



International Chamber of Commerce

*The world business organization*

**International Court of Arbitration®**

**3rd Annual Conference**

## **International Commercial Arbitration in Latin America: *The ICC Perspective***

Date  
Venue

**Sunday 6 – Tuesday 8 November 2005**

**The Ritz-Carlton, Key Biscayne (Miami), Florida**

### **Languages**

The conference will be held in Spanish and English with simultaneous interpretation.

### **Objective**

As approaches to key issues may differ from one region to another, the success of an arbitration depends greatly on an understanding of local legal cultures and attitudes. The purpose of this 3<sup>rd</sup> Annual ICC Conference on International Commercial Arbitration in Latin America will be to shed light on aspects of international commercial arbitration that are particularly relevant to Latin American cases.

ICC arbitration specialists will lead discussions on a wide range of topics of central importance in a Latin American context, including:

- appointment, challenge and replacement of arbitrators
- arbitrating with State parties
- international arbitration and state courts
- applicable law in international arbitration
- ICC's experience in administering cases involving Latin American parties

The speakers are all practitioners and will share their first-hand experiences and anecdotes, giving participants a rare opportunity to become fully informed about the current state of international commercial arbitration in Latin America.

The ICC International Court of Arbitration has a distinguished and longstanding history of international dispute resolution. In 2004 alone it received almost 600 requests for arbitration from all over the world. Of the 1,682 parties involved in the cases filed with the ICC Court in 2004, over 11,5% came from Latin America.

### **Participants**

Discussion topics will be of particular interest to practising lawyers, corporate counsel, business professionals and academics who come from Latin America or do business there, or simply wish to increase their understanding of international commercial arbitration in that region.

### **With the support of**



**The United States Council  
for International Business,**  
the US affiliate of ICC

### **Media partners**

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- Latin Lawyer Magazine

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**ICC Conferences**

**International Chamber of Commerce**

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Web site [www.iccwbo.org](http://www.iccwbo.org) E-mail [conf@iccwbo.org](mailto:conf@iccwbo.org)

# Program

*Sunday 6 November 2005*

**6:00**      **Welcome Cocktail Reception**

*Monday 7 November 2005*

**8:00–9:00**      *Registration*

**9:00–9:30**

## **Welcome and Introduction**

- **Robert Briner**, Chairman, ICC International Court of Arbitration

*The American perception of the status of international arbitration in Latin America.*

- **Lorraine M. Brennan**, Director, Arbitration and ADR, North America, ICC International Court of Arbitration

*ICC dispute resolution services in Latin America: Developments and new challenges.*

- **Dyalá Jiménez Figueres**, Director, ICC Dispute Resolution Services, Latin America

**9:30–10:30**

## **ICC Arbitration in Latin America: An Update**

This panel will examine the most recent ICC experience with cases involving Latin American parties, such as the increase in multi-party and multi-contract arbitrations, difficulties encountered with certain arbitration clauses and potential solutions to these problems under ICC Rules. The panel will also discuss the experience of the ICC Court in the scrutiny of arbitral awards with Latin American elements, and the status of certain Latin American countries as potential situses for international arbitration.

- **Cristián Conejero Roos**, Counsel, ICC International Court of Arbitration
- **Dyalá Jiménez Figueres**, Director, ICC Dispute Resolution Services, Latin America
- **Francisco Orrego Vicuña**, Of Counsel, Chadwick & Aldunate Abogados; Professor, International Law, University of Chile, Santiago

*Moderated by*

- **James-Otis Rodner**, Founding Partner, Rodner Martinez & Asociados, Caracas; Member for Venezuela, ICC International Court of Arbitration

**10:30–11:00**      **Discussion**

**11:00–11:30**      *Coffee break*

**11:30–12:30**

## **The Arbitrators: Appointment, Challenge and Replacement**

The selection of the arbitrators and the constitution of the arbitral tribunal are key factors in ensuring the proper conduct of the arbitral proceedings and the quality of the arbitral award. This panel will analyze a variety of issues, including the impact of pathological arbitration clauses and the role of the ICC Court and its Secretariat when confirming, appointing and replacing arbitrators.

This session will also address the concept of conflict of interest from the viewpoint of both the practitioner and the ICC Court.

- **José María Alonso**, Managing Partner, Garrigues, Madrid
- **Cristián Conejero Roos**, Counsel, ICC International Court of Arbitration
- **Loretta Malintoppi**, Of Counsel, Eversheds Frère Cholmeley, Paris; Alternate Member for Italy, ICC International Court of Arbitration

*Moderated by*

- **Adolfo E. Jimenez**, Partner, Holland & Knight LLP, Miami

**12:30–1:00**      **Discussion**

**1:00–3:00**      *Lunch*

**3:00–4:20**

## **The Law Applicable in International Arbitration with Latin American Parties**

This session will examine the law applicable to the arbitration agreement and the conduct of the proceedings, the ICC Rules and national arbitration laws. Particular consideration will also be given to the law applicable to the merits of the dispute, examining, among other things, the Tribunal's approach when deciding this issue, the consequences of the failure to apply or misapplying the law, and the relevance of choosing a civil or common law system to govern the merits of the dispute.

- **Guillermo Aguilar Alvarez**, Founding Partner, SAI Abogados, Mexico City
- **Horacio A. Grigera Naón**, Independent Arbitrator, Washington D.C.; former Secretary General, ICC International Court of Arbitration
- **Fernando Mantilla-Serrano**, Partner, Shearman & Sterling LLP, Paris; Member for Colombia, ICC International Court of Arbitration
- **Pedro J. Martinez-Fraga**, Chairman & Shareholder, Miami International Litigation Department, Greenberg & Traurig LLP, Miami

*Moderated by*

- **Roque J. Caivano**, Professor, University of Buenos Aires; Legal Director, Grain Chamber of Commerce, Buenos Aires

**4:20–5:00**      **Discussion**

**7:00**              *Dinner*

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## Tuesday 8 November 2005

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**9:00–10:20**

### **International Arbitration and State Courts in Latin America**

The interaction between state courts and commercial arbitration is critical for the efficiency and effectiveness of any arbitral system. In Latin America, although there is no “case law” system as in the common law countries, cases decided at the highest court levels have proven to be especially relevant to the development of international commercial arbitration. Experienced practitioners and a former Latin American judge will examine the status of this interaction and provide practical insights on a variety of issues, such as the principle of competence-competence, the issuance of anti-suit injunctions, and the enforcement of arbitral awards in Latin America – with particular attention given to recent developments in Brazil.

- **Yves Derains**, Founding Partner, Derains & Associés, Paris
- **Fernando Estavillo Castro**, Founding & Senior Partner, Miranda & Estavillo Abogados, Mexico City; Member for Mexico, ICC International Court of Arbitration
- **José Emilio Nunes Pinto**, Founding Partner, José Emilio Nunes Pinto Abogados, Sao Paulo
- **Julio César Rivera**, Partner & Head, Julio César Rivera Abogados, Buenos Aires; former Judge, Commercial Appellate Court of Buenos Aires

*Moderated by*

- **Rodrigo Oreamuno B.**, Partner, Facio & Cañas, San José

**10:20–11:00 Discussion**

**11:00–11:30** *Coffee break*

**11:30–12:30**

### **Arbitrating with Latin American State Parties: Key Issues and Challenges**

A large number of ICC arbitrations from Latin America involve state entities. During this session, which will examine the recent ICC experience in administering cases with Latin American state parties, experienced practitioners will share their expertise on issues that are particularly relevant to these cases.

- **Robert Briner**, Chairman, ICC International Court of Arbitration
- **Louis B. Kimmelman**, Partner, O'Melveny & Myers LLP, New York
- **Eduardo Silva Romero**, Partner, Coudert Brothers LLP, Paris; former Deputy Secretary General, ICC International Court of Arbitration

*Moderated by*

- **Richard C. Lorenzo**, Partner, Hogan & Hartson LLP, Miami

**12:30–1:00 Discussion**

**1:30–3:00** *Lunch*

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**3:00–4:20**

### **Q & A Session with Questions Provided in Advance by Participants**

Arbitration has become an important method for the settlement of commercial dispute in Latin America. However, new challenges and problems continue to arise. This session will provide the participants a unique opportunity to ask questions in advance and raise any problems and uncertainties they may have to a panel of experienced international arbitration practitioners.

- **Luiz Olavo Baptista**, founding Partner, L.O. Baptista Abogados, Sao Paulo
- **Juan Fernández-Armesto**, Partner, Armesto & Asociados; Chaired Professor, Commercial Law, Cormillas University, Madrid
- **Steven A. Hammond**, Partner, Hughes Hubbard & Reed LLP, New York
- **Lucy Reed**, Partner, Freshfields Bruckhaus Deringer LLP, New York

*Moderated by*

- **Lorraine M. Brennan**, Director, Arbitration and ADR, North America, ICC International Court of Arbitration

**4:20–4:30**

### **Closing Remarks**

- **Robert Briner**, Chairman, ICC International Court of Arbitration

# Logistical Note

**Date** Sunday 6 – Tuesday 8 November 2005

**Venue** The Ritz-Carlton, 415 Grand Bay Drive, Key Biscayne (Miami), Florida

**Event** **3rd Annual Conference**  
**International Commercial Arbitration in**  
**Latin America: *The ICC Perspective***

**Working languages**

English and Spanish with simultaneous interpretation.

**CLE credits**

An application has been made for CLE credits under the State Bar of **Florida**. ICC Conferences is a State Bar of **California** approved MCLE provider, is eligible for CLE credit under **New York's** approved jurisdiction procedures, and is a Law Society and the General Council of the Bar of the **United Kingdom** External CPD Course Provider.

**Contribution to costs**

- US\$ 950 for ICC/USCIB members
- US\$ 1,150 for non-members
- US\$ 220 for accompanying person

**US\$ 860 "Early-bird" special**  
registration before Friday 30 September 2005

The contribution to costs covers all conference activities, including documentation, networking lunches and contact breaks, Sunday reception and dinner on Monday. All fees are exclusive of travel and accommodation. The accompanying person fee provides for Sunday cocktail reception and dinner on Monday. Sessions and networking lunches are restricted to participants only.

**Registration**

- ***Easier and faster:* Registration and payment online at [www.icconferences.com](http://www.icconferences.com)**
- or
- complete and return the registration form indicating method of payment, and:  
E-mail: **[conf@iccwbo.org](mailto:conf@iccwbo.org)** Post: ICC Conferences  
Fax: +33 1 49 53 29 42 International Chamber of Commerce  
Tel.: +33 1 49 53 28 69 38, Cours Albert 1er, 75008 Paris, France

**Registration will be confirmed upon receipt of the registration form and contribution to costs.**

**Conference information**

- For any questions **concerning the programme** please contact **Lorraine M. Brennan**, Director, or **Nancy M. Thevenin**, Deputy-Director, Arbitration and ADR, North America, ICC International Court of Arbitration; Tel. +1 212 703 5065; +1 212 703 5060; E-mail: [lbrennan@uscib.org](mailto:lbrennan@uscib.org); [nthevenin@uscib.org](mailto:nthevenin@uscib.org)
- For any questions **concerning registration** please contact **Dorothy Cross**, Marketing Coordinator, ICC Conferences; Tel. +33 1 49 53 28 69; E-mail: [dcc@iccwbo.org](mailto:dcc@iccwbo.org)

**Travel and accommodation**

Participants are responsible for making their own travel and hotel arrangements. A hotel reservation form for "**The Ritz-Carlton**", with which ICC has negotiated preferential rates at 265 US\$ per night (+ prevailing city and state taxes), will be sent upon receipt of the registration form, together with the contribution to costs. All room reservations must be guaranteed by a credit card. The **pre-reservation cut-off date is Friday 7 October**. Hotel reservations received after Friday 7 October will be accepted on a space and/or rate available basis only.

**Dress code**

Business casual for both Sunday cocktail reception & Monday dinner.

**Cancellations**

50% of the conference fee will be refunded for any cancellation received in writing by ICC Conferences prior to **Friday 7 October 2005**. No refund can be made for cancellations received after this date. You are welcome to send a substitute at any time. Please notify us if you plan to send a substitute since updated registration materials will be required.

**Sponsorship opportunities**

Companies that choose to become Conference Sponsors are given many opportunities to profile their business. They will receive maximum exposure during the event. If your organization is interested in sponsoring this conference, please contact **Dorothy Cross** at ICC, [dcc@iccwbo.org](mailto:dcc@iccwbo.org), Tel. +33 1 49 53 28 69.

Event

# ICC Meeting for Young Arbitrators The Interplay Between Civil Law and Common Law in International Arbitration: Clash or Harmony ?

*In association with the USCIB Young Arbitrators Forum – YAF*

Date

Sunday 6 November 2005, 2:00 – 5:30

Please complete and return by fax  
to + 33 1 49 53 29 42

Venue

The Ritz-Carlton, 415 Grand Bay Drive, Key Biscayne (Miami), Florida

## PROGRAM

### 2:00 – 2:30 Registration

### 2:30 – 2:40 Welcoming Remarks

- Robert Briner, Chairman, ICC International Court of Arbitration
- Nancy M. Thevenin, Deputy Director, Arbitration and ADR, North America, ICC International Court of Arbitration

### 2:40 – 3:50 From the arbitration agreement to the constitution of the arbitral tribunal

Young practitioners will examine the impact of the civil and common law regarding the drafting of the arbitration clause and the question of arbitrability in Latin America and the United States. The session will also discuss the role of the legal system in the preparation of the Request of Arbitration and the Answer and the selection of the Arbitral Tribunal.

- Ignacio Suárez Anzorena, Latin America Specialist Advisor, Clifford Chance LLP, London
- Oliver J. Armas, Partner, Thacher Proffitt & Wood LLP, New York
- Francisco González de Cossio, Senior Associate, Barrera, Sequeiros y Torres Landa, S.C., Mexico City

#### Moderator

- Cristián Conejero Roos, Counsel, ICC International Court of Arbitration

### 3:50 – 4:10 Coffee break

### 4:10 – 5:20 From the Terms of Reference to the Enforcement of the Award

Young practitioners will discuss the influence of the civil and common law in the organization of the proceedings and treatment of evidence (discovery, cross examination and impact of the IBA Rules of Evidence in international commercial arbitration), the role of the arbitrators and the State Court's role in the enforcement of the award.

- David Arias Lozano, Partner, Pérez-Llorca, Madrid
- Javier H. Rubinstein, Partner, Mayer, Brown, Rowe & Maw LLP, Chicago
- Eduardo Damião Gonçalves, Partner, Barretto Ferreira, Kujawski, Brancher & Gonçalves, Sao Paulo

#### Moderator

- John Fellas, Chair, USCIB-YAF; Partner, Hughes Hubbard & Reed LLP, New York

### 5:20 – 5:30 Conclusions

- Eduardo Silva Romero, Partner, Coudert Brothers LLP, Paris; former Deputy Secretary General, ICC International Court of Arbitration

## REGISTRATION

### Please fill in the below to register for the Young Arbitrators Meeting

Title (Mr/Dr/Mrs/etc.) .....

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

Position .....

Company .....

Address .....

City/state ..... Zip/postal code .....

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

Tel. (.....) ..... Fax (.....) .....

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

### Registration will be confirmed upon receipt of this completed registration form.

*The information you provide on this form will be used to compile the participant list for this event. It will be stored in ICC's database for the sole use of the ICC International Secretariat. You may have access to this information and ask for deletion or correction at any time by contacting ICC.*

### Please turn over to register for the conference

International Commercial Arbitration in Latin America: *The ICC Perspective*

# Registration form

S 0510

Register online  
[www.iccconferences.com](http://www.iccconferences.com)  
or complete and return to:  
**conf@iccwbo.org**  
Fax: +33 1 49 53 29 42

Date

**Sunday 6** (*Welcome Cocktail Reception*) – **Tuesday 8 November 2005**

Venue

**The Ritz-Carlton, 415 Grand Bay Drive, Key Biscayne (Miami), Florida**

Event

**3rd Annual Conference**

## **International Commercial Arbitration in Latin America: *The ICC Perspective***

Participant  
information

Title (Mr/Dr/Mrs/etc.) .....

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

Position .....

Company .....

Address .....

City/state ..... Zip/postal code .....

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

Tel. (.....) ..... Fax (.....) .....

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

*(Please check the appropriate box)*

US\$ 950 for ICC/USCIB members

US\$ 1,150 for non-members

US\$ 220 for accompanying person

**US\$ 860 "Early-bird" special  
registration before Friday 30 September 2005**

**Should you need an invoice, please check box**

*Please note that all charges will be reflected in Euros.*

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

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

Name of cardholder .....

**By cheque:**

payable to "**International Chamber of Commerce**" bearing the reference "**ICC S0510**" and **participant's name** clearly indicated.

**Registration will be confirmed upon receipt of the registration form and contribution to costs.**

50% of the conference fee will be refunded for any cancellation received in writing by ICC Conferences prior to **Friday 7 October 2005**. No refund can be made for cancellations received after this date. You are welcome to send a substitute at any time. Please notify us if you plan to send a substitute since updated registration materials will be required.

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

*The information you provide on this form will be used to compile the participants list for this event. By providing this information, you consent to ICC storing it in its data base for the sole use of the ICC International Secretariat. You may have access to this information and request to have it deleted or corrected at any time by contacting ICC Conferences.*

If you know of someone who would be interested in participating, please let us know:

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

Company ..... Country .....

Tel. (.....) ..... Fax (.....) ..... E-mail .....

Accompanying  
guest

Contribution  
to costs

Method  
of payment

Cancellations