



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association



香港國際仲裁中心
Hong Kong International
Arbitration Centre

ASA Arbitration Practice Seminar

organised with the HKIAC

24 – 26 May 2019



Da Nang, Vietnam



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ABOUT THE ASA ARBITRATION PRACTICE SEMINAR

A unique interactive and comparative format

The ASA Arbitration Practice Seminar (formerly known as the “Practice Building Seminar”) follows a format developed in 1997 by ASA, and very successfully applied every year since, in cooperation with other arbitration associations and institutions around Europe, including every two years with DIS in Badenweiler, Germany.

The discussion leaders are all very experienced international arbitration practitioners. During the course of two days, they will raise and discuss with the participants key legal and practical questions, as they arise in the successive stages of an international arbitration, illustrating them with examples from real cases.

All the sessions are led jointly by two practitioners, one with a common law background and the other with a civil law background, thus bringing to bear, in a lively debate, the diversity of experiences in international arbitration and encouraging the development of cross-cultural sensitivity.

The **language** of the Arbitration Practice Seminar is English.

Discussion Leaders

- **Domitille BAIZEAU**, LALIVE, Geneva
- **Matthew GEARING QC**, Allen & Overy, Hong Kong
- **Doug JONES AO**, Atkin Chambers, Sydney / London / Toronto
- **Christopher LAU SC**, 3 Verulam Buildings, Singapore
- **Loretta MALINTOPPI**, 39 Essex Chambers, Singapore / London
- **Michael MOSER**, 20 Essex Street, Hong Kong / London
- **Yoshimi OHARA**, Nagashima Ohno & Tsunematsu, Tokyo
- **Jakob RAGNWALDH**, Mannheimer Swartling, Hong Kong

Who should attend?

This is not a seminar for true beginners. It is designed for those who wish to continue building on their international arbitration knowledge and practice and to benefit from the discussion leaders’ combined experience and expertise, acquired in a great variety of arbitration proceedings in different jurisdictions. Participants themselves contribute to the debate with their own experience, questions and ideas.



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ABOUT THE ORGANIZERS

ASA – Swiss Arbitration Association

The Swiss Arbitration Association (ASA), together with ASA Below 40, has over 1'200 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this unique annual Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information, see www.arbitration-ch.org.

HKIAC – Hong Kong International Arbitration Centre

Founded in 1985, the Hong Kong International Arbitration Centre (HKIAC) is one of Asia's oldest and most prestigious international arbitration institutions, offering efficient and cost-effective arbitration administration services, in addition to mediation, adjudication and domain name dispute resolution. According to Global Arbitration Review, "No regional institution has been running so successfully for so long." With its multinational and multilingual Secretariat consisting of lawyers from around the world and a Panel Arbitrators comprised of leading arbitration experts with wide ranging expertise and experience from over 40 jurisdictions, HKIAC is Asia's premier arbitration institution. The pre-eminence of HKIAC as a venue for resolving international and domestic disputes is bolstered by its spacious state-of-the-art hearing facilities in central Hong Kong and is reflected in its diverse caseload. For more information, see www.hkiac.org.

Seminar Organisation:

Concept:

Michael E. Schneider (LALIVE), ASA Honorary President

Organisation:

Event Co-Chairs: **Melissa MAGLIANA** (LALIVE), **Sébastien BESSON** (Levy Kaufmann-Kohler), **Franz T. SCHWARZ** (WilmerHale)

ASA: **Alex McLIN** (ASA Executive Director), **Julie RANEDA**, (Chair, ASA SEA Chapter)

HKIAC: **Karen TAN**, **Kiran SANGHERA**

Local Partner:



Vietnam Chamber of
Commerce and
Industry

Media Partner:



transnational-dispute-management.com





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PROGRAMME

FRIDAY 24 MAY 2019

14.00 – 14.30:

Introduction

Sébastien Besson, Melissa Magliana, Franz Schwarz

Welcome address

Swiss Arbitration Association (ASA): *Elliott Geisinger*
Hong Kong International Arbitration Centre (HKIAC): *Sarah Grimmer*

Presentation of the seminar and introduction to the materials.

14.30-16.00:

Session A *Christopher Lau & Yoshimi Ohara*

Regulatory and institutional framework: relevance of the place of arbitration on the conduct of the proceedings, role of the Courts, ad hoc vs. institutional arbitration, applicable law

Arbitration clause: standard clauses, pathological clauses, necessary and desirable content.

Coffee break

6.30-18.00:

Session B *Michael Moser & Jakob Ragnwaldh*

Commencement of the arbitration: request for arbitration (scope and level of detail), multi-tier clauses;

Appointment of arbitral tribunal: choice of party appointed arbitrators, presidents of the arbitral tribunal and sole arbitrators, required and desirable qualifications, appointment by institutions;

Parties to the arbitration: identification, change in identity, merger, split, multi-party and multi-party proceedings, consolidation and joinder.

19.00:

Drinks followed by dinner



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SATURDAY 25 MAY 2019

09.00 – 10.30:

Session C *Domitille Baizeau & Matthew Gearing*

Terms of Reference or constitution orders: function, desirability, content, list of issues, claims/relief sought;

Financing of proceedings: advances, security for costs, arbitrators' fees and split, third party funders;

Organization of proceedings: procedural calendar, "PO No 1, 2nd CMC, counsel ethics, use of secretary to arbitral tribunal; arbitrator's role as settlement facilitator.

Coffee break

11.00 – 12.30:

Session D *Doug Jones & Loretta Malintoppi*

Main written pleadings: function, scope, form, number, sequence, with or without documentary / testimony evidence, involvement of arbitral tribunal between rounds;

Documentary evidence: relative importance, form of production, organization and referencing;

Disclosure: relevance/materiality, burden, requests by arbitral tribunal, illegally obtained evidence, privilege;

Information technology in arbitration proceedings: submissions (hard copy vs. soft copy), document management, security.

Lunch

13.45-14.45:

Session E *Matthew Gearing & Yoshimi Ohara*

Interim measures of protection by the arbitral tribunal: types, criteria, anti-suit injunctions;

Emergency arbitrators; assistance from the courts: type and criteria.

Coffee break

15.00-16.30:

Session F *Domitille Baizeau & Doug Jones*

Experts: retained by the parties or by arbitral tribunal, role, communication, reports, oral presentations, questioning and confrontation, terms of reference, site visits;

Issues of confidentiality: scope of obligation, methods of protecting confidential or sensitive information (use of "confidentiality experts").

Free time until dinner at 20.00 (with informal gathering at the bar at 19:00)

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SUNDAY 26 MAY 2019

9.00-10.30: **Session G** *Christopher Lau & Jakob Ragnwaldh*

Witnesses: drafting witness statements, scope of witness statements, relative importance as evidence, prior contacts and "preparation", methods and scope of examination;
Hearing(s): purpose, duration, organisation, presentation of evidence, splitting of hearings, records/transcript.

Coffee break

11.00-12.30: **Session H** *Loretta Malintoppi & Michael Moser*

Oral opening argument: time, duration, forms, "skeleton argument", demonstrative exhibits;
Oral closing argument and post-hearing briefs;
Arbitral tribunal's decisions: procedural orders and awards, organization and timing of deliberations, form of award, reasons, right to be heard and need to reopen proceedings, dispositive part of the award, decision on cost, enforcement, dissenting opinions, award by consent.

12.30-14:00: *Lunch*



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PRACTICAL INFORMATION

When?

Starting: **Friday 24 May 2019**, at 2 p.m.

Ending: **Sunday 26 May 2019**, at 2 p.m. (incl. lunch)

Where?

Hyatt Regency Danang Resort and Spa

5 Truong Sa Street,

Hoa Hai Ward, Ngu Hanh Son District,

Danang, Vietnam

Tel. +84 236 398 1234 -

www.hyatt.com/en-US/hotel/vietnam/hyatt-regency-danang-resort-and-spa/danhr

CPD/CLE Credit

Following the event, the ASA and/or the HKIAC will be pleased to provide attendees a certificate of attendance which, subject to the exact CPD/CLE requirements of the attendee's jurisdiction, may be used to obtain accreditation.

info@arbitration-ch.org.



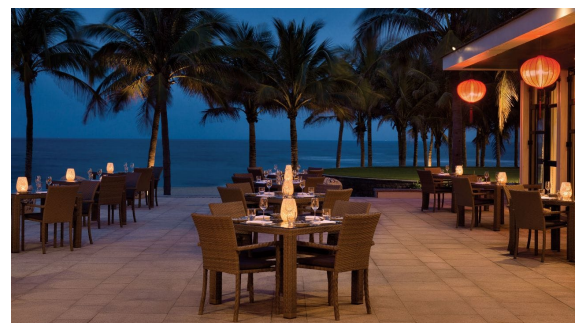
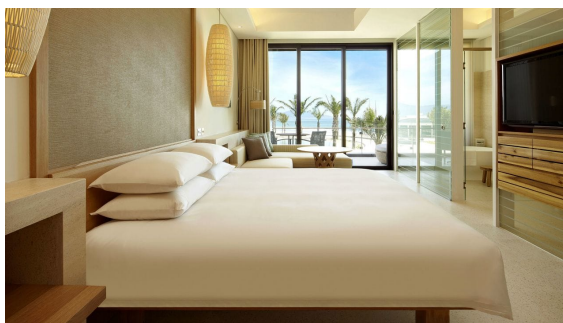
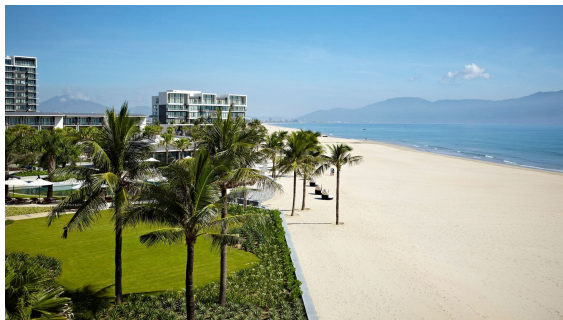
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About the venue

Hyatt Regency Danang Resort and Spa is situated on a tranquil stretch of white sandy beach, at the gateway to the vibrant city of Danang, Hyatt Regency Danang Resort and Spa is an ideal base to explore the exotic charms of Central Vietnam no matter the occasion.





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How to get there?

Hyatt Regency Danang Resort and Spa is conveniently located just 15 minutes from **Danang International Airport**, 30 minutes from Hoi An.

Guests can take a taxi from the airport or arrange an airport transfer with the resort from VND1,200,000 per trip (subject to a 5% service charge and 10% VAT). Please contact the resort's concierge team at least 12 hours prior to arrival or departure. For reservations, please call +84 236 398 1234 or e-mail concierge.danang@hyatt.com

The most popular and reliable taxi companies are Mai Linh (+84 511 356 5656), Taxi Xanh (+84 511 368 6868), and Vinasun (+84 511 368 6868). All taxis are fitted with metres, with the starting price at VND 12,000 and VND 15,000 for every subsequent kilometre. The drivers also have a fairly good command of English, and there's also a helpline number stated on the passenger door should you require further assistance.



Visa requirements:

A Vietnam tourist visa is required for almost all foreigners wishing to visit Vietnam. Please check with your travel agent whether a visa is required. Nationals of certain countries may visit Vietnam without a visa (<https://www.myvietnamvisa.com/vietnam-visa-exemption.html>).

The time to process a Vietnam tourist visa application is normally 2 working days.
The Vietnam travel visa can be applied no earlier than 6 months prior to date of departure.