



Young International Arbitration Practitioners' Symposium

Thursday 29 May 2014

The Advocates' Society Education Centre, Toronto, Canada

A Symposium presented by the IBA Arb40 Subcommittee of the Arbitration Committee, supported by the Young Canadian Arbitration Practitioners (YCAP) and The Advocates' Society

Topics include:

- A lawyer's beauty contest: which path to choose between commercial and investment arbitration?
- Choosing between commercial and investment arbitration

Working programme and list of participants

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Thursday 29 May

All working sessions will take place in The Advocates' Society Education Centre

1230 – 1700 **Registration**

1300 – 1315 **Welcome and opening remarks**

Mark A Luz *Counsel, Trade Law Bureau, Department of Foreign Affairs, Trade and Development, Ottawa; President, Young Canadian Arbitration Practitioners (YCAP)*

John Siwiec *Perley-Robertson Hill & McDougall, Ottawa; Member, IBA Arb40 Subcommittee; Newsletter Editor, IBA Mediation Committee*

1315 – 1430 **Session one**

A lawyer's beauty contest: which path to choose between commercial and investment arbitration?

Participants in this session will present a mock 'beauty contest' between law firms after the presentation of a potential case by a client. The client will describe a situation in which a dispute with a government agency over its business operations can lend itself to either a commercial arbitration or an investment treaty arbitration. The client will seek advice in particular relating to whether it should consider selecting either commercial arbitration or treaty arbitration, or instituting parallel arbitration proceedings. Two lawyers, from two different firms, will compete for the client's business and in the course of their respective pitches, will propose opposite advice regarding the arbitration path to be chosen and the consequences for the client.

Speakers

Tina Cicchetti *Fasken Martineau DuMoulin, Vancouver*

Patrick Pearsall *Attorney-Advisor, Office of the Legal Advisor, US Department of State, Washington DC; Member, IBA Arb40 Subcommittee*

Lisa Tomas *Arnold & Porter, London*

1430 – 1500 **Coffee/tea break**

MOBILE TELEPHONES

Delegates are requested to ensure that mobile telephones and any other portable devices are switched off during the working sessions.

Thursday continued

1500 – 1645 **Session two**

Choosing between commercial and investment arbitration

A panel of experts will address the issues discussed in the beauty contest as a basis for exploring the factors that should be taken into consideration in choosing between commercial and/or treaty arbitration. These include:

- Interim and provisional measures
- Jurisdictional issues
- Parallel arbitration proceedings
- Arbitrators challenges
- Recourses against the award and enforcement
- Transparency and Amicus Curiae

Speakers

Tina Cicchetti

Patrick Pearsall

Luca Radicati di Brozolo *ARBLIT – Radicati di Brozolo Sabatini, Milan; Vice-Chair, IBA Arbitration Committee*

Peter Rees QC *Thirty Nine Essex Street, London*

Lisa Tomas

1645 – 1700 **Concluding remarks**

Mark A Luz

John Siwiec

1830 – 2030 **Opening reception – IBA International Arbitration Today Conference**

Horizons, CN Tower

301 Front Street West

All registered delegates of the Symposium are welcome to attend.

Transport is not provided

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