



International Centre
for Dispute Resolution



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Colombia!

The 2009 ICDR International ADR Reporting Program Series

An ICDR International Arbitration Conference

North America, Latin America and Colombia

NOVEMBER 09, 2009 | BOGOTÁ, COLOMBIA | 09:00-18:00

The ICDR and leading international arbitration experts examine the past year's significant developments in international alternative dispute resolution (ADR) in North America and Latin America, with a special roundtable discussion on ADR in Colombia.

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Conference Organizing Committee

Luis Martinez
Richard Naimark
Steve Andersen
Mark Appel
Michael Lee
Thomas Ventrone
Rafael Bernal

Please note: names are in alphabetical order.

The 2009 ICDR International ADR Reporting Program Series

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CONFERENCE GOALS

The program will cover the latest developments and recent trends in international alternative dispute resolution (ADR), with an emphasis on North America and Latin America—plus a session devoted to all ICDR focus areas in Colombia. The program also will cover the latest updates and trends regarding the ICDR's International Dispute Resolution Procedures and its international administrative system.

Four panels of distinguished expert international ADR practitioners will consider all the latest regional issues with which practitioners in the field today struggle and, along the way, provide insights into and experiences of how they approach international ADR in the Americas. In the last roundtable, counsel will respond to questions regarding their ideas and “best practices” in preparing for important phases of an ICDR international arbitration, and the panel of ICDR arbitrators will provide their perspectives regarding the issues presented.

Attendees will gain important insights as to strategy and tactics and how these are perceived by the decision makers in an international arbitration.

Each conference session will provide attendees with:

- Information on current legislation.
- Recent international arbitration judicial decisions.
- Industry trends.
- Valuable practice tips, and
- Experts' advice aimed at increasing the predictability of international ADR.

All conference sessions will be moderated, roundtable discussions with expert panelists, and audience Q&A will develop each session topic further. Program materials will be provided to conference attendees.



PROGRAM AGENDA

08:30–09:00 Registration and Coffee

09:00–09:15 Welcome Remarks

Luis Manuel Martinez, *Vice President, International Centre for Dispute Resolution; President, Inter-American Commercial Arbitration Commission, New York*

Rafael Bernal, *Director, Arbitration and Conciliation Center of the Chamber of Commerce of Bogotá*

09:15–10:45 SESSION 1: ROUNDTABLE - FOCUS LATIN AMERICA

The session will commence with an overview of and update on recent developments, cases, laws and trends in international ADR in Latin America. From their unique regional perspectives, the international authorities on this panel will proceed to examine, discuss and debate the current state of affairs in—and what the future holds for—international ADR in Latin America. Special emphasis will be given to an overview of the potential advantages and problems in selecting a Latin American country as a seat of arbitration.

Moderator:

Mauricio Gomm Santos, *Smith International Legal Consultants, P.A., Miami*

International panelist perspectives from:

Roberto Illingworth Cabanilla, *Zavala Baquerizo Abogados, Guayaquil*

Noiana Marigo, *Freshfields Bruckhaus Deringer LLP, Washington D.C.*

José Astigarraga, *Astigarraga Davis, Miami*

Ignacio Suarez Anzorena, *Chadbourne & Parke LLP, Washington D.C.*

Topics to be explored include:

- Recent important cases, legislation and trends.
- Anti-suit injunctions or other areas of concern, as well as areas of promise.
- Where to seat international arbitration in Latin America.
- The impact of Investor-State arbitration in the region: present and future.
- The economic crisis and its regional impact on international ADR.

10:45 - 11:15 Break (Coffee/Tea)

11:15 - 12:45 SESSION 2: ROUNDTABLE - FOCUS COLOMBIA

The session will commence with an overview of and update on recent developments, cases, laws and trends in international ADR in Colombia. International authorities then will examine, discuss and debate the current and future of international ADR in Colombia, as well as various international ADR topics from their individual perspectives. Special emphasis will be given to an overview of the potential advantages and problems in selecting Colombia as a seat of arbitration.

Moderator:

Jonathan Hamilton, *White & Case LLP, Washington D.C.*

International panelist perspectives from:

Rafael Bernal, *Director, Arbitration and Conciliation Center of the Chamber of Commerce of Bogotá*

Adriana Polania, *Director General, Inter-American Commercial Arbitration Commission, Bogotá*

Eduardo Silva Romero, *Dechert LLP, Paris*

Eduardo Zuleta, *Gómez-Pinzón & Zuleta, Bogotá*

Topics to be explored include:

- Recent important cases, legislation and trends.
- Anti-suit injunctions or other areas of concern as well as areas of promise.
- Colombia as a seat for international arbitration.
- The impact of Investor-State arbitration and state-owned entities in Colombia: present and future.
- Enforcement of arbitral agreements and arbitral awards.
- The economic crisis and its impact on international ADR in Colombia.

12:45–14:15 LUNCH: *International Arbitration in the Law Schools of Colombia*

Eduardo Cifuentes Muñoz, *Decano de la Facultad de Derecho, Universidad de los Andes*

Alejandro Venegas Franco, *Decano de la Facultad de Jurisprudencia., Universidad del Rosario*

PROGRAM AGENDA continued

14:15 - 15:45 SESSION 3: ROUNDTABLE – FOCUS NORTH AMERICA

The session will commence with an overview of and update on recent developments, cases, laws and trends in international ADR in North America. International authorities then will examine, discuss and debate the current—and future—state of affairs in international ADR in North America, as well as various international ADR topics from their unique regional perspectives. Special emphasis will be given to an overview of the potential advantages and problems in selecting North America as a seat of arbitration and with it, a discussion of the differences amongst U.S. venues.

Moderator:

Grant Hanessian, *Baker & McKenzie LLP, New York*

International panelist perspectives from:

David Lindsey, *Chaffetz Lindsey LLP, New York*

Luis Manuel Martinez, *Vice President, International Centre for Dispute Resolution; President, Inter-American Commercial Arbitration Commission, New York*

Anibal Sabater, *Fulbright & Jaworski LLP, Houston*

Daniele Vielleville, *Crowell & Moring LLP, Washington D.C.*

Topics to be explored include:

- Recent important cases, legislation and trends.
- Where to seat your international arbitration in North America and U.S. venues: the differences to consider.
- Anti-suit injunctions or other areas of concern, as well as areas of promise.
- Enforcement of arbitral agreements and arbitral awards.
- Electronic discovery and document exchange in international arbitration. (The ICDR's Guidelines for Information Exchange in International Arbitration)
- The Institutional Perspective.

15:45 - 16:15 Break (Coffee/Tea)

16:15-17:45 SESSION 4: ICDR INTERNATIONAL ARBITRATION PRACTITIONERS' ROUNDTABLE

Counsel's Arbitration Strategy and the Arbitrator's Perspectives:

Effective arbitration tactics—what works and what to avoid from personal experiences

From their unique perspectives, counsel and arbitrators will discuss and debate advantages and challenges regarding their own strategies, tactics and “best practices” for the various phases of an international arbitration pursuant to the ICDR International Arbitration Rules. Counsel will provide practical tips and insights and advice on avoiding potential pitfalls; they also will highlight the issues to consider when implementing the case and presentation strategies they present. Following, the panel of ICDR arbitrators will give their perspectives on what the effect of counsel's recommended strategies would be on the members of the tribunal.

Moderator:

José Astigarraga, *Astigarraga Davis, Miami*

Counsel:

Anibal Sabater, *Fulbright & Jaworski LLP, Houston*

John Bowman, *King & Spalding LLP, Houston*

Georgina Fabian, *The International Business Law Group LLC, Chicago*

Arbitrators:

Dietmar W. Prager, *Debevoise & Plimpton LLP, New York*

Tim Martin, *Independent Arbitrator, Calgary*

Juan Pablo Cardenas, *Independent Arbitrator, Bogotá*

Topics to be explored include:

The *Counsel's Strategy* and the *Arbitrator's Perspectives* for the following phases of an ICDR international arbitration—

- The Demand for Arbitration; commencement of the case; Statement of Claim and Statement of Defense; interim relief at the time of filing the demand
- The appointment strategy; the party-appointment strategy; interviewing your potential arbitrator or opting for the ICDR's list method; due diligence, disclosures, conflicts, impartial and independent standards, challenges; the IBA Guidelines on Conflicts of Interest
- The Preparatory Conference (first conference with ICDR, Counsel and the Arbitrators); first procedural order structuring the arbitration
- Panel dynamics and the panel's culture and legal tradition; power of the chair
- Common Law vs. Civil Law—the differences and the convergence
- The scope of discovery requests; the use of depositions, interrogatories and electronic discovery; the ICDR's Guidelines for Information Exchange in international arbitration; the IBA Rules of Evidence
- Presentation of evidence; questioning the witness; effective advocacy; post-hearing submissions; drafting of the award pursuant to the ICDR Rules; costs, interpretation or correction of the award; applicable laws and remedies; form of the award and enforcement
- Other relevant issues to consider

17:45 - 18:00 CLOSING REMARKS

Luis Manuel Martinez, *Vice President, International Centre for Dispute Resolution, New York*