

# 2017 PROGRAMME

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## **8.30: Welcome coffee and registration**

### **9.00: Chairs' welcome**

Prof. Dr. Richard Kreindler, *Cleary Gottlieb Steen & Hamilton LLP, Frankfurt and New York*

Susanne Gropp-Stadler, *Head of Litigation, Siemens AG, Munich*

### **9.10: Session one: Arbitration in Russia – what's changed since the 2016 reform?**

What does arbitration look like in Russia since it changed its arbitration law? Has the slate been wiped clean, or does some of the previous legal regime on arbitration and enforcement in Russia remain? What's the intelligent view? This session will explore all aspects of Russia's new law, how it is being applied and what that means in practice going forward.

Questions the panel are expected to discuss include:

- What exactly did the law change?
- Is it being implemented as intended? What's known at this point, and what remains to be seen? Is the law the "major advance" predicted?
- Are arbitral institutions being licensed in the fashion intended?
- Are changes to existing arbitration agreements required in light of the new law?
- What effect has the law had on ease of enforcement of foreign awards within Russia?
- Is there any sign that the law has increased the use of Russia as a seat?

#### Moderator:

Vladimir Khvalei, *Baker McKenzie and Chairman of the Board of the Russian Arbitration Association*

#### Panel:

Marina A. Akchurina, *Cleary Gottlieb Steen & Hamilton LLP, Moscow*

Alexey Yadykin, *Freshfields Bruckhaus Deringer, Moscow*

Vasily Kuznetsov, *Baker Botts, Moscow*

## **10.30: Coffee break**

### **11.00: Session two: Emergency and expedited arbitrations – the pros and cons**

Expedited and emergency arbitration procedures have recently been adopted at a number of institutions, but what are the advantages and disadvantages with these

procedures and related experiences? Our panel of experts will address this question, as well as:

- The legal problems associated with emergency procedures, such as uncertainty regarding enforceability of emergency orders under the NY Convention.
- The practical difficulties faced by arbitral institutions who offer these services. How does one do robust conflict checks in the time required when appointing an emergency arbitrator?
- The challenges and potential consequences of expedited arbitration procedures.

Moderator:

Tanja Pfitzner, *Pfitzner Legal, Frankfurt*

Panel:

Mariagiovanna Scarpa, *Generali, Milan*

Elmar Schweers, *RWE, Cologne*

Elliot Polebaum, *Independent Arbitrator, Washington, DC*

Dr. Sven Lange, *Allen & Overy, Frankfurt*

**12.30: Networking lunch sponsored by Accuracy**

**13.30: Fireside chat**

Damages experts take their turn in the hot seat to discuss whether international arbitration deserves some of the bad press it gets over the calculation of damages, and how counsel and arbitrators can become more literate in modern damages valuation methodologies.

Moderator:

Richard Kreindler, *Cleary Gottlieb Steen & Hamilton LLP, Frankfurt and New York*

Experts:

Erik van Duijvenvoorde, *Accuracy, London and Paris*

Gervase MacGregor, *BDO, London*

**14.15: Session three: The EU Permanent Investment Court Proposal – will it be fit for purpose?**

This panel will deconstruct the EU Commission's proposal for a permanent investment court. Does it withstand scrutiny? Are there modifications that would be desirable? Are those realistic in the current climate? Or, conversely, is the concern over-blown?

Questions that the panel are expected to debate include:

- What are the advantages and disadvantages of the current proposals?
- Are there modifications that might come to light, or could be argued for?
- Is the underlying approach desirable from a policy perspective?

- How will the EU's proposal be viewed by the new Trump US administration and how might the acts of the Trump administration affect the EU's approach? Are there steps it could take that would cause a radical rethink?

Moderator:

Dr. Patricia Nacimiento, *Herbert Smith Freehills, Frankfurt*

Panel:

Laurie Achtouk-Spivak, *Cleary Gottlieb Steen & Hamilton LLP, Paris*

Sabine Konrad, *McDermott Will & Emery, Frankfurt*

Prof. Dr. Stephan Schill, *University of Amsterdam, Amsterdam*

**15.45: Coffee break**

**16.15: Session four: The GAR Live Debate**

Motion: "This house believes that document production should no longer form part of the default procedure for international commercial arbitration proceedings."

In favour of the motion:

Huáscar Ezcurra, *Bullard Falla Ezcurra, Peru*

Johanna Wirth, *Hengeler Mueller, Berlin*

Against the motion:

Alexandra Johnson, *Bär & Karrer, Geneva*

Jeffrey Rosenthal, *Cleary Gottlieb Steen & Hamilton LLP, New York*

Judges:

Irene Welser, *Cerha Hempel Spiegelfeld Hlawati, Vienna*

Sherlin Tung, *Semperit, Vienna*

José Miguel Júdece, *PLMJ, Lisbon*

**17.45: Chairs' closing remarks**

Prof. Dr. Richard Kreindler, *Cleary Gottlieb Steen & Hamilton LLP, Frankfurt and New York*

Susanne Gropp-Stadler, *Head of Litigation, Siemens AG, Munich*

**17.50 onwards: All delegates are invited to attend a drinks reception kindly hosted by Allen & Overy**