

INTERNATIONAL DISPUTE RESOLUTION: DIVERSITY TOWARDS CONVERGENCE?

KRAKOW, 15-16 OCTOBER 2015

Venue

Aula Senacka Collegium Novum UJ

Golebia 24
Krakow 31-007
Poland

Objective

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

Co-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

9:30 – 10:00 Opening remarks

10:00 – 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.

Panellists will present:

- The legislative incentives, aimed towards (i) creating an arbitration-friendly jurisdiction and infrastructure required for the setting up of the *arbitration hotspot* and (ii) establishing mediation as a preferred method of resolving business disputes;
- 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.

15:00 – 18:00

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*.

In the first part, the needs of the business as presented by the in-house counsel are focal. Points for discussion will include:

- Systemic management and prevention of disputes v. dispute resolution;
- Global approaches and their implementation in the CEE's reality;
- Industry-specific dispute resolution.

The centerpiece of the second part plays the analysis of the cross-fertilization between different methods of dispute resolution. Issues will include:

- Use of dispute boards in commercial contracts;
- Active settlement by the arbitrator;
- Negotiations pre and during the arbitral proceedings;
- Justice v. effectiveness;
- Public justice v. private settlement.

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9:30 – 13:00

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.

Points for discussion will include:

- Arbitration between non-signatory parties;
- Discovery: its origins in anglosaxon law, its spill over into international arbitration;
- Disclosure in proceedings with continental substantive law in international arbitration.

14:30 – 17:00

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. Topics will include:

- From rules to principles. Are the principles common?
- The *true principles v. the new principles* – in search of efficiency;
- The role of soft law in the distribution of power;
- Limits of regulation;
- Remedies to misconduct - policing and sanctioning;
- In search of transparency - do arbitral institutions have a role to play?

17:00 – 17:30

Closing remarks

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SPEAKERS

- Stavros Brekoulakis**, Professor, Queen Mary University of London, London
- Michelangelo Cicogna**, Partner, De Berti Jacchia, 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**, Partner, McDermott Will & Emery, Paris/London
- Philipp Habegger**, President, Arbitration Court Swiss Chambers' Arbitration Institution / Partner, Lalive, Zurich
- Maria Hauser-Morel**, Counsel, ICC International Court of Arbitration, Paris
- Anja Havedal-Ipp**, Counsel, SCC, Stockholm
- Richard Kreindler**, Partner, Cleary Gottlieb Steen & Hamilton, Frankfurt
- Bartosz Krużewski**, Partner, Clifford Chance, Warsaw
- Wolf von Kumberg**, Member of the Board of Directors, IMI / Chair of the Board of Management, CI Arb, London
- Timothy Lindsay**, Partner, Dechert, London
- Marco Lorefice**, Senior Lawyer, Edison SPA, Milan
- Alexis Mourre**, President, ICC International Court of Arbitration, Paris
- Jerzy Pisuliński**, Deputy Dean, Jagiellonian University, Krakow
- Roman Rewald**, President, Lewiatan Mediation Centre / Partner, Weil, Gotshal & Manges, Warsaw
- Laurence Shore**, Partner, Herbert Smith Freehills, New York
- Stanisław Sołtysiński**, Of Counsel, SKS Legal, Warsaw
- Małgorzata Surdek**, Partner, CMS Cameron McKenna, Warsaw
- Andrzej Szumański**, Professor, Jagiellonian University, Krakow
- Rolf Trittman**, Partner, Freshfields Bruckhaus Deringer, Frankfurt
- Sebastian Urban**, Legal Director, Discovery Networks CEEMEA, Warsaw
- Felix Weinacht**, Head of Industry Litigation, Siemens, Munich
- Michael Young**, Partner, Allen&Overy, Paris

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LOGISTICS AND REGISTRATION

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Working language:

English

How to register:

Please visit www.mediujmy.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*

150 PLN for the students of the Faculty of Law of the Jagiellonian University

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@mediujmy.pl prior to the Conference.

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