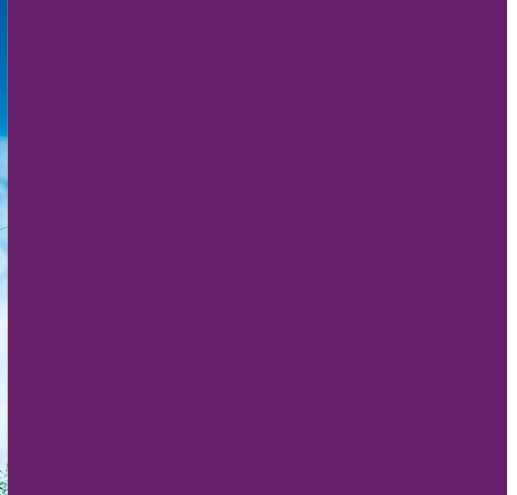


Durham Summer Course on International Arbitration



11-15 July
2022

Durham Summer Course on International Arbitration

The expansion of cross-border investment and trade has led to increased and ever more complex relationships between businesses, investors, and States. Inevitably, those relationships sometimes break down, and parties need to consider the best means of resolving the disputes which may arise.

Over the last half-century, multinational parties and the international community has increasingly embraced arbitration as the primary means of resolving complex, transnational, disputes.

This course focuses on the theory and practice of international arbitration as a distinct field of legal practice. It will cover international commercial arbitration, investment treaty arbitration and some of the practical skills and strategic considerations that specialist counsel in these fields need to understand.

In addition to offering basic instruction on the theoretical foundation and principles behind arbitration, the course will also provide practical instruction, such as best practices in written and oral advocacy, the recognition and enforcement of arbitral awards and institutional rules.

The course is targeted towards practitioners who want to expand their skillset or discover a new field of practice; scholars seeking to gain expertise in the application of concepts and norms within the field of international arbitration; and students seeking exposure to the world of international dispute resolution.

The faculty at the Durham Institute is drawn from the very top echelon of scholars and practitioners around the world, and is purposefully chosen to provide a diverse array of experience and perspectives to course participants. Enrollment is limited to 30 so as to provide a 3:1 teacher-to-student ratio and thus ensure personal and hands-on instruction for every participant.

The location of the summer course at Durham University, located in the North East of England, offers participants a global experience in a unique and intimate setting.

Situated in the historic setting of the UNESCO World Heritage Site, which includes Durham Cathedral, Durham Castle, and the surrounding area, Durham Law School is in the QS World Rankings top 50 law schools, and its graduates include some of law's leading figures, including current members of the UK Supreme Court, the Court of Appeal, Members of Parliament and various global law firms, international organisations and governments around the world.

On the evening of Monday 11 July you're invited to Durham Castle. Built in 1072 and set in the heart of Durham city centre, it has been occupied by the University since 1837. The event will start at 6:00pm with a drinks reception at the Castle followed by dinner in the Great Hall. The Dean of Durham Law School will be in attendance as well as guest speakers and other colleagues who've supported the introduction of this Summer School.

Course Requirements and Fees



The Durham summer course is open to lawyers barred in any jurisdiction as well as students enrolled in any university's LLM, JD or SJD course (or its equivalent).

All participants will be eligible for a Diploma or Certificate of Attendance, including CLE or continuing competence credit where applicable.

For students, the course will equal 2 ECTS credits, and we can work with your home institution on the award of those credits. Certain U.S. institutions may award academic credit as well.

For non-students, the fee is GBP 1,200, which includes all materials and attendance at all sessions and events.

For students, the fee is GBP 600, which includes all materials and attendance at all sessions and events.

Group rates on local accommodation are available. Information will be provided upon registration.

A non-refundable deposit of GBP 100 is required to confirm registration. The deposit will be applied towards the tuition. Written cancellation received 14 business days prior to the course will be fully refunded. Cancellations after that time will not be refunded, however, reading materials will be sent and access to webcasts will be provided if available.

For any further information, including details about group discounts, please contact charles.kotuby@pitt.edu



Top 10
in The Times and
Sunday Times Good
University Guide 2020

100%
of research impact and
environment was ranked
3* or 4* (REF 2021)

7th
in the Complete
University Guide 2022

**Top
50**
QS World University
Rankings by Subject 2021



Course Schedule

The course offers three modules, lasting five days, covering (1) the fundamentals of commercial arbitration, (2) the fundamentals of treaty-based arbitration, and (3) practical arbitration skills. Each module will begin with the theoretical foundation of arbitration, will cover the various laws and rules that govern international arbitration, discuss strategic considerations that commonly arise in transnational disputes, and provide participants with hands-on and practical guidance on effective advocacy and how to manage the arbitral process. The course will offer 36 hours of total classroom time.

Daily networking activities such as coffee hours, luncheons, dinners and visits to local Durham attractions provide participants opportunities to meet with faculty experts and practitioners.

Course Faculty

The course is taught by leading practitioners and arbitrators from around the world, with the goal of providing students a diverse perspective of international arbitration from various legal cultures and national backgrounds.

The four course co-directors (below) include current arbitrators, practitioners and academics with a combined 100 years of experience in international commercial and investment treaty arbitration with leading global law firms.

John Fellas



Full-time international arbitrator. Adjunct Professor of Law, New York University School of Law. Over 30 years' dispute resolution experience at a major law firm in New York City. Recognised by Best Lawyers as the Lawyer of Year for Commercial International in New York in 2019 and Lawyer of Year for Governmental International Arbitration in New York in 2022. Dunelm, B.A. Law (Hons.) 1983.

Wendy Miles QC



International arbitrator and arbitration counsel. Over 25 years' arbitration experience, both commercial and investment. Member of the ICC Court of Arbitration for over a decade. Appointed by the United Kingdom to the ICSID Panel of Arbitrators and ICSID Panel of Conciliators Canterbury, B.A. LL.B. 1994; LL.M. 1998.

Christian Leathley



Partner, Herbert Smith Freehills LLP (New York). Former Adjunct Professor at New York University School of Law and University of Pennsylvania Law School. 25 years' experience in international arbitration; practiced in New York, London, Madrid and Amsterdam. Chambers/Legal 500 ranked for the U.S. and Latin America. Dunelm, B.A. Law (Hons.) 1995.

Charles T. Kotuby Jr.



Professor at the University of Pittsburgh School of Law and the University of Durham Law School. Former partner at Jones Day in Washington DC. 15 years' of international arbitration and public international law experience. Ranked Band 1 for International Arbitration in Chambers USA. Dunelm, LL.M. (Hons.) 2001.

We look forward to welcoming:

Juliet Blanch

Full-time arbitrator, Arbitration Chambers, London.

Hagit Muriel Elul

Partner, Hughes Hubbard & Reed, New York.

Lei Chen

Chair in Chinese Law, Co-Director of the Centre for Chinese Law and Policy.

Dr Todd Weiler

Independent International Arbitrator.

Louis Flannery QC

Partner, Head of International Arbitration, Michcon de Reya.

Michelangelo Cicogna

Partner, De Berti Jacchia Franchini Forlani.

Professor Sir Bernard Rix

Previously a Lord Justice of Appeal with 20 years' experience in the Commercial Court and the Court of Appeal. International Judge of the Singapore International Commercial Court and a member of the Cayman Islands Court of Appeal. Professor of International Commercial Law at The Centre of Commercial Law Studies at Queen Mary, University of London.

Nikki Coles

Managing Director, Alvarez & Marsal France.

Andrew Flower

Managing Director, Alvarez & Marsal France.

Michael Polkinghorne

Partner, White & Case, Paris.



Thank you

to:

Herbert Smith Freehills
CILE
and
Alvarez & Marsal



HERBERT
SMITH
FREEHILLS



Center for International Legal Education



ALVAREZ & MARSAL

Welcome
11-07
Monday

Fundamentals of Commercial Arbitration

9:30am - 12:00pm: Introduction to International Commercial Arbitration
This session will focus on why parties should choose arbitration for their international commercial contracts, how to draft an arbitration clause, and give an overview of the practice.
Instructors: John Fellas; Christian Leathley

2:30pm - 5:00pm: Overview of the Law and Rules of International Commercial Arbitration
This session will focus on the law and rules that governs international arbitration: the New York Convention, domestic law, arbitration rules, and soft law instruments governing the arbitral process.
Instructors: John Fellas; Michelangelo Cicogna

Fundamentals of Commercial Arbitration

9:30am - 12:00pm: Enforcement of Arbitration Agreements and Arbitral Awards
This session will focus on the enforcement of arbitration agreements and arbitral awards in the courts, including the allocation of responsibility between courts and arbitrators, kompetenz-kompetenz and separability in leading arbitration jurisdictions around the world.
Instructors: Hagit Muriel Elul; Lei Chen

2:30pm - 5:00pm: The Arbitration Process
This session will discuss in detail how a dispute unfolds from the beginning of the dispute to the issuance of an award. It will include a discussion of preliminary relief, the commencement of arbitration proceeding, emergency arbitrators, the preliminary conference, the submission of memorials, witness statements and expert reports, the taking of evidence, and the hearings.
Instructors: John Fellas; Louis Flannery

Fundamentals of Treaty-Based Arbitration

9:30am - 12:00pm: Introduction to Treaty-Based Arbitration
This session will introduce the theoretical basis of treaty-based arbitration, the various institutions, and mechanisms for dispute settlement.
Instructors: Charles T. Kotuby Jr.; Christian Leathley

2:30pm - 5:00pm: Issues of Jurisdiction in Treaty-Based Arbitration
This session will cover the definition of "investment," issues of temporal jurisdiction, treaty structuring and issues of corruption as a matter of jurisdiction and admissibility.
Instructor: Charles T. Kotuby Jr.

12-07
Tuesday

13-07
Wednesday

14-07
Thursday

Treaty-Based Arbitration and Damages

9:30am - 12:00pm: Expropriation and the Fair and Equitable Treatment Standard
This session will address the primary substantive protections of investment treaties and their jurisprudential development over the past few years.
Instructor: Charles T. Kotuby Jr.

2:30pm - 5:00pm: Damages in Commercial and Investment Arbitration
With the assistance of leading forensic economists, this session will address issues of reparation and compensation, strategic considerations of valuation dates and how various breaches and businesses implicate different quantum models.
Instructor: Andrew Flower



15-07
Friday

Practical Arbitration Skills

9:30am - 11:30pm: Best Practices in Written Advocacy: Pleadings, Witness Statements and Expert Reports
This session will highlight best practice in written advocacy, seeking to bridge the divide between different legal traditions.
Instructors: Christian Leathley (Moderator); John Fellas; Wendy Miles QC; Michael Polkinghorn

1:30pm - 3:00pm: Best Practices in Oral Advocacy: Cross-Examination, Opening and Closing Statements
This session will address best practices in delivering opening and closing statements and include participant discussion and hands-on workshops.
Instructors: Christian Leathley (Moderator); John Fellas; Wendy Miles QC; Sir Bernard Rix

3:30pm - 5:00pm: The In-House and Arbitrator Perspectives
Moderated by John Fellas, this interactive session will feature leading in-house counsel and arbitrators discussing the most effective features of a global arbitral practice and advocacy before arbitral tribunals.
Participants: Wendy Miles QC (Moderator); John Fellas; Sir Bernard Rix; Juliet Blanch.

Contact details

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Visit **durham.ac.uk**



DurhamUniversity



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