

Fordham Law
Lincoln Center | New York City



June 16–17, 2008 | **Fordham Law School**

Third Annual Conference on INTERNATIONAL ARBITRATION AND MEDIATION

Fordham Law School

Conflict Resolution & ADR Program | Louis Stein Center for Law & Ethics

American Bar Association International Law Section | American Society of International Law | Chartered Institute of Arbitrators | International Centre for Dispute Resolution | JAMS | London Court of International Arbitration | Martinus Nijhoff Publishers | Skadden, Arps, Slate, Meagher & Flom LLP

About the Conference

The conference will bring together leading international arbitrators, mediators, practitioners, and scholars to discuss contemporary issues in international arbitration and mediation. Arbitration topics will include **Recent Significant Domestic Judicial Decisions Involving International Arbitration**, including cases from the U.S., England, France, Germany, Austria and Switzerland; **Investor/State Arbitration**, including new generation BITs, interim measures, non-disputing state party intervention, and the eclipse of expropriation; **Class Actions and Consolidation in International Arbitration**, including overcoming obstacles to consolidating international arbitrations, whether courts should enforce no-class action arbitration clauses, and the feasibility and desirability of class arbitration; **Intellectual Property and Information Technology Issues**, including choice of law in intellectual property disputes, how an arbitration panel decides on the validity of intellectual property, using information technology effectively, and e-discovery. The international mediation topics will address **Issues, Solutions and Expanding Applications**, including mediator confidentiality, enforcement of mediation settlement agreements, global competency standards, and using mediation techniques to improve M & A outcomes; and **Developments in Mediation Around the World**, including mediation in China and the Far East, the EU directive on mediation, mediation trends in Australia, and pledges to use ADR techniques.

MEETING TIME AND PLACE

The conference will be held Monday–Tuesday, June 16–17, 2008. On Monday, the conference will meet from 9:00 a.m.–6:00 p.m., and on Tuesday, from 9:15 a.m.–1:00 p.m., in the Fordham Law School McNally Amphitheatre, located at 140 West 62nd Street, New York, NY 10023.

CONFERENCE DIRECTOR

Arthur W. Rovine, Fordham Law School (New York). Mr. Rovine may be reached at Arthur.W.Rovine@bakernet.com.

Assisting Mr. Rovine will be Jessi Tamayo, Associate Director of the Louis Stein Center for Law and Ethics at Fordham Law School. She may be reached at jtamayo@law.fordham.edu.

For additional information please visit <http://law.fordham.edu/cle>.

Monday, June 16

8:30 AM	Registration	<p>PATRICIA BARCLAY Using Mediation Techniques to improve M&A Outcomes Bonnacord Ecosee Limited, Edinburgh</p>
9:00 AM	Welcome/Opening Remarks	
9:15 AM	<p>Recent Significant Domestic Judicial Decisions Involving International Arbitration</p> <p>Moderator DONALD FRANCIS DONOVAN U.S. cases Debevoise and Plimpton LLP, New York</p> <p>SOPHIE NAPPERT English cases Arbitrator, 3 Verulam Buildings, London</p> <p>PHILIPPE PINSOLLE French cases Avocat a la cour, Barrister (England and Wales), Partner at Shearman & Sterling LLP Paris</p> <p>HILMAR RAESCHKE-KESSLER German, Swiss and Austrian cases Rechtsanwalt beim Bundesgerichtshof, elected member of the bar of Germany's Supreme Court; honorary professor, the Law School of Cologne University, Ettlingen-Karlsruhe</p>	<p>EDNA SUSSMAN The Final Step: Issues in Enforcement of Mediation Settlement Agreements Hoguet, Newman, Regal & Kenney LLP, New York</p>
11:00 AM	Break	1:00 PM Lunch Break
11:15 AM	<p>Mediation: Issues, solutions and expanding applications</p> <p>Moderator JACKIE NOLAN HALEY Professor of Law, Fordham Law School; Director, Fordham ADR & Conflict Resolution Program</p> <p>JOHN MICHAEL RICHARDSON How Confidential Is Mediation Confidentiality? Arbitrator & Mediator, New York</p> <p>JUDITH MEYER From Cottage Industry to Profession: The Impetus for Global Competency Standards JPMeyer Associates, Haverford, PA</p>	<p>2:15 PM Investor-State Arbitration</p> <p>Moderator GABRIELLE KAUFMANN-KOHLER Levy Kaufmann-Kohler, Geneva</p> <p>JOHN BEECHEY New Generation BITs—Consensus or Divergence? Clifford Chance, London</p> <p>YVES FORTIER, Q.C. Interim Measures: An Arbitrator's Provisional Views Chairman and Senior Partner, Ogilvy Renault, Montreal</p> <p>ANDREA MENAKER The Practice and Impact of Non-Disputing State Party Intervention in Investor-State Arbitration White & Case, Washington DC</p> <p>MICHAEL REISMAN The Eclipse of Expropriation in International Investment Arbitration McDougal Professor of International Law, Yale Law School, New Haven, CT</p>
4:00 PM	Break	

- 4:15 PM** **Class Actions and Consolidation in International Arbitration**
- Moderator**
MICHAEL MARKS COHEN
Overcoming Obstacles to Consolidating International Arbitrations
Nicoletti Hornig & Sweeney, New York
- FREDERIC BACHAND
Should Courts Enforce No-Class Action Arbitration Clauses?
Assistant Professor of Law,
Member of Institute of Comparative Law, McGill University, Montreal
- DANA FREYER
The Desirability of Class Arbitrations
Skadden, Arps, Slate, Meagher & Flom LLP, New York
- JOHN FELLAS
The Feasibility of Class Arbitrations
Hughes Hubbard and Reed, New York

6:00 PM **Reception**

Tuesday, June 17

- 9:15 AM** **Developments in Mediation Around the World**
- Moderator**
EDNA SUSSMAN
Hoguet Newman Regal & Kenney LLP,
New York
- PETER PHILIPS
Mediation in China and the Far East: The Challenge of Shifting Paradigms
Business Conflict Management LLC,
New Jersey

- MARK APPEL
The EU Directive on Mediation: Issues, Impact and Implications for National and Cross-border Mediation
Senior Vice President, International Centre for Dispute Resolution of the American Arbitration Association
Dublin
- IAN HANGER, AM QC
Mediation trends in Australia—deja vu and innovation
Australian Bar Association, Brisbane
- NANCY NELSON
Effective Integration of ADR Techniques into Practice: The Use and Role of Pledges
International Institute for Conflict Prevention and Resolution, New York

11:00 AM **Break**

- 11:15 AM** **Intellectual Property and Information Technology Issues in International Arbitration**
- Moderator**
TOM HALKET
Choice of Law in International Intellectual Property Disputes
Halket Weitz LLP, New York
- JOEL LUTZKER
How an Arbitration Panel Decides on the Validity of Intellectual Property
Sheppard Richter Mullin and Hampton LLP, New York
- ERIK SCHAEFER
Using Information Technology Effectively in International Arbitration
Cohausz & Florack, Duesseldorf
- IRENE WARSHAUER
Electronic Discovery and Arbitration: A Shortcut Through E-Discovery?
Law Offices of Irene C. Warshauer,
New York

Registration Form

Third Annual Conference on International Arbitration and Mediation

To register, please visit <http://law.fordham.edu/cle> or complete and submit this form as instructed below.

Name _____

Affiliation _____

Address _____

City/State/Zip _____

Telephone/Fax _____

E-mail _____

The Conference has been approved in accordance with the requirements of the New York State CLE Board for a maximum of 15 non-transitional, professional practice, credit hours.

ENCLOSED IS MY CHECK OR CREDIT CARD INFORMATION FOR:

- Lunch and CLE credits | **\$695** for Practitioners
- Lunch and CLE credits | **\$395** for Academicians and NonProfit/Government Employees
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Fordham Law School has a financial hardship policy for this Conference.
For additional information please visit <http://law.fordham.edu/cle>.

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