



JAGIELLONIAN UNIVERSITY
IN KRAKÓW



**ICC ARBITRATION AND ADR
TRAINING PROGRAMME
Jagiellonian University
Krakow 2015/2016**

CONTENTS

ICC ARBITRATION AND ADR TRAINING PROGRAMME 2015/2016..... 3

I. GENERAL INFORMATION 3

 1. Introduction 3

 2. Objective 4

 3. Working methods 6

 4. Lecturers 8

 5. Participants – who is it for? 10

II. APPLICATION PROCESS 11

III. SCHEDULE 12

IV. PROGRAMME 13

V. Contact 18

VI. Appendix 1 19



ICC ARBITRATION AND ADR TRAINING PROGRAMME 2015/2016

I. GENERAL INFORMATION

1. INTRODUCTION

In the current realities of the globalised world, methods alternative to the system of national common courts - arbitration and ADR - have become the preferred means of resolving commercial disputes between parties from different jurisdictions.

In order to aptly respond to the needs of the clients - providing bespoke services in the environment where the entire globe constitutes the competition field - counsel must be equipped with not only knowledge, but also the specific set of skills. Moreover, navigating through diverse legal systems and cultures with divergent business practices demanding fast-paced decision-making - the practitioners are faced with many challenges.

Consequently, we believe that international arbitration and ADR shall be taught based on internationally accepted best practices delivered by the prominent practitioners and reputable scholars with whom the future arbitration and mediation counsel can personally interact.

Such a unique opportunity has arisen in a form of the *ICC Arbitration & ADR Training Programme* in Krakow.

2. OBJECTIVE

The ICC Arbitration and ADR Training Programme is an educational project in the field of international arbitration and ADR. It is an initiative organised under the patronage of the leading arbitral institution worldwide – International Court of Arbitration of the International Chamber of Commerce (ICC) and Polish National Committee of the ICC (ICC Poland) at the Faculty of Law and Administration of the Jagiellonian University in Krakow.

The 2015/2016 course will be a second edition – following a success of the 2014/2015 *ICC Arbitration & ADR Training Programme*.

The training programme covers all aspects of the arbitral proceedings providing the tools for the participants to master the skills mandatory for a successful counsel. The programme aims to develop state-of-the-art expertise in international arbitration and alternative dispute resolution services provided by the International Court of Arbitration of the ICC and the International Centre for ADR.

The programme is a one-off chance to:

- network and grasp the expertise from the renowned arbitration and ADR practitioners worldwide and regionally;
- learn from the academics of the globally leading educational institutions providing cutting-edge scholarship in the field of arbitration and ADR;
- gain knowledge directly from the source – from participating ICC Court's Secretariat's representatives;
- polish one's advocacy skills
- draw from the multicultural and international aspects of the course.

The course provides an in-depth understanding of the ICC Arbitration procedure under the 2012 ICC Rules of Arbitration and the 2014 ICC Mediation Rules by the



thorough analysis of a case study which addresses the challenges of a complex commercial dispute.

The course also covers the major issues in connection with arbitral proceedings and ADR, including the aspects of proceedings before the national courts.

3. WORKING METHODS

The course is designed in a form of 5 two-and-a-half day workshops which will suit the needs of working professionals and academics alike – delivering the workshops over Friday, Saturday and Sunday (until midday).

The course have a distinctive practice-oriented approach. The hands-on teaching methods will include individual and small-group exercise, as well as plenary discussion. Amongst others the exercise will include:

I. DRAFTING OF:

1. Arbitration clause
2. Request for Arbitration
3. Answer to the Request for Arbitration
4. Challenge of the Arbitrator
5. Request for Joinder
6. Request for Emergency Arbitrator
7. Request for conservatory and interim measures/relieves/injunctions
8. Request for costs security
9. Terms of Reference
10. Procedural Timetable/Procedural Orders
11. Challenge of the Award
12. Request for Mediation (pre-arbitration settlement)

II. PRODUCTION OF DOCUMENTS:

1. Written evidence
2. Witness' / expert's reports



III. ROLE-PLAY / SIMULATION OF:

1. Hearing / preliminary hearing
2. Testimony
3. Oral pleadings
4. Examination
5. Cross-examination
6. Pre-arbitration case management conference
7. Interview with the potential arbitrator/mediator

IV. DEVISING AND WRITING OF:

1. Case strategy
2. Reports

4. LECTURERS

The course will be delivered by the widely-recognised leading experts in the field of international dispute resolution from various jurisdictions.

Amongst confirmed lecturers of our 2015/2016 course are:

ICC SECRETARIAT:

- Maria Hauser
- Alina Leoveanu
- Darya Shirokova

FOREIGN PRACTITIONERS:

- Cecilia Carrara (Legance, Rome)
- Thomas Granier (McDermott, Will & Emery, Paris)
- Simon Greenberg (Clifford Chance, Paris)
- Axel Benjamin Herzberg (Herzberg Legal, Berlin)
- Werner Jahnel (Lalive, Zurich)
- Matthias Kuscher (De Brauw, Amsterdam)
- Bart Legum (Dentons, Paris)
- Martin Magal (Allen&Overy, Bratislava)
- Marina Matousekova (Shearman&Sterling, Paris)
- David Pawlak (DAP, New York/Warsaw)
- Michele Sabatini (Radicati, di Brozolo, Sabatini, Benedettelli, Milan)
- Florian Grisel (King's College London)
- Remy Gerbay (Queen Mary University of London)

POLISH PRACTITIONERS:

- Marcin Ciemiński (Clifford Chance)
- Beata Gessel-Kalinowska vel Kalisz (Gessel)
- Maciej Jamka (K&L Gates)
- Michał Kocur (Kocur&Partners)

- Bartosz Krużewski (Clifford Chance)
- Piotr Nowaczyk (Kancelaria Adwokacka Piotr Nowaczyk)
- Paweł Pietkiewicz (Greenberg Traurig)
- Tomasz Wardyński (Wardyński&Partners)

** Please note that the list of lecturers is established in great advance, therefore it might be subject to change due to unforeseen circumstances and events beyond the control of the organisers.**

5. PARTICIPANTS – WHO IS IT FOR?

This programme is designed to accommodate various levels of practical experience, however, a thorough general knowledge of arbitration and ADR is a pre-requisite, as well as keenness to learn further.

ICC Arbitration and ADR Training Programme is designed to benefit:

- practising lawyers,
- corporate counsel
- academics
- students (PhD and Master's)

who wish to deepen their practical knowledge and share their views with other arbitration and ADR practitioners.



II. APPLICATION PROCESS

In order to benefit from the practical teaching methods and encourage active participation and networking the course is limited to 45 participants.

Application form can be downloaded from www.mediujmy.pl

Please fill in the application form and send together with your resume to karolina.jackowicz@mediujmy.pl .

The selection process will be taking place on a rolling basis, therefore an early application is encouraged.

The applicants will be selected on the basis of information provided in the application documents.

The results will be notified to the candidates by email within one week from the date of application.

In order to be fully admitted it is required to make clear payment of the course fee within 7 days of the notification of the individual bank account number being created in the USOSweb system of the Jagiellonian University for each of the participants.

The cost of participation is:

- 1.500 PLN for the students of the Jagiellonian University and full time academics;
- 2.500 PLN a regular fee

Candidates who will have actively participated in the course (attendance above 75%) and submit the final assignment will be issued a Certificate of Completion (which is a diploma of the course at the Jagiellonian University).

III. SCHEDULE

ICC ARBITRATION AND ADR TRAINING PROGRAMME

2015/2016

	Topic	Date
WORKSHOP 1	Dispute Resolution Clause. Case strategy. Request for Arbitration and Answer.	22-24 January 2016
WORKSHOP 2	Arbitrators. Interim Measures. Emergency Arbitration.	15-17 April 2016
WORKSHOP 3	Hearing and Evidence.	13-15 May 2016
WORKSHOP 4	The Award. Post-arbitral Proceedings.	10-12 June 2016
WORKSHOP 5	ADR. Mediation.	24-26 June 2016

The total number of academic hours of the course is 120 “contact-hours”.

IV. PROGRAMME

ICC ARBITRATION AND ADR TRAINING PROGRAMME 2015/2016 - PROGRAMME

1) WORKSHOP 1

INTRODUCTION. DISPUTE RESOLUTION CLAUSE. CASE STRATEGY AND MANAGEMENT. REQUEST FOR ARBITRATION AND ANSWER.

1. Introduction.
 - a. Arbitration and ADR in the world today.
 - b. Positioning of ICC Arbitration and ADR globally and in the CEE.
2. ICC as an administering institution.
 - a. Notifications and communications
 - b. Calculation of the time limits
 - c. Role of the Secretariat of the ICC International Court of Arbitration from the Terms of Reference to the end of the Procedure
3. Dispute resolution clause.
 - a. ICC model clause.
 - b. Dispute resolution clauses:
 - Arbitration clause
 - Mediation clause
 - Two-tier clauses.
4. Pre-arbitration settlement.
5. Case strategy.
6. Request for Arbitration.
 - a. preparing and drafting the Request
 - b. setting up the strategy (Claimant's): analysis of the different procedural options and dispute resolution methods; parties' identification, selection of claims, measures and relieves
7. Answer to the Request for Arbitration.
 - a. preparing and drafting the Answer
 - b. setting up the Respondent's strategy

- c. counterclaims.
- 8. *Prima facie* decision on the existence of the arbitration agreement
- 9. Material terms of arbitration agreement
 - a. Non-signatories: Group of companies doctrine
 - b. States
 - c. Guarantor
- 10. Jurisdiction of the arbitral tribunal
- 11. *Compétence-compétence* principle
- 12. Complex arbitrations:
- 13. multi-party arbitration
- 14. multi-contract arbitration
- 15. joinder of third parties
- 16. parallel proceedings
- 17. consolidation of matters
- 18. Interim / partial award on jurisdiction
- 19. Case management – strategic and technical.
 - a. Location (hearings, meetings, deliberations)
 - b. Language
 - c. Applicable law, contractual provisions and usages, *amiable compositeur*, *ex aequo et bono*
 - d. Complex proceedings:
 - e. procedural meeting / procedural hearing
 - f. case management conference and organizational issues
 - g. bifurcation
 - h. Procedural Timetable

2) WORKSHOP 2

ARBITRATORS. INTERIM MEASURES. EMERGENCY ARBITRATION.

- 20. Arbitrators.
 - a. Powers, duties and roles of Arbitrators
 - b. Sole-arbitrator vs Arbitral Tribunal
 - d. Choosing the Arbitrator – selection criteria
 - e. Qualifications and credentials

- f. Independence and Impartiality
 - g. Conflicts of interest
 - h. Constitution of a Tribunal
 - i. Joint-nomination
 - j. Third-parties participating in selection
 - k. Confirmation by the Secretary General
 - l. Appointment of Arbitrators
 - m. Objections to confirmation by the ICC Court
 - n. Challenges against Arbitrators
 - o. Replacement / Resignation of Arbitrators
21. Terms of Reference
22. Emergency Arbitrator and Emergency Measures under 2012 ICC Rules.
23. Conservatory and Interim Measures
- a. conservatory and interim measures ordered by the Tribunal
 - b. counter-security
 - c. remedies in case of non-compliance
 - d. dismissal of Counsel
 - e. attachment of assets
 - f. security for Costs
24. Involvement of the local courts
- a. relations between Arbitral Tribunals and National Courts
 - b. arbitrability of the dispute
 - c. art. 6 (6) of the ICC Rules
 - d. conservatory and interim measures ordered by national courts
 - e. anti-arbitration injunctions
 - f. attachment of assets

3) WORKSHOP 3

HEARING AND EVIDENCE.

25. Hearings.
- a. Confidentiality
 - b. Preliminary hearings
 - c. Expert determination

- d. Preparation of witnesses and experts for cross-examination
 - e. Witness examination and witness-expert examination and cross-examination/witness conferencing
26. Admissible / non admissible conduct
- a. Evidence.
 - b. Scope of discovery
 - c. Criteria and procedure of document production
 - d. Oral evidence / testimony / examination in chief and cross-examination
 - e. Production of documents: written evidence, witnesses and experts' reports
 - f. Identification of issues to be put before the expert
 - g. Identification of expert / ICC expertise

4) WORKSHOP 4

THE AWARD. POST-ARBITRAL PROCEEDINGS.

27. Closing submissions.
28. Post hearing briefs.
29. The Award
- a. interim, partial and final awards
 - b. Award by consent
 - c. ICC Award Checklist
 - d. form of the award
 - e. applicable law
 - f. burden of proof and evaluation of evidence
 - g. dispositive part of the award
 - h. dissenting / concurring opinion
30. Notification of the Award.
- a. scrutiny by the ICC Court
 - b. notification of the Award
 - c. correction / interpretation / remission of awards
 - d. enforcement proceedings
31. Costs.
- a. costs and interest.
 - b. allocation of costs



- 32. Recognition and enforcement.
- 33. Challenge.

5) WORKSHOP 5

ADR. MEDIATION.

- 34. ADR: ICC Mediation, Expertise, Negotiations
- 35. FIDIC DAB/DRB.



V. Contact

If you have any questions or queries please do not hesitate to contact us. Please email Karolina Jackowicz at Karolina.jackowicz@mediujmy.pl

VI. Appendix 1

APPLICATION FORM FOR THE ICC ARBITRATION AND ADR TP 2015/2016

PERSONAL INFORMATION

Title: _____

Family Name: _____ First Name: _____

E-Mail Address: _____ Phone Number: _____

Organisation: _____ Position: _____

INQUIRY DETAILS

Complete the form and send it to the following e-mail address: karolina.jackowicz@mediujmy.pl

1. WHAT IS YOUR LEVEL OF THE ENGLISH LANGUAGE PROFICIENCY? (mark with "x")

intermediate [] upper-intermediate [] advanced [] proficient []

2. WHAT IS YOUR LEVEL OF LEGAL ENGLISH?

Basic [] advanced [] proficient []

3. PLEASE STATE ON WHAT BASIS (ie. certificate of language proficiency, already studied/worked in an English speaking environment etc.):

4. WHY WOULD YOU LIKE TO PARTICIPATE IN THE PROGRAMME? (max. 500 words)

5. HAVE YOU ALREADY HAD ANY EXPOSURE TO ARBITRATION OR ADR? (max. 300 words)

6. WHICH OF THE TOPICS OF THE WORKSHOPS IS OF PARTICULAR INTEREST TO YOU? (max. 200 words)

7. WHAT SKILLS WOULD YOU LIKE TO IMPROVE BY PARTICIPATING IN THE COURSE? (max. 200 words)

8. HOW DID YOU HEAR ABOUT THE PROGRAMME?

Internet (please state a specific website) _____ University []

Other (please state) _____ Word of mouth []

9. WOULD YOU LIKE TO PARTICIPATE IN THE CONFERENCE *International Dispute Resolution: Diversity Towards Convergence? On 15/16 October 2015 in Krakow?* (mark "x" if yes) [] YES

The details provided on this form will be used solely for registration and selection purposes. In order to process the data please indicate whether you agree on the following:

[] I hereby give my consent for processing my personal data included in the course application documents for the needs of the selection process.