCC, Stockholm

B. Discovery: a common law institution enthusiastically accepted in civil law jurisdictions: difficulties, pitfalls, unexpected consequences

**Rolf Trittman**, Partner, FreshfieldsBruckhausDeringer, Frankfurt

C. Advocacy under common law and civil law: are there really differences, especially in the way in which witnesses are examined?

### 14:00 – 16:00 Panel 4: Culture, soft law and ethics in international dispute resolution.

This session aims to analyze the role of culture (in a non-legal sense) and its implications in the approach to and conduct of dispute resolution. Firstly, it explores the notion of *global norms and practices* in juxtaposition to local traditions and idiosyncrasies. Secondly, the panel seeks to review the role of soft law and ethics in international dispute resolution.

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Globalization of Arbitration: Cultural Impacts on the Approach of Dispute Resolution

**Kun Fan**, Assistant Professor, Faculty of Law, Chinese University of Hong Kong, Hong Kong (via AV link)

From rules to principles

**Simon Greenberg**, Partner, Clifford Chance, Paris

Limits to regulation

**Coralie Darrigade**, Partner, Shearman & Sterling, Paris

Remedies to misconduct. Policing and sanctioning

**Laurence Shore**, Partner, Herbert Smith Freehills, New York

Role of the institutions in the regulation of conduct

**Maria Hauser-Morel**, Counsel, ICC International Court of Arbitration, Paris

**16:30 – 17:30**    **Closing remarks**

**Richard Kreindler**, Partner, Cleary Gottlieb Steen & Hamilton, Frankfurt

## SPEAKERS

**Stavros Brekoulakis**,

Professor, Queen Mary University of London, London

**Michelangelo Cicogna**,

Partner, De BertiJacchia, Milan

**Tony Cole**,

Senior Lecturer, Brunel University, London

**Coralie Darrigade**,

Partner, Shearman & Sterling, Paris

**Kun Fan**,

Assistant Professor, Faculty of Law, Chinese University of Hong Kong, Hong Kong (via AV link)

**Juan Fernandez-Armesto**,

Partner, Armesto&Asociados, Madrid

**Alice Fremuth-Wolf**,

Deputy Secretary General, VIAC, Vienna

**Simon Greenberg**,

Partner, Clifford Chance, Paris

**Jacob Grierson**,

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## LOGISTICS AND REGISTRATION

### Venue:

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### Working language :

English

### How to register:

Please visit [www.mediujury.pl/en/icc-uj-conference/](http://www.mediujury.pl/en/icc-uj-conference/)

### Registration fee:

Regular fee: 400 PLN

Reduced fee:

200 PLN for full-time academics and participants of the *ICC Arbitration and ADR Training Programme*

*The fee includes working papers, refreshments and lunch. Please note that separate registration for the banquet might be required.*

### Travel and accommodation :

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations. A list of hotels in Krakow offering preferential room rates for the conference delegates is available upon request.

### Cancellation charge:

50% of the contribution to costs will be refunded if notice of cancellation is received in writing before 15 September 2015. Cancellations after this date are not refundable. However, registration may be transferred to another person (of the same fee category) at no extra charge, provided that notice is sent to [karolina.jackowicz@mediujury.pl](mailto:karolina.jackowicz@mediujury.pl) prior to the Conference.

Data protection information: The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce). Under the French law "informatique et libertés" of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at [arbevents@iccwbo.org](mailto:arbevents@iccwbo.org). The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers.