



ICAL ALUMNI ASSOCIATION
stockholm university



MASTERING THE CHALLENGES IN INTERNATIONAL ARBITRATION

29-30 AUGUST 2013
Grand Hôtel, Stockholm

An international conference celebrating a decade of study and research in international arbitration at the Master Program of International Commercial Arbitration Law at Stockholm University.

In partnership with



ARBITRATION INSTITUTE
OF THE STOCKHOLM CHAMBER OF COMMERCE

SAA

The Swedish Arbitration Association



Stockholm
University



United Nations
UNCITRAL

CONFERENCE PROGRAM

DAY 1 – THURSDAY 29 AUGUST 2013

12:00 -12:45 Registration with coffee and sandwiches

13:00 Conference opening: Patricia Shaughnessy, Stockholm University

13:05 Remarks from Jonas Ebbesson, Dean of Stockholm University's Department of Law

13:15 Welcome address: Johan Gernandt, Consultant with Vinge

13:30 Key-note address

1ST MODULE - MASTERING ISSUES OF PUBLIC INTERESTS IN PRIVATE DISPUTES

13:50 **Session 1 - Dealing with arbitrability and mandatory law in arbitration: do new regulatory approaches require new solutions?**

- Can parties avoid national or regional regulatory laws by choosing a favorable arbitral seat and substantive law?
- Can arbitrators ignore "mandatory rules" regulating corporate governance, export trade sanctions, anti-money laundering rules, data protection laws and competition law?
- Can UNCITRAL harmonization efforts accommodate varied national "public interests"?
- Has arbitration become an autonomous legal system that can disregard national mandatory rules and instead create its own transnational rules?

15:10 Coffee/tea break

15:40 **Session 2 - Corruption: arbitration for users or abusers, and whose problem is it anyway?**

- What are the red flags signaling corrupt practices?
- Distinguishing between cultural and corrupt practices: is there an international standard?
- How can arbitrators ensure that corruption allegations are not obstruction and disruption tactics?
- Determining and meeting the burden of proof
- Does so-called transnational public policy provide a tool to deal with corruption?
- What are possible consequences and sanctions for corrupt practices?

17:00 Short break

17:10 **Session 3 - Aligning corporate compliance, risk avoidance, and dispute policies and strategies**

- Documenting and investigating compliance with laws and regulations: creating a future defense or leaving a smoking gun?
- Protecting confidential company information relating to compliance and corporate social responsibility programs from future disclosure
- What are the best methods for in-house and external counsel to work together in developing risk management policies that also ensure efficient dispute resolution?
- How can a company coordinate its positions when simultaneously engaged in private arbitration and proceedings before public authorities?

18:15 End of day

18:15 - 20:30 Networking event: Cocktail reception hosted by Vinge.

DAY 2 – FRIDAY 30 AUGUST 2013

2ND MODULE - MASTERING CONFLICTS BETWEEN PARTY AUTONOMY AND ARBITRATORS' POWERS

09:00 Opening address

9:15 **Session 4 - The managerial (or mismanaging) arbitrator: what are the limits of her power and the requirements of her duty?**

- What are and who controls the sources and the limits of arbitrator power?
- What is the correct balance between the parties' procedural agreements and the tribunal's power to conduct the proceedings in a manner it deems appropriate?
- Do expedited or emergency arbitrator procedures require more management by the tribunal and less party control?
- Jura novit curia: Can the tribunal raise points of facts, contract provisions, or law on its own motion?
- Do arbitration institutions have a duty to ensure that arbitrators act efficiently and fairly?

10:30 Coffee/tea break

11:00 **Session 5 - Regulating counsel and arbitrator conduct: is international arbitration the Wild West of the legal community?**

- Will the new IBA Guidelines on party representatives bring needed order or create new issues?
- What role does culture have to play in determining what constitutes unethical behavior?
- Should a lawyer's duty to zealously represent his or her client be performed without regard to the arbitral process?
- Do arbitral institutions or tribunals have the power to sanction a counsel's particularly bad behavior or to sanction a party?

12:15 Lunch

13:45 **Session 6 - Preparing and pursuing challenges to arbitrators**

- The abuse of challenging an arbitrator as strategy: should it be controlled or are challenges a freely exercisable right?
- Are agreements to waive challenges enforceable?
- How far does an arbitrator have to go when investigating potential conflicts and does the arbitrators' duty of disclosure extend to secretaries to the Tribunal?
- Is it appropriate for counsel coordinate a defense to a challenge with the challenged arbitrator and should an arbitrator under challenge respond directly?
- How should arbitration institutes handle challenges: should they ever hold hearings, consult with the challenged arbitrator, give reasoned decisions, or publish their sanitized decisions?

15:00 Coffee/tea break

3RD MODULE - MASTERING DISPUTES INVOLVING STATES AND STATE-CONTROLLED PARTIES

15:30

Session 7 - Arbitrating with a state or state-controlled party: overcoming challenges and creating strategies

- What are effective arbitration strategies for dealing with a change in government, a change in regulation, or a change in contracts?
- Should contracts with a state party have a specially tailored arbitration clause?
- Should institutional rules be adapted to meet the needs of arbitration with state-controlled parties?
- What is the scope of and exceptions to sovereign immunity?
- Does sovereign immunity extend to interim measures of protection?

16:45

Closing presentation

17:00

Concluding remarks

17:15

End of Day

19:30

Gala dinner at the Opera Terrace

REGISTRATION

Registrations may be made through the Conference website – www.juridicum.su.se/ical/conference2013

Fees

The registration fee includes attendance to the Conference at the Grand Hôtel, Conference materials, refreshments during breaks, the lunch and dinner on the second day of the Conference.

Professional/Private practice/Company

Early bird*	EUR 495
Standard registration fee	EUR 595

Institutional/Civil servants/Academics/Students

Early bird*	EUR 395
Standard registration fee	EUR 495

<u>Guest accompanying to Gala Dinner</u>	EUR 150
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<u>ICAL ALUMNI**</u>	EUR 225
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*Early bird rates are for registrations made before 30 June 2013. Standard rates apply thereafter.

**All ICAL Alumni are subject to pay one standard registration fee of 225 EUR, even when registering before June 30. No early bird rate applies to ICAL alumni.

Accommodation

Accommodation is not included. Participants are asked to make their own hotel arrangements. Preferred Hotel Partner for the Conference is Grand Hôtel in Stockholm. It is a five star hotel and also the Conference venue. Preferred rates will be available until 12 August 2013.

Alternatively, Elite Hotel Stockholm Plaza on Birger Jarlsgatan 29, or Elite Eden Park Hotel on Sturegatan 22, both located in Stockholm, are offering preferred rates for attendees of the Conference. They are four stars hotels, but there is limited availability of preferred rates. Reservations for Elite Hotel Stockholm Plaza should be made by e-mail to reservation.stoplaza@elite.se with reference to code No. 1704491. Reservations for Elite Eden Park Hotel should be made by e-mail to reservation.edenpark@elite.se with reference to code No. 1704492.

For more information on accommodation offers, please visit the Conference website www.juridicum.su.se/ical/conference2013

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