



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

Inside the black box:

How arbitral tribunals operate and reach their decisions

PROGRAMME

08:00 – 09:00 Welcome Coffee and Registration	
09:00 – 09:10	Welcome address and introduction to the conference topic Michael E. Schneider LALIVE, ASA President
09:10 – 09:30	The legal framework: rights and obligations of arbitrators in the deliberations Bernhard Berger KELLERHALS
09:30 – 10:45	Decision-making and deliberations: steps and issues How should deliberations as a rule be organised? At what time should opinions be formed and expressed? Who goes first? Are there “best practices”? Is there a difference according to the type of decision (partial/final; procedural/merits)? Unanimous and majority decisions; decisions by the chairperson alone. Drafting the decision: when? by whom? The chairperson? The arbitrator with the best drafting and linguistic skills, allocation of tasks?
Moderator:	Julian D.M. Lew, QC 20 ESSEX STREET
Panellists:	Piero Bernardini - UGHI E NUNZIANTE Matthias Scherer - LALIVE David Rivkin - DEBEVOISE & PLIMPTON
10:45 – 11:15 Coffee Break	

11:15 – 12:45	<p>Conflict in the deliberations: dealing with bias and obstruction</p> <p>How to deal with bias and obstruction? Reporting obstructive behaviour and misconduct by arbitrators, is it possible? Desirable? Dissenting opinions: should they be avoided? How to deal with them? Should the decision on costs be used as a “sweetener”? How to deal with stalemate (no majority found)?</p>
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Moderator:	Markus Wirth – HOMBURGER
Panellists:	Phillip Capper - WHITE & CASE Pierre Mayer - DECHERT Bernhard Meyer - MME PARTNERS

12:45 – 14:15

Lunch

14:15 – 16:00	<p>Assistance to the Tribunal: options, advantages and dangers</p> <p>Forms of assistance to the Tribunal: administrative and organisational; document management; drafting and editing; technical understanding; legal research): Advisors to the Tribunal: are they permissible and useful? Under what conditions? How to preserve the integrity of the process and the responsibility of the tribunal for the award?</p>
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Moderator:	Michael E. Schneider – LALIVE, ASA President
Panellists:	Andrea Meier – WARTMANN & MERKER Geoffrey Senogles – CARLES RIVER ASSOCIATES Hans van Houtte – IRAN-US CLAIMS TRIBUNAL Zachary Douglas – MATRIX CHAMBERS

16:00 – 16:15	<p>Closing address</p> <p style="text-align: right;">Bernhard Berger KELLERHALS</p>
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16:15 – 17:00

Reception