

ICC Austria Conference – Interdisciplinary Forum

A fine line: how to counter – and employ Guerrilla Tactics in International Arbitration & Litigation

- **Be prepared for all eventualities: Facing guerrilla tactics in arbitration & litigation**
 - Where does poor behaviour end – and guerrilla tactics do start?
 - Effective strategies to anticipate, prevent and react to guerrilla tactics
 - Are there permissible “guerrilla-like” tactics that may be used?
- **Tools limiting the employment of guerrilla tactics**
 - Direct sanctions of (investment) tribunals and courts against guerrilla tactics
 - Deterrence by award setting-aside and enforcement proceedings
 - May tribunals draw adverse inferences or disqualify party representatives?
- **Adopting alternative means to fight guerrilla tactics**
 - Fighting guerrilla tactics through investigators, technological means and advocacy tools
 - How can professional PR & media presence tame opponent’s guerrilla tactics?
- **Preventing guerrilla tactics: State courts and institutional support**
 - Various support available from state courts
 - The support offered by international arbitration institutions

Don't miss the opportunity for an update & discussion of these hot topics with key experts, such as

Simon Greenberg, Paris; Stephen Philippsohn, London; Edna Sussman, New York; Barbara Helene Steindl, Vienna; Vladimir Pavic, Belgrade; Bennar Balkaya, Istanbul; John Ellison, London; Bernhard. F. Meyer, Zurich; Günther Horvath, Vienna; Loretta Malintoppi, Paris; Christopher Lau, Singapore; Jonathan Hemus, Sutton Coldfield; David P. Roney, Geneva; Herfried Wöss, Mexico (TBC); Michael M. Collins, Dublin; Timur Aitkulov, Moscow; Shai Wade, London; Gerold Zeiler, Vienna; Stefan Wilske, Stuttgart; Philippe Cavalieros, Paris; Alexander Lütgendorf, Cairo;

Friday 12 & Saturday 13 November 2010

Friday: 10:30 a.m. – 6:30 p.m. Saturday: 9:30 a.m. – 1:00 p.m.

Hotel Savoyen, 1030 Vienna, Austria

Who should attend ?

- arbitration practitioners
- lawyers
- in-house counsel
- construction, engineering companies
- banking and financial institutions
- chartered accountants
- forensic experts
- investigators

Purpose of this conference

The difficult economic situation worldwide implicates a significant increase in international arbitration and litigation. However, when times get tough, tactics sometimes get dirty. It becomes noticeable that so-called "guerrilla tactics" emerge more frequently. These include attempts to constrain proceedings, filing repeated unmeritorious challenges, filing litigation against arbitrators and institutions, as well as illegal measures like bribing, intimidating witnesses and threatening of arbitrators. Guerrilla tactics simply aim to eliminate the benefits of arbitration & litigation.

This interdisciplinary conference "**Guerrilla Tactics in International Arbitration & Litigation**" will not only highlight the legal aspects of this sensitive issue, but will also provide an insight into the activities of professional investigators, forensic experts, PR-specialists to show you how to anticipate and detect guerrilla tactics, how to design the preventive and defence measures available and which options there are to counter-attack – a fine and difficult line to walk.

Speakers

Timur Aitkulov, Attorney-at-Law, Clifford Chance, Moscow. Specialized in international arbitration & litigation. Clients include major companies, traders, banks. Timur is editor of the Stockholm International Arbitration Review.

Bennar Balkaya, Attorney-at-Law, balkaya & balkaya, Istanbul. Specialized in domestic/international arbitration/litigation, mediation and enforcement proceedings, in particular in commercial matters and maritime law.

Philippe Cavaleros, Lawyer, Renault, Boulogne Bilancourt. Head of International Arbitration at Renault since 2005. Philippe is a former assistant counsel of the ICC Secretariat to the International Court of Arbitration.

Micheal M. Collins, Barrister (England/(New South)Wales), Senior Counsel/Chairman of the General Council of the Irish Bar. Michel acts in international litigation/arbitration and focuses on commercial, administrative and EC law.

John Ellison, Partner, KPMG, London; UK Chairman of KPMG Forensic and KPMG's Global International Litigation and Arbitration Group; John has over 25 years of experience as accountant, specialising in investigations/expert witness work.

Simon Greenberg, Deputy Secretary General, ICC International Court of Arbitration.

Jonathan Hemus, Founder of Insignia Communications, Rome; Jonathan practises in reputation management, and consultancy with a focus on corporate reputation, risk management and crisis communication.

Günther Horvath, Attorney-at-Law, Freshfields Bruckhaus Deringer, Vienna. Specialized in industrial engineering, construction, joint ventures, industrial property; Günther serves as chairman in ICC, VIAC and ad hoc arbitration cases.

Christopher Lau, Senior Counsel, 3VB, Singapore. Christopher is a FCI Arb, FSI Arb and a Chartered Arbitrator with extensive experience in Asia and Europe.

Alexander Lütgendorf, Attorney-at-Law, Hafez, Cairo. Alexander is specialized in international arbitration with a focus on the Middle East.

Loretta Malintoppi, Attorney-at-Law, Eversheds LLP, Paris. Loretta serves as Vice-President of the ICC International Court of Arbitration. She specializes in investment arbitration and is experienced in public international law.

Bernhard F. Meyer, Attorney-at-Law, Meyer Müller Eckert, Zurich; Bernhard is an internationally renowned arbitrator; serves as the President of the Swiss ICC Arbitration Commission, as head of the arbitration section of the Attorneys' Association of Zurich and is a member of the ASA Board of Directors.

NN. Kroll Associates, worldwide offices. Experienced in (technically supported) investigations and reviews.

Vladimir Pavic, Associate Professor in Private International Law and International Commercial Arbitration at the University of Belgrade Faculty of Law.

Steven Philippsohn, Barrister, PCB Litigation, London. He is regularly retained for strategic advice and has considerable experience in resolving major international disputes. He regularly uses state court proceedings to support pending arbitration matters.

David P. Roney, Attorney-at-Law, Schellenberg Wittmer, Geneva; Davis is co-founder of FIAA, the Foundation for International Arbitration Advocacy; He served as co-chair of the ICC Commission's task force on national rules for enforcement pursuant to the New York Convention.

International Conference – Guerrilla Tactics

Barbara Helene Steindl, Attorney-at-Law, Brauneis Klauser Prändl, Vienna; Barbara Helene specializes in international arbitration involving construction, cross-border trade, energy and protection of foreign direct investment; she is an experienced counsel/arbitrator under the ICC, VIAC, UNCITRAL, Swiss Rules, a member of ICC task forces and representative to YIAG/LCIA.

Edna Sussman, Esq., Attorney-at-Law, SussmanADR LLC, New York; Edna acts as a full time arbitrator and mediator; she is a “Distinguished ADR Practitioner in Residence” at the Fordham University School of Law. Edna focuses on complex international commercial, energy and environmental matters.

Shai Wade, Solicitor, Reed Smith, London; specialized in international large scale complex and investment arbitration disputes; Shai is an expert in international trade, energy, banking, IT, Telecoms, joint-venture, corporate disputes.

Stefan Wilske, Attorney-at-Law, Gleiss Lutz, Stuttgart. Stefan heads the firm’s International Arbitration Focus Group. He regularly acts as counsel/ arbitrator in international arbitration proceedings.

Herfried Wöss, Attorney-at-Law, Wöss & Partners, Mexico; acts as arbitrator/counsel in commercial arbitration involving state parties and construction. Herfried is experienced in dispute resolution under WTO, NAFTA and FTAs.

Gerold Zeiler, Attorney-at-Law, Schönherr Rechtsanwälte, Vienna; Gerold focuses on international commercial and investment arbitration and litigation; he acts as arbitrator/counsel in ad hoc cases and proceeding under VIAC, ICC, UNCITRAL and ICSID Rules.

Program

Friday, November 12, 2010

Start of registration: 8:15

Conference: 10:30 a.m. – 6:30 p.m.

Introduction by the Executive Director of ICC Austria

Facing the reality of guerrilla tactics in international arbitration

- A problem of definition – do arbitrators recognize guerrilla tactics when they see them?
- Procedural tactics of a guerrilla nature & suggestions for counsel how to counter & employ from the perspective of counsel before commercial & investment tribunals

Facing guerrilla tactics – Sanctions of the tribunal & the threat of setting aside & enforcement proceedings

- How may commercial arbitral tribunals cope with and sanction guerrilla tactics of the parties/their counsel?
- How may investment arbitral tribunals cope with and sanction guerrilla tactics of the parties/their counsel?
- May award setting aside or annulment proceedings help limit the employment of guerrilla tactics?
- May enforcement proceedings help limit the employment of guerrilla tactics?

Facing guerrilla tactics – Investigation, media work, the in-house perspective

- Professional investigation of guerrilla behaviour
- Are certain guerrilla tactics tameable by initiating sensible media presence?
- The in-house counsel’s perspective,
- Views and experiences from Russia, Mexico, Turkey, Egypt, South East Asia and Romania

Cocktail – Reception & Conference Dinner (side event)

Saturday, November 13, 2010

9:30 a.m. – 1:30 p.m.

Preventing guerrilla tactics in arbitration through state court & institutional support

Guerrilla tactics in international litigation

- Is there a need to wage war in several places – How may state courts support fighting guerrilla practises before an arbitral tribunal?
- The perspective of international arbitration institutions
- Guerrilla tactics in litigation

Preventing/Employing “guerrilla tactics” in arbitration and litigation

- Fighting guerrilla tactics by technological means
- Advocacy tools to counter guerrilla tactics in arbitration and litigation
- Sensibly employ ethically correct “harsh tactics” with a “guerrilla touch”
- Are there ethically correct “guerrilla like” practices that may be used in arbitration/litigation?

Organization

Dates: Friday, 12 November 2010, 10:30 a.m. – 06:30 p.m.
Saturday, 13 November 2010, 09:30 a.m. – 01:00 p.m.

Venue: Austria Trend Hotel Savoyen Vienna, Rennweg 16, 1030 Vienna
(http://www.austria-trend.at/Hotel-Savoyen-Vienna/en/)

Conference fee: (includes full documentation, coffee breaks, lunch)

EUR 790 + 20 % VAT
(EUR 632 + 20 % VAT for members of ICC Austria)

EUR 590 + 20 % VAT for early registration up to 27. August 2010
(EUR 472 + 20 % VAT for members of ICC Austria)

EUR 395 + 20% VAT for members of YAAP, YIAG of LCIA, students and full time academics

Please transfer the conference fee after receipt of the invoice to:
Bank Austria, Vienna, Austria
IBAN: AT88 1100 0016 4633 2500 / BIC: BKAUATWW

Your registration is only valid after receipt of the conference fee.
Please register at least 14 working days before the conference.

Cancellation Policy:

A full refund will only be given for cancellations received up to 14 working days before the conference. Cancellations must be made in writing. Should you be unable to attend the conference yourself, you may nominate a colleague to take your place.

Registration:

@ Email: icc@icc-austria.org
Fax: +43-1-50105 – 3703
ICC Austria
Wiedner Hauptstraße 73
1040 Vienna, Austria

Information:

Silke Würglauer (Information)
+43-50105-3709, s.wuerglauer@icc-austria.org
Verena Schaden (organization)
+43-1-50105-4303, v.schaden@icc-austria.org

Side Events

Friday, 12 November 2010

Conference Cocktail for
“Guerrillas”

Please register with
Ms. Schaden
Tel: +43-1-50105 - 4303
Email: v.schaden@icc-austria.org

ICC Austria Conferences:

New Incoterms® 2010

15 + 16 November 2010
Hotel Savoyen, Vienna, Austria

Vienna Arbitration Days

4 + 5 March 2011
Vienna, Austria

International Trade Finance
Conferences

Mai 2011
Vienna, Austria

Registration

ICC Austria Fax: +43-1-50105 - 3703 Email: icc@icc-austria.org

Family Name, First Name, Title

Company/Institution (as to be provided on the invoice)

Street

Postcode / City / Country

Tel.

Fax

Email-Address

Professional Title/Position

Signature

Yes, I am registering for the
Conference “Guerrilla
Tactics in International
Arbitration & Litigation”
12 - 13 November 2010 in Vienna.

Please provide the conference
documentation (one option only):

- on USB-stick
or
printed in a folder

Further I register for the following side
events:

- Conference Cocktail
Friday, 12 November 2010

I agree that my name and address may be
registered electronically by ICC Austria and
that ICC Austria may inform me about
further programs by mail, fax or email.