



Association Suisse de l'Arbitrage  
Schweiz. Vereinigung für Schiedsgerichtsbarkeit  
Associazione Svizzera per l'Arbitrato  
Swiss Arbitration Association



# INTERNATIONAL ARBITRATION

The In-House Counsel's Perspective

**18 March 2016 08:45-17:30 Main conference**

CMS | Cannon Place | 78 Cannon Street | London EC4N 6AF

**New for 2016: Pre-conference drinks reception**

Please join us on 17 March 2016 for a pre-conference launch party drinks reception preceded by an event with the **European Justice Forum** on alternatives to class action hosted by CMS.

*(See back page for details)*

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# Schedule at a glance

**08:15-08:45** Coffee and registration

**08:45-13:00** Conference

**13:00-14:30** Lunch

**14:30-17:30** Conference

**17:30-19:00** Drinks and networking

## Conference topic

International business requires efficient and predictable business resolution mechanisms. Arbitration has traditionally sought to meet this need by giving parties control over the process, including the appointment of appropriate specialists as arbitrators, confidentiality of proceedings, and facilitated cross-border enforcement of awards.

The arbitration process has become more complex and numerous institutions offer a range of possibilities to choose from. Picking the right actors (arbitral institution, outside counsel, arbitrators) is important to maximize the chances of obtaining an appropriate result. In addition, managing the process, time and costs as well as expectations from within the business, has become more essential than ever for in-house lawyers. Consideration of ADR featured heavily in last year's conference and specific attention will therefore be given to it this year.

This conference will look at the opportunities and challenges associated with modern arbitration from the perspective of in-house counsel, seeking to identify and assess the tools available to maximize efficiency.

## Who should attend

The programme is specifically designed for in-house counsel.

This conference is eligible for 5 hours of continuing professional development (CPD).

# Programme

<p><b>08:45-09:00</b></p>	<p>Welcome and Introduction</p>	<p><b>CONFERENCE CHAIRS:</b>  <b>Mercedes Carmona Mariscal</b>                  President, ACC Europe and Managing Counsel Europe West, BP   <b>Roland Schroeder</b>                  Chair, CCIAG and Global Executive Litigation Counsel, Corporate, GE</p>
<p><b>09:00-09:50</b></p>	<p><b>PANEL 1</b>                  Forum selection – how to manage arbitration when your preferred forums are not available given the preferences (demands?) of the counter-party.</p> <ul style="list-style-type: none"> <li>— What are the best alternatives in the following regions:                         <ul style="list-style-type: none"> <li>• Central Asia</li> <li>• Latin America</li> <li>• Middle East</li> <li>• Africa</li> <li>• South Asia</li> <li>• East Asia</li> </ul> </li> <li>— What other contractual protections or qualifiers might be added to one’s contract when contemplating arbitration in one of these regions?</li> </ul> <p>Discussion (panel and floor)</p>	<p><b>SPEAKERS:</b>  <b>Richard Hill</b>                  General Counsel, Global Litigation, Shell   <b>Tim Williams</b>                  Area Counsel, Middle East and Asia, Wartsila Energy Solutions   <b>Roger Wiltshire</b>                  EMEA General Counsel, Northrop Grumman</p>
<p><b>09:50-10:40</b></p>	<p><b>PANEL 2</b>                  Alternative fee arrangements for arbitration proceedings</p> <ul style="list-style-type: none"> <li>— What are the current trends?</li> <li>— What alternative fee arrangements work? What AFA arrangements do not work? Is third party financing of arbitration gaining ground?</li> </ul> <p>Discussion (panel and floor)</p>	<p><b>SPEAKERS:</b>  <b>Neil Stewart</b>                  Director and Associate General Counsel, Litigation Global Regions, Hewlett Packard Enterprise   <b>Tim Hardy</b>                  Partner, CMS   <b>Michael Redman</b>                  Director, Burford Capital</p>
<p><b>10:40-11:15</b></p>	<p>Break</p>	

<p><b>11:15-12:15</b></p>	<p><b>PANEL 3</b>  <b>The intersection between mediation and arbitration</b></p> <ul style="list-style-type: none"> <li>— Can mediation be effectively used in connection with arbitration?</li> <li>— If so, at what stage?</li> <li>— How effective is mediation generally? In what circumstances or jurisdictions is it most effective? Least effective?</li> <li>— Should companies include mediation clauses in their standard commercial contracts or leave it to voluntary agreement at a later time? Is mediation used often in the absence of contractual language?</li> <li>— Is there a particular format best used for incorporating mediation into a dispute resolution clause?</li> </ul> <p>Discussion (panel and floor)</p>	<p><b>SPEAKERS:</b>  <b>Roland Schroeder</b>  Chair, CCIAG and Global Executive Litigation Counsel, Corporate, GE</p> <p><b>Gaby Dosanjh-Pahil</b>  Head of Dispute Resolution, SSE</p> <p><b>Noah Hanft</b>  President and CEO, International Institute for Conflict Prevention and Resolution (ex GC Mastercard)</p> <p><b>Ulrich Hagel</b>  Senior Expert Dispute Resolution, Bombardier</p>
<p><b>12:15-13:00</b></p>	<p><b>PANEL 4</b>  <b>Enforcement of awards</b></p> <ul style="list-style-type: none"> <li>— What are the current trends?</li> <li>— Are there more challenges to awards? What are the nature of these challenges?</li> <li>— Are certain jurisdictions becoming problematical?</li> <li>— Are there genuine enforcement risks that arise from the procedural rulings of tribunals designed to ensure the timeliness and efficiency of a proceeding versus their substantive decisions?</li> <li>— Interim awards and their enforcement perspectives</li> </ul> <p>Discussion (panel and floor)</p>	<p><b>SPEAKERS:</b>  <b>Natalia Petrik</b>  Senior Legal Counsel, The Arbitration Institute of the Stockholm</p> <p><b>Guy Pendell</b>  Partner, CMS</p> <p><b>David Roney</b>  Partner, Sidley Austin</p>
<p><b>13:00-14:30</b></p>	<p><b>Lunch</b></p>	

**14:30 – 17:30**

The afternoon sessions will follow a 'Tylney Hall' style format. This is a long-established tradition for LCIA arbitration symposia. Delegates will be invited to submit topics for discussion. On the day, delegates will be encouraged to participate in a discussion under the Chatham House Rule on the topics submitted and other issues of interest. There will be three sessions with moderators for each session as follows:

<b>14:30-15:15</b>	<b>SESSION 1</b> Clients, Counsel and Arbitrators	<b>MODERATORS:</b> <b>Andrew Clarke</b> General Counsel, ExxonMobil UK  <b>Wolf von Kumberg</b> European Legal Director and Assistant General Counsel, Northrop Grumman Corporation and Chairman, International Mediation Institute
<b>15:15-16:00</b>	<b>SESSION 2</b> Practice & Procedure	<b>MODERATORS:</b> <b>Caroline Ming</b> Executive Director & General Counsel, Swiss Chambers Arbitration Institution  <b>Stefano Catelani</b> Corporate Counsel, DuPont de Nemours
<b>16:00-16:30</b>	Break	
<b>16:30-17:15</b>	<b>SESSION 3</b> Orders, Awards, Enforcement and Settlement	<b>MODERATORS:</b> <b>Elliott Geisinger</b> President, Swiss Arbitration Association (ASA)  <b>John Lowe</b> Former President ACC Europe, Arbitrator and Mediator
<b>17:15-17:30</b>	Chairs' Remarks & Closing	<b>Mercedes Carmona Mariscal</b> President, ACC Europe and Managing Counsel Europe West, BP  <b>Roland Schroeder</b> Chair, CCIAG and Global Executive Litigation Counsel, Corporate, GE
<b>17:30-19:00</b>	Drinks reception and networking	

# About the organisers

## *ACC Europe*

ACC Europe serves in-house attorneys in Europe through networking, knowledge sharing, continuing legal education and advocacy on behalf of the in-house profession. ACC Europe is a chapter of the Association of Corporate Counsel, the premier association for in-house counsel. For more information on ACC Europe's activities, please contact the chapter administrator at [acceurope@accchapters.com](mailto:acceurope@accchapters.com). Website: [www.acc.com](http://www.acc.com).

## *ASA – Swiss Arbitration Association*

The Swiss Arbitration Association (ASA) has over 1200 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this Annual Conference; the Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information and membership enquiries, see [www.arbitration-ch.org](http://www.arbitration-ch.org) or contact Alexander McLin, Executive Director, at [alex.mclin@arbitration-ch.org](mailto:alex.mclin@arbitration-ch.org).

## *CCIAG – Corporate Counsel International Arbitration Group*

The Corporate Counsel International Arbitration Group (CCIAG) was registered in 2009 in order to provide a focal point for discussion among corporate counsels actively involved in international arbitration and other forms of alternative dispute resolution. The current membership is comprised of corporate counsels from more than 90 multinational companies. The CCIAG is a non-profit organisation and has no connections with any law firm or arbitral institution. Simply put, the CCIAG is the voice of users. Website: [www.cciag.com](http://www.cciag.com).

## *CPR – International Institute for Conflict Prevention & Resolution*

CPR is an independent non-profit organisation that helps global businesses prevent and resolve commercial disputes effectively and efficiently. Its members include corporations and law firms, academic and government institutions, leading mediators and arbitrators. CPR is: (1) a thought leader, driving a global dispute resolution culture; (2) a developer of cutting-edge tools and resources, powered by the collective innovation of its membership; and (3) an ADR provider offering innovative, practical arbitration rules, mediation and other dispute resolution procedures, and neutrals worldwide. Website: [www.cpradr.org/Home.aspx](http://www.cpradr.org/Home.aspx).

## *CMS*

CMS provides clients with specialist, business-focused advice in law and tax matters. Our 3,000 legal professionals including 600 disputes lawyers are spread across 19 practice and sector groups and 33 countries. We stand apart through our deep commitment to understanding our clients' business and the sectors and countries in which we operate. From major multinationals and mid-caps to enterprising start-ups, we provide the technical rigour, strategic excellence and long-term partnership to keep clients ahead whatever their chosen markets. Website: [www.cms-cmck.com](http://www.cms-cmck.com).

# Practical information

## Conference organisation

**Mercedes Carmona Mariscal**, President, ACC Europe

**John Lowe**, Former President, ACC Europe

**Roland Schroeder**, Chair, CCIAG

**Elliott Geisinger**, President, ASA

**Alex McLin**, Executive Director, ASA

**Guy Pendell**, Partner, CMS

**Barbara Hamilton**, Head of Sector & Client Development, CMS

## Registration

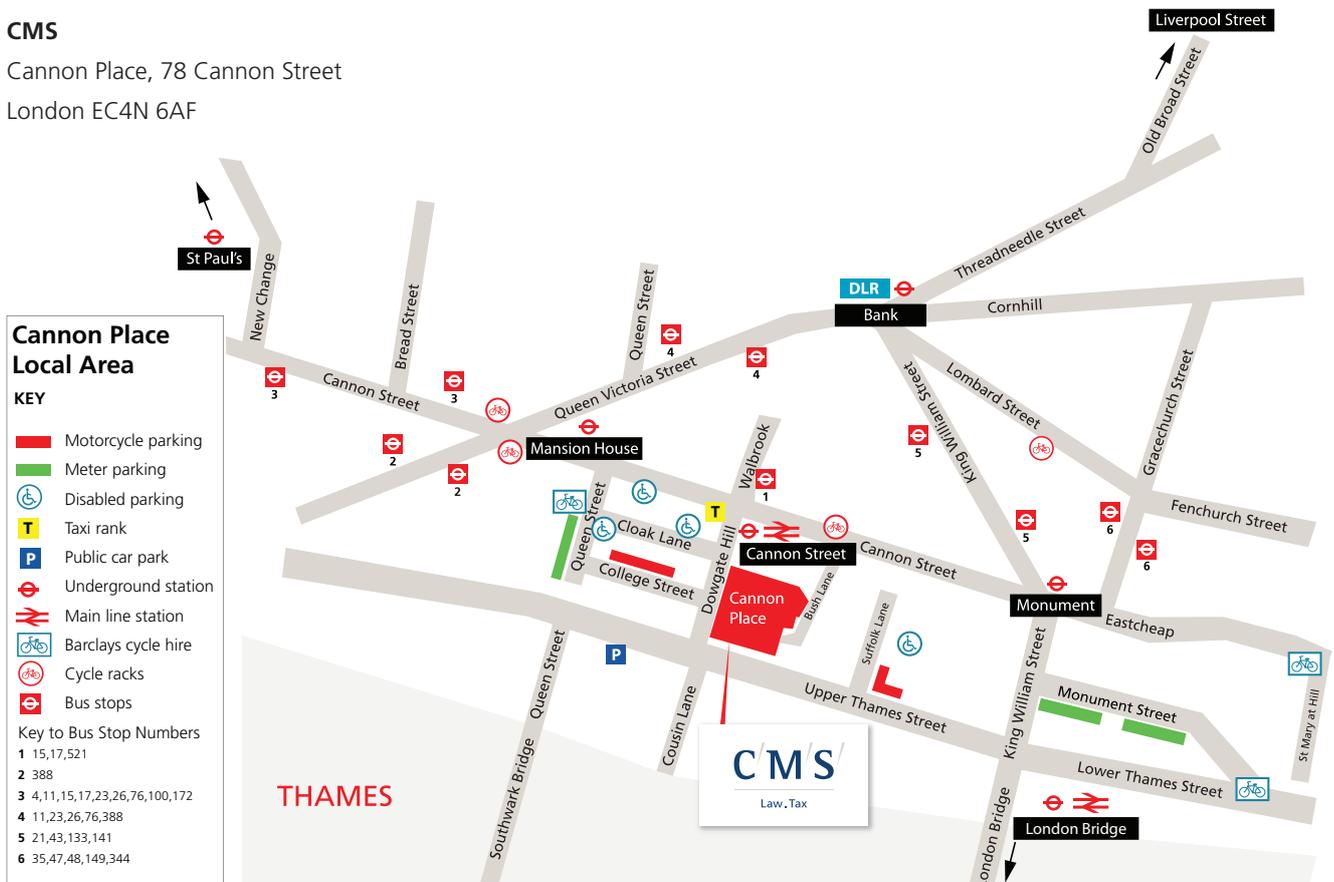
There is no fee to attend.

Please use this link to register for the conference: <http://acceurope-arbitration2016.eventbrite.co.uk>

## Where

### CMS

Cannon Place, 78 Cannon Street  
London EC4N 6AF



"ADR is not new, but neither is it a simple panacea, it needs to be worked on. Implementation of the ADR Directive and ODR Regulation promises much but is fraught with problems, and business needs to embrace them if class action litigation is not to return."

*Arundel McDougall*

Exclusive pre-conference event and pre-conference drinks reception in conjunction with the European Justice Forum (EJF)



EUROPEAN  
Justice Forum

### **The alternatives to class actions in Europe**

How will ADR develop its proper place?  
How can business help to plant ADR more firmly in civil justice systems?

The importance of alternative dispute resolution within civil justice systems was recognised in European law in 2013, with the coming into force of the ADR Directive. Implementing the Directive is proving a challenge and its twin creation, the Recommendation, has encouraged class actions as well as ADR across Europe.

At this event, **Arundel McDougall**, Executive Director of European Justice Forum (EJF), will present EJF's design for prioritising alternative dispute resolution systems.

Based on first class independent empirical research, at a number of leading universities, including Oxford, ADR is shown to provide collective redress more effectively for consumers and businesses than class litigation, without risking the potential for abuse inherent in class actions.

**When: Thursday, 17 March 2016 at 5.30 pm**

**Where: Cannon Place, 78 Cannon Street, London EC4N 6AF**

#### **About the European Justice Forum (EJF)**

EJF was formed 10 years ago by a number of global corporations to defuse the threat of US-style class actions in Europe. EJF promotes balanced civil justice systems reflecting the interests of consumers and business. EJF prioritises alternative redress mechanisms, with regulatory oversight, and litigation as a last resort.

Find out about EJF's design for ADR as an integral part of a holistic redress policy involving courts and regulators, where litigation is a last resort.

For more information contact EJF at [www.europeanjusticeforum.org](http://www.europeanjusticeforum.org) or [info@europeanjusticeforum.org](mailto:info@europeanjusticeforum.org).