

## Course Outline

### Specialized Arbitration and Advocacy Skills

#### in the International Minerals and Hydrocarbons Extraction Industries

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**FACULTY:** Arif Hyder Ali (Seminar Director; Crowell & Moring LLP, Washington, D.C., USA and London, England), Colin Byford (Navigant Consulting, London England), Roberto Calabresi (SLCG, Florence, Italy), Peter Cameron (Seminar Director; University of Dundee, Dundee, Scotland), Alejandro Escobar (Baker Botts, London, England), Karim Hafez (Hafez, Cairo, Egypt), Laura Hardin (Navigant Consulting, Houston, Texas), Kaj Hober (Mannheimer Swartling, Stockholm, Sweden and University of Dundee, Dundee, Scotland), Abba Kolo (University of Dundee, Dundee, Scotland), Tim Martin (Independent Arbitrator, Calgary, Canada), Michael McIlwrath (GE Nuovo Pignone SA, Florence, Italy), Sophie Nappert (Independent Arbitrator, London, England), Constantine Partasides (Freshfields, Bruckhaus, Derringer, London, England)

**VENUE:** City Grange Hotel, London, England

**DATES:** September 7-11, 2009

TIME	LEAD/COMMENTATOR	TOPICS	MATERIALS
<b>Monday, September 7</b>			
09:00 - 9:15	P. Cameron, T. Rattray, A. Ali	Welcome, Opening Remarks and Administrative Issues	
09:15 – 10:15	T. Martin	<b>International Arbitration in the International Minerals and Hydrocarbons Extraction Industries – The Oil and Gas Sector</b> <ul style="list-style-type: none"><li>• Overview of the international oil and gas industry</li><li>• Profile of risks in and disputes that arise in international oil and gas contracts and investments</li></ul>	

		<ul style="list-style-type: none"> <li>• Methods of dispute resolution – negotiation, mediation, litigation, expert determination, dispute resolution boards, arbitration</li> <li>• Business, policy, legal and practical drivers behind dispute resolution strategies</li> <li>• Overview of major oil and gas arbitration precedents</li> </ul>	
<b>10:15-11:00</b>	P. Cameron	<b>International Arbitration in the International Minerals and Hydrocarbons Extraction Industries – The Mining Sector</b> <ul style="list-style-type: none"> <li>• Overview of the international mining industry</li> <li>• Profile of risks in and disputes that arise in international mining investments</li> <li>• Overview of major mining arbitration precedents</li> </ul>	
<b>11:00 – 11:15</b>	<b>BREAK</b>		
<b>11:15 – 12:30</b>	A. Ali	<b>The International Arbitral Framework</b> <ul style="list-style-type: none"> <li>• The international treaty framework</li> <li>• The international arbitral framework viewed through the prism of drafting an arbitration clause – ad hoc versus institutional arbitration, institutional rules, number of arbitrators, place of arbitration, language of arbitration, governing law, single-step versus multi-tiered clauses</li> </ul>	
<b>12:30 – 2:00</b>	<b>LUNCH</b>		
<b>2:00 – 3:30</b>	M. McIlwrath, R. Calabresi	<b>Managing and Preparing for the Commencement of an International Arbitration</b> <ul style="list-style-type: none"> <li>• Preliminaries once arbitration is probable (pre-action letters and notices; document retention)</li> </ul>	

		<p>and new document creation; identifying key employees; establishing “ownership” of outcome)</p> <ul style="list-style-type: none"> <li>• Anticipating media coverage</li> <li>• The relationship between in-house and outside counsel: how to maintain, or ruin, the relationship</li> <li>• In-sourcing, offshoring, and deciding whether to appoint outside counsel (and who)</li> <li>• Preparing for the first meeting</li> <li>• Early Case Evaluation (ECA)</li> <li>• The mediation option</li> <li>• FAS 5 (accounting) considerations; deciding on and maintaining reserves</li> <li>• Cost estimates, fee arrangements, and budgeting</li> <li>• Establishing dispute resolution objectives</li> <li>• Reporting requirements</li> </ul>	
<b>3:30 – 3:45</b>	<b>BREAK</b>		
<b>3:45 – 5:00</b>	<b>PRACTICAL TRAINING SESSION I</b>  <b>(1) Critical examination of dispute resolution clauses</b>  <b>(2) Drafting a dispute resolution clause</b>  <b>(3) Preparing a case management plan and budget</b>		
<b>Tuesday, September 8</b>			
<b>09:30 – 11:00</b>	T. Martin, K. Paisley	<b>Preparing and Filing an International Arbitration</b>  <ul style="list-style-type: none"> <li>• Collection and evaluation of evidence</li> <li>• Witness interviews and statements</li> <li>• Selecting experts</li> <li>• Party issues (consortia, joint ventures, multiple parties)</li> </ul>	

		<ul style="list-style-type: none"> <li>• Identifying/addressing threshold and preliminary issues (jurisdiction, issues capable of early determination)</li> <li>• The Request for Arbitration</li> <li>• Defaults and defaulting parties</li> <li>• Answer and Counterclaims</li> </ul>	
<b>11:00 – 11:15</b>	<b>BREAK</b>		
<b>11:15 – 12:30</b>	T. Martin, K. Paisley	<p><b>Selection and Appointment of Arbitrators and Mediators for Disputes in the Minerals and Hydrocarbons Extraction Industries</b></p> <ul style="list-style-type: none"> <li>• Arbitrator and mediator ethics and independence</li> <li>• Arbitrators: expectations for chairs vs. party appointees</li> <li>• The truth on arbitrator and mediator selection: how it really gets done, the use of informal methods of information exchange it work or fail miserably</li> <li>• Trends in arbitrator selection; open and private databases, interviewing, and feedback</li> <li>• Arbitrator disclosures and ethical considerations; what does (and does not) get disclosed</li> <li>• Communications with arbitrators before and after appointment, and interviewing candidates</li> <li>• Institutional and default appointment mechanisms</li> <li>• “The Fourth Arbitrator?” (use of a secretary to the tribunal)</li> </ul>	
<b>12:30 – 2:00</b>	<b>LUNCH</b>		