

# Annual Arbitration Conference

## PRELIMINARY PROGRAMME

### Managing International Risk Through Commercial and Investment Treaty Arbitration

Friday, October 16, 2009  
University Club  
380 University Avenue, Toronto, Ontario

Presented in conjunction with the ICC Young Arbitrators Forum and  
the Young Canadian Arbitration Practitioners

## Agenda

8:00 – 8:45 Continental Breakfast

8:45 – 9:00 Introductory Remarks – Gerry Ghikas and Bill Horton

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9:00 - 10:00 **Panel #1 – Dispute Resolution for Long Term Relationships:**  
*Working Together While Disputes are Resolved*

- Practical Problems and Issues Arising from Long Term/Project Relationships
- Alternative Processes and the ICC Response to Industry Concerns
- Issues Associated with the Use of Industry Experts as Neutrals
- Meeting the Drafting Challenge of Multi-Tiered Dispute Resolution Protocols

**Moderator:** Gerald W. Ghikas Q.C., Borden Ladner Gervais LLP, Vancouver

**Panelists:** Janet Oh, Legal Counsel, SNC Lavalin, Montreal  
David McCutcheon, Fraser Milner Casgrain LLP, Toronto  
Patricia Peterson, Linklaters, Paris  
Thomas Webster, Gravel, LeClerc & Associes, Canadian Member of  
ICC International Court of Arbitration, Paris

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1:30 – 2:30

**Panel #4 – The Balancing Act: *Practical Approaches to Fairness and Efficiency in International Arbitration***

- Time and Cost v “Justice” and Predictability
- Arbitrator Control v Party Autonomy
- Common Law v Civil Law Procedural Expectations
- Standard Procedure v Tailor-Made

**Moderator:** David Roney, Schellenberg Wittmer, Geneva

**Panelists:** Stephanie Cohen, White & Case LLP, New York  
Bruce Gailey, Chief Litigation Counsel, Alstom Power, Zurich  
Marc Lalonde, P.C., O.C., Q.C., Montreal  
John Lorn McDougall, Q.C., Fraser Milner Casgrain LLP, Toronto

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2:30 – 2:45

**Coffee Break**

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2:45 – 3:45

**Panel #5 – Canada and The United States:  
*A Comparison of Trends in Arbitration Practice  
North and South of the 49<sup>th</sup>***

- Arbitrator Disqualification: Guidelines and Jurisprudence
- Class Proceedings: Class Arbitrations and Arbitration as a Bar to Class Actions
- Recognition and Enforcement: Applying the New York Convention
- Expanding Rights of Appeal: Can Parties Create New Grounds for Appeal?
- Discovery of Third Parties

**Moderator:** William G. Horton, Independent Arbitrator, Toronto

**Panelists:** Julie Bedard, Skadden Arps, Slate, Meagher & Flom LLP, New York  
John Fellas, Hughes Hubbard and Reid LLP, New York  
John Keefe, Goodman LLP, Toronto  
Jack Marshall Q.C., MacLeod Dixon LLP, Calgary

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3:45 – 4:45

**Open Forum (LCIA Style)  
Moderators: (TBA)**

**Closing Remarks**

7:00

**Cocktail Reception**

8:00

**Dinner**