



**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”

Graham Dunning QC, Essex Court Chambers: “Anti-suit injunctions in support of arbitration against non-parties”



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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"

Sara Masters 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 Sections 68 & 69 'Expansive' Grounds For Recourse Against Awards Undermine Arbitrator Autonomy?"

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

**6.30 pm**                    **Close**