



**British Institute of
International and
Comparative Law**

Sixteenth Annual Comparative Practitioner Workshop on International Arbitration

“Arbitrators and the State – How Independent?”

Sponsored by SR Shackleton LLP

Thursday, 27 June 2013

09.30 to 18.00

London House, Goodenough College, Mecklenburgh Square, Bloomsbury, London, WC1N 2AB

This year's Annual Arbitration Review will examine the supportive or interfering role of the courts. How independent is arbitral jurisdiction? How far can arbitrators go in terms of merits, procedure and evidence and remedies?

Programme

10.00 am **Registration and coffee**

10.30 am

Opening:

Professor Robert McCorquodale, Director of the British Institute of International and Comparative Law

Stewart Shackleton, SR Shackleton LLP

10:45 am

Session 1:

Who Decides Consent to Arbitration?

Chair: Sir Bernard Anthony Rix

Speakers:

Simon Nesbitt, Hogan Lovells International LLP, London: “What are my options? Evolving approaches to unilateral arbitration clauses”

Brian Hutchinson, University College Dublin: “Existence and validity of arbitration agreements - emerging Irish experience”

Philippa Charles, Stewarts Law LLP “Proper law of the arbitration agreement (*Sulamerica CIA Nacional de Seguros SA and Ors v Enesa Engenharia SA and Ors* [2012] EWCA Civ 638)”

Adam Samuel, London: “Understanding compétence-compétence from an international viewpoint”

Ali Malek QC, 3 Verulam Buildings, London: **[TBC]**



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1.00 pm **Lunch**

2:30 pm
Session 2:

Arbitral Independence, Procedure and Merits

Chair: Wendy Miles, Wilmer Hale LLP

Speakers:

Teresa Giovannini, Lalive, Geneva: "Alternative remedies in international commercial and investment arbitration"

Professor Martin Hunter, Essex Court Chambers, London: "National Arbitration Laws: One Act or Two?"

Richard Smith, Allen & Overy LLP, London: "Support or intervention? The Court's role in international arbitration following *AES Ust-Kamenogorsk (AES Ust-Kamenogorsk Hydropower Plant LLC v Ust-Kamenogorsk Hydropower Plant JSC* [2013] UKSC 35"

Julian DM Lew QC, 20 Essex Street, London: "Witness Evidence in International Arbitration"

4.30 pm **Coffee**

4.45 pm
Session 3:

Recourse against Awards

Chair: Stewart Shackleton, SRShackleton LLP

Speakers:

Shai Wade, Stephenson Harwood LLP, London: "The Relationship between State Courts and the Emergency Arbitrator: Batman and Robin or Tom and Jerry?"

Michael O'Reilly, Editor of Chartered Institute of Arbitration's *Arbitration*, London: "Appeals on Questions of Law – a threat to arbitral independence?"

Wendy Miles, Wilmer Hale LLP, London: "Do the expansive grounds for annulment under ss 68 and 69 of the English Arbitration Act pose a specific threat to arbitrator independence in England?"

Charles Kaplan, Orrick LLP, Paris: "French Practice under the New Arbitration Law, the past year"

6.30 pm **Close**