

ICC's 8<sup>th</sup> annual Miami conference

## International Commercial Arbitration in Latin America: The ICC perspective

Under the auspices of the International Court of Arbitration®

**Dates:** 7 - 9 November 2010

**Venue:** Miami, Florida  
The Ritz-Carlton, South Beach  
One Lincoln Road

EARN

14 CLE credits  
12 MCLE credits  
12 CPD hours  
12 CNB hours

### Objective

As approaches to key issues may differ from one region to another, the success of an arbitration greatly depends on a good understanding of local legal cultures and attitudes. This conference is a key forum for understanding international commercial arbitration in Latin America and aims to shed light on the latest developments in the region. ICC will gather some of the world's leading practitioners and scholars as speakers for this important event. Participants will have the rare opportunity to learn from these leading experts firsthand through presentations and a practical session.

### International Court of Arbitration®

The ICC International Court of Arbitration is reputed for being the world's leading institution for resolving international commercial and business disputes and has had a distinguished and long-standing history of international dispute resolution for 85 years. Over the past five years it has received 3,193 requests for arbitration from all over the world. Of the 8,499 parties involved in the cases filed with the ICC Court, almost 12% came from Latin America and the Caribbean.

### Who should attend?

Practicing lawyers, corporate counsel, arbitrators, mediators, academics, as well as any professional doing business in Latin America and the Caribbean, wishing to increase their understanding of international commercial arbitration in the region.

**Sunday 7 November 2010**

6.00 – 8.00 *Welcome reception*

**Monday 8 November 2010**

8.00 – 9.00 *Registration*

9.00 – 12.45

**Welcome remarks and introduction**

**Roundtable: jurisprudential trends in Latin America**

In a roundtable format, this panel will analyse recent state courts arbitration decisions in different Latin American jurisdictions. The panel will also discuss whether decision patterns may be found both on a local and regional scale.

**Discussion**

**“Issue Conflict”: legal and ethical considerations in commercial and investment arbitration**

This panel will address the legal and ethical implications of dealing with similar or identical issues in different cases and in different capacities, namely as arbitrator, counsel and/or expert. In particular, the panel will focus on situations related to certain fields of arbitration, such as investment arbitration and will discuss whether situations of issue conflict may arise in certain aspects of commercial arbitration.

**Discussion**

12.45 – 2.30 *Lunch*

2.30 – 6.00

**Practical session: techniques on direct and cross-examination in international arbitration**

This session will feature a live demonstration of different cross-examination techniques used in international arbitration. The panel will particularly focus on cultural and legal differences that may impact this process.

**Discussion**

**How international arbitration has shaped the negotiation of oil and gas contracts**

Several arbitral tribunal decisions related to the oil and gas industry will be analyzed and discussed during this session. Within this context, the panel will investigate whether common notions and practices applied to this industry are based on prior arbitral decisions and what conclusions, if any, can be drawn from the use of arbitration for the future.

**Discussion**

7.30 *Dinner*

**Tuesday 9 November 2010**

9.00 – 12.30

**The construction boom in Latin America: the interaction between arbitration, dispute boards and expert determination**

In view of the increasing importance and sophistication of the construction industry in Latin America, this panel will study how different dispute resolution mechanisms are being used by the industry in the region. The differences, advantages and disadvantages of such mechanisms will also be dealt with during this session.

**Discussion**

**Amparo, fundamental rights and international arbitration in Latin America**

This panel will focus on the impact that constitutional recourses may have on international arbitrations involving Latin American parties. The panellists will analyse, in particular, to what extent recourses of *Amparo*, and other similar recourses based on fundamental and constitutional rights, were designed to deal with or are applicable to international arbitration.

**Discussion**

12.30 – 2.30 *Lunch*

2.30 – 6.00

**Case management in international arbitration: how to guarantee efficiency and due process**

This panel will analyze different techniques for managing an arbitration efficiently and upholding due process at all times. The panel will also discuss how Arbitral Tribunals may balance the due process and the flexibility of the arbitration process without undermining their authority.

**Discussion**

**Recurring issues regarding share purchase disputes with Latin American parties**

Considering the importance and the significant amount of arbitrations related to share purchases in Latin America, this session will be dedicated to the study of recurring issues arising from disputes in this field. Such issues include, pre-emption rights and non-compete clauses, scope of waivers and general releases, and purchase price determination.

**Discussion**

**Closing remarks**

6.00 *End of the conference*

International Commercial Arbitration in Latin America:  
The ICC perspective

Miami, Florida, 7 – 9 November 2010

- Fernando Aguirre, Senior Partner, Bufete Aguirre, Bolivia
- Eloy Anzola, Independent Arbitrator, Miami, United States
- Julie Bédard, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP, New York, United States
- John Beechey, Chairman, ICC International Court of Arbitration, Paris; Council Member, ICC Institute of World Business Law
- Albert Jan van den Berg, Partner, Hanotiau & Van den Berg, Belgium
- Nigel Blackaby, Partner, Freshfields Bruckhaus Deringer, Washington DC, United States
- João Bosco Lee, Partner, Castro & Lee Sociedade de Advogados, Brazil
- Adriana Braghetta, Lawyer, L.O. Baptista Advogados Associados S/C, Brazil
- Charles Correll, Partner, King & Spalding, San Francisco, United States
- Antonio Crivellaro, Partner, Bonelli Erede Pappalardo, Italy; Council Member, ICC Institute of World Business Law
- Diana Droulers, Secretary General, ICC Venezuela
- José Ricardo Feris, Counsel, ICC International Court of Arbitration, Paris
- Juan Fernández Armesto, Partner, Armesto & Asociados, Spain
- Marcelo Ferro, Partner, Ferro, Castro Neves, Dalto & Gomide, Brazil
- Jason Fry, Secretary General, ICC International Court of Arbitration, Paris
- Eduardo Oliveira Gedeon\*, Legal Director for Latin America and Angola, Odebrecht, Brazil
- Gilberto Giusti, Partner, Pinheiro Neto Advogados, Brazil
- Katherine González Arrocha, Director for Latin America, ICC International Court of Arbitration and ICC Dispute Resolution Services
- Horacio Grigera Naón, Independent Arbitrator, Washington DC, United States; Council Member, ICC Institute of World Business Law
- Martin Hunter\*, Lawyer, Essex Court Chambers, United Kingdom
- Jean Kalicki, Counsel, Arnold & Porter LLP, Washington DC, United States
- Louis B. Kimmelman, Partner, Allen & Overy LLP, New York, United States
- Carolyn Lamm, Partner, White & Case LLP, Washington DC, United States
- Jorge Federico Lee, Partner, Aleman Cordeiro Galindo & Lee, Panama
- José Martínez de Hoz, Partner, Pérez Alati Grondona Benites Arntsen & Martínez de Hoz, Argentina
- George von Mehren, Partner, Squire, Sanders & Dempsey, Cleveland, United States
- Alexis Mourre, Partner, Castaldi Mourre & Partners, France; Vice-President, ICC International Court of Arbitration; Council Member, ICC Institute of World Business Law
- David Rivkin, Partner, Debevoise & Plimpton, New York, United States
- Jorge Santistevan, Partner, Santistevan de Noriega & Asociados, Peru
- Josefa Sicard-Mirabal, Director, Arbitration and ADR, North America, ICC International Court of Arbitration
- Eduardo Silva Romero, Partner, Dechert LLP, France, Associate Member, ICC Institute of World Business Law
- Ignacio Suarez Anzorena, Partner, Chadbourne & Parke LLP, Washington DC, United States
- Claus von Wobeser, Managing Partner, Von Wobeser Y Sierra S.C., Mexico; Vice-President, ICC International Court of Arbitration
- Miguel Zaldívar, Partner, Hogan Lovells, Miami, United States
- Howard Zelbo, Partner, Cleary Gottlieb Steen & Hamilton LLP, New York, United States
- Eduardo Zuleta, Partner, Gomes-Pinzon Zuleta, Colombia

\*Invited – to be confirmed

## Registration fees

Until Tuesday 31 August 2010

After Tuesday 31 August 2010

### “Early-bird” special

#### Conference (only)

- **US\$ 995** for ICC/USCIB members
- **US\$ 1 250** for non-members
- **US\$ 280** for accompanying person  
(see point 2 below)

#### Conference (only)

- **US\$ 1 155** for ICC/USCIB members
- **US\$ 1 340** for non-members
- **US\$ 280** for accompanying person  
(see point 2 below)

#### Conference + ICC Meeting for Young Arbitrators

- **US\$ 1 145** for ICC/USCIB members
- **US\$ 1 255** for non-members

#### Conference + ICC Meeting for Young Arbitrators

- **US\$ 1 285** for ICC/USCIB members
- **US\$ 1 455** for non-members

**ICC Meeting for Young Arbitrators (only) (see point 3 below): US\$ 155**

### Registration fees include:

1. **Conference:** all conference activities including documentation, lunches and coffee breaks, Sunday reception and dinner on Monday.
2. **Accompanying person's fee:** Sunday reception and dinner on Monday (sessions and networking lunches are restricted to participants only).
3. **ICC Meeting for Young Arbitrators:** all meeting activities including documentation, coffee break and Sunday reception.

Residents in the European Union without an Intra-community VAT n° and taxable residents in France will be required to pay VAT (19,6%).

### How to register

**Easier, faster and save 20 euros, register online\* at [www.iccevents.org](http://www.iccevents.org)** (\*Secured payment by credit card) or complete and return the registration form indicating method of payment to:

E-mail: [events@iccwbo.org](mailto:events@iccwbo.org)

Post: ICC SERVICES

Fax: +33 (0)1 49 53 30 30

Events Department

Tel: +33 (0)1 49 53 29 34

38 Cours Albert 1er, 75008 Paris, France

Registration will be confirmed upon receipt of the registration form and registration fees.

### Travel and accommodation

Participants are responsible for making their own travel arrangements and hotel reservations. A hotel reservation form/unique group code for online reservations at “The Ritz-Carlton South Beach”, with which ICC has negotiated **preferential rates at 269 US\$ per night (+13% tax)**, will be sent upon receipt of the registration form and registration fees. Please note that the number of rooms reserved with the ICC rate is limited. As they will be distributed on a “first come first served” basis, we recommend that you make your reservation ASAP. All room reservations must be guaranteed by a credit card. **The pre-reservation cut-off date is Friday 15 October 2010.** Hotel reservations received after 15 October will be accepted on a space and/or rate available basis only. We are able to dispatch **visa invitation letters** to support your visa application only after receipt of your registration form and full payment of your registration fees.

### Working languages

English and Spanish with simultaneous interpretation.

### Credits and hours

An application has been made for CLE credits under the State Bar of **Florida**. ICC Events is eligible for CLE credit under **New York's** approved jurisdiction procedures, is a State Bar of **California** approved MCLE provider and is a Solicitors Regulation Authority and General Council of the Bar of **England and Wales** External CPD Course Provider. **French** Bars: This training has been sent for CNB approval.

### Cancellation

50% of the registration fee will be refunded if notice of cancellation is received in writing **before 7 October 2010**. Cancellations after this date are not refundable. Subject to agreement from ICC Events prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration material will be required.

Please note that ICC Events reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC Events will not, however, be held responsible for any related expense incurred by the participant.

### Dress code

Business casual for both the Sunday reception and Monday dinner.



## ICC Meeting for Young Arbitrators

# Debate: Arbitrating for and against States

in association with the  
**ICC Young Arbitrators Forum (YAF)**  
Latin America & North America Chapters

Programme designed for arbitration practitioners of 40 years and under

**Date:** Sunday 7 November 2010

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One Lincoln Road

EARN

3 CLE credits  
2,5 MCLE credits  
2,5 CPD hours  
2,5 CNB hours

**2.00 – 2.30** *Registration*

**2.30 – 5.30**

### Welcoming remarks

- Jason Fry, Secretary General, ICC International Court of Arbitration, Paris

### Is the playing field levelled?

In a format of a debate between the speakers and then between the participants, this session will discuss this question by looking into the procedural features of arbitration involving states or state entities, the differences between the parties involved and the set of rules applicable to these proceedings.

- Diego Brian Gosis, Lawyer, Remaggi, Pico, Jessen & Asociados, Argentina
- Aníbal Sabater, Partner, Fulbright & Jaworski L.L.P., Houston, United States

*Moderator:* Albert Jan van den Berg, Partner, Hanotiau & Van den Berg, Belgium

### Are expectations being met?

In a format of a debate between the speakers and then between the participants, this session will discuss this question by looking into recent decisions rendered by Arbitral Tribunals and institutions on issues of procedure, challenges against arbitrators and merits, as well as issues with the execution of awards recently rendered related to both commercial and treaty arbitration.

- Juan Manuel Marchán, Associate, Pérez Bustamante & Ponce, Ecuador
- Julie Bédard, Counsel, Skadden, Arps, Slate, Meagher & Flom LLP, United States

*Moderator:* Juan Fernández Armesto, Partner, Armesto & Asociados, Spain

### Closing remarks

- José Ricardo Feris, Counsel, ICC International Court of Arbitration, Paris

**5.30** *End of the meeting*



# Registration form

S 1017

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Save 20 US\$  
Register online\*  
[www.iccevents.org](http://www.iccevents.org)  
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Fax: +33 (0)1 49 53 30 30

## International Commercial Arbitration in Latin America: The ICC perspective

### Participant information

Title..... Family name ..... First/given name .....

Position.....

Company.....

Address .....

City/State..... Zip/postal code.....

Country..... E-mail.....

Phone (.....)..... Fax (.....).....

Accompanying person (first name / last name).....

### Registration fees

#### Conference (only)

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- US\$ 1 145 for ICC/USCIB members
- US\$ 1 255 for non-members

**Total of registration fees:**  Special code (NC, ...)

For group rates, please contact [csg@iccwbo.org](mailto:csg@iccwbo.org)

### VAT

- I do not need to pay VAT: I am resident outside the European Union.
- I pay VAT (19,6%): I am resident in the European Union without an Intra-community VAT n° or resident in France.
- I do not need to pay VAT: I am resident in the European Union with an Intra-community; my Intra-community VAT n°. is: .....

*As of 01/01/2010, in accordance with Article 196 of the Council Regulation (EC) N° 143/2008 of 12 February 2008, it is now up to the client to process VAT statements and returns with its tax authorities.*

### Method of payment

**Please note that conference fees will be debited in Euros using the daily exchange rate.**

- By credit card:**  American Express  Euro/MasterCard  Visa

Card number..... Expiry date.....

Name of cardholder .....

#### **By bank transfer: LCL**

Account No. 0000060021B Clé RIB 64 Bank Code 30002 Branch Code 04866

Swift: CRLYFRPP IBAN: FR61 3000 2048 6600 0006 0021 B64

Please indicate the reference “S 1017” and the participant's name clearly.

Date ..... Signature .....

### Data protection information

The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce and its wholly-owned affiliate ICC Services). Under the French law 'informatique et libertés' of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at [registrations@iccwbo.org](mailto:registrations@iccwbo.org). The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers. Please indicate if you wish to receive such information:

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Please tick below if you wish to receive commercial offers from associated organizations, incl. in particular **ICC National Committees**:  Yes