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INSTITUTE FOR  
TRANSNATIONAL ARBITRATION



THE CENTER FOR AMERICAN  
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Arbitration and Mediation Center of the Santiago  
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Mediation and Arbitration Center of the National  
Chamber of Commerce of Mexico City (CANACO)

Peruvian Arbitration Institute (IPA)

Venezuelan Arbitration Committee



# ITA-CCB

## Americas Workshop:

*Confronting Ethical Issues in  
International Arbitration*

*and featuring  
Perspectives of Latin American  
Arbitral Institutions*

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### October 14-15, 2010

Chapinero Campus  
Arbitration and Conciliation  
Center of the Chamber of  
Commerce of Bogotá  
Bogotá D.C., Colombia

#### Highlights:

- **Featured Luncheon Speaker**  
Dr. Juan Carlos Henao Pérez, Vice President,  
Constitutional Court of Colombia, Bogotá
- **Workshop Co-Chairs**  
James Castello, King & Spalding LLP, Paris  
Jonathan C. Hamilton, White & Case LLP, Washington, D.C.  
Fernando Mantilla-Serrano, Shearman & Sterling LLP, Paris  
Kenneth B. Reisenfeld, Patton Boggs LLP, Washington, D.C.  
Prof. Catherine A. Rogers, Università Commerciale Luigi  
Bocconi, Italy, Dickinson School of Law, Pennsylvania State  
University  
Eduardo Zuleta, Gómez-Pinzón Zuleta, Bogotá
- **Special Report and Panel on ITA's 2010 Survey of Arbitral  
Institutions in Latin America**
- **3rd Americas Roundtable - A Meeting for Young Lawyers  
on International Arbitration**  
October 14, 2010 (Separate registration required)
- All events will be presented in Spanish and English with  
simultaneous translation.

Workshop Sponsored by

**WHITE & CASE**

5.75 hours of MCLE credit available, including 5 hours of ethics.  
1.75 Hours of MCLE credit available for the Roundtable.

**3RD AMERICAS ROUNDTABLE: A MEETING FOR YOUNG LAWYERS ON INTERNATIONAL ARBITRATION**

October 14, 2010 • 4:00-6:30 p.m.  
 Chapinero Offices, Arbitration and Conciliation Center  
 of the Chamber of Commerce of Bogotá  
 Bogotá D.C, Colombia

*Presented by*  
 SCHOOL OF ARBITRATION OF THE CENTER FOR ARBITRATION AND CONCILIATION,  
 CHAMBER OF COMMERCE OF BOGOTÁ  
 INSTITUTE FOR TRANSNATIONAL ARBITRATION  
 ICC YOUNG ARBITRATORS FORUM, LATIN AMERICAN CHAPTER  
 ICDR YOUNG & INTERNATIONAL  
 LCIA YOUNG INTERNATIONAL ARBITRATION GROUP

*Co-Sponsored by*  
 Cuatrecasas, Gonçalves Pereira  
 Freshfields Bruckhaus Deringer LLP  
 Squire, Sanders & Dempsey L.L.P.

**3:30 REGISTRATION**

**4:00 WELCOME**

Cecilia Flores Rueda, Santamarina y Steta, Mexico City, Chair, ITA Young Arbitrators' Initiative

Alberto Zuleta Londoño, Gómez-Pinzón & Zuleta, Bogotá, Representative, Center for Arbitration and Conciliation, Chamber of Commerce of Bogotá

Katherine González Arrocha, Director for Latin America, ICC Dispute Resolution Services, ICC International Court of Arbitration, Panama City, Representative, ICC Young Arbitrators Forum, Latin American Chapter

Adrián Magallanes, Arnold & Porter LLP, Washington, D.C., Member, ICDR Young & International Global Advisory Board

Alfredo De Jesus O., Venezuelan Arbitration Committee, Caracas, Representative for Latin America, LCIA Young International Arbitration Group

**4:15 PANEL: WRITING A BULLET PROOF AWARD**

This panel will discuss the most important aspects of the drafting of an award by arbitrators. Emphasis will be made on issues like taking into account the risk of an action to set aside, review of the evidence, deliberations amongst arbitrators, and others.

**MODERATOR:**  
 Alberto Zuleta Londoño, Gómez-Pinzón & Zuleta, Bogotá

**PANELISTS:**  
 Dyalá Jiménez Figueres, Bofill Mir & Alvarez Hinzpeter Jana, Santiago

Jean Paul Dechamps, Freshfields Bruckhaus Deringer LLP, Washington, D.C.

Pedro Claros Alegría, Cuatrecasas, Madrid

**5:10 BREAK**

**5:25 PANEL: ANNULMENT AND ENFORCEMENT OF THE AWARD: RECENT DEVELOPMENTS**

This panel will analyze recent developments in various jurisdictions regarding the annulment and enforcement of awards arising out of commercial or investment disputes, highlighting the fundamental role that domestic Courts have in the arbitral system.

**MODERATOR:**  
 Adrián Magallanes, Arnold & Porter LLP, Washington, D.C.

**PANELISTS:**  
 Valeria Galíndez, Barretto Ferreira, Kujawski, Brancher e Gonçalves, São Paulo

Cristina Vizcaíno Díaz, Grupo de Asesores Legales y Técnicos de la Construcción, S.A. de C.V., Mexico City

Alfredo De Jesus O., Venezuelan Arbitration Committee, Caracas

**6:20 CLOSING REMARKS**

Registration is 75,000 COP (\$40 USD) regular / 45,000 COP (\$25 USD) members, which includes the meeting materials and the reception.

For more information or to register for only the Americas Roundtable visit [http://www.cailaw.org/ita/ITACCBRT\\_10E.html](http://www.cailaw.org/ita/ITACCBRT_10E.html).

1.75 hours of MCLE credit is available.

**6:30 WELCOME RECEPTION** for all Roundtable and Workshop faculty and registrants at the Chapinero Offices of the Arbitration and Conciliation Center of the Chamber of Commerce of Bogotá



6:30-8:00 WELCOME RECEPTION

Chapinero Offices  
 Arbitration and Conciliation Center of the Chamber of Commerce of Bogotá

*Sponsored by*  
 Center for Conciliation and Arbitration of Panama  
 Chamber of Commerce, Industry and Agriculture of Panama (CeCAP)  
 Gómez-Pinzón Zuleta

FRIDAY, OCTOBER 15

**ITA-CCB AMERICAS WORKSHOP:**

*Confronting Ethical Issues in International Arbitration*

*and featuring*

*Perspectives of Latin American Arbitral Institutions*

8:30 REGISTRATION

9:00 WELCOME REMARKS ..... **Rafael Bernal Gutiérrez**, Director, Center for Arbitration and Conciliation of the Chamber of Commerce of Bogotá, and **Eduardo Zuleta**, Chair, ITA Americas Initiative

**ACT I — ETHICAL ISSUES IN SELECTING THE ARBITRAL TRIBUNAL**

9:10 INTRODUCTION TO ACT I AND ACT I, SCENE I ..... **Kenneth B. Reisenfeld**, Workshop Co-Chair

9:20 ACT I, SCENE I — INTERVIEWING PROSPECTIVE ARBITRATORS [in English]

Counsel for Seller/Claimant and FlyBuy Airlines/Respondent adopt radically different approaches to interviewing their respective party-appointed arbitrators. What are the ethical constraints on *ex parte* communications during these interviews? To what extent should the Chartered Institute Guidelines be followed?

*Stage Left — Claimant’s Interview:*

Arbitration Counsel for Claimant ..... **Andres Jana**  
 In-House Counsel for Claimant ..... **Dietmar W. Prager**  
 Claimant’s Prospective Arbitrator ..... **Prof. Jack Coe**

*Stage Right — Respondent’s Interview:*

Arbitration Counsel for Respondent ..... **Eduardo Silva Romero**  
 In-House Counsel for Respondent ..... **Gustavo Suárez Camacho**  
 Respondent’s Prospective Arbitrator ..... **Patrick Barrera**

9:35 INTRODUCTION TO ACT I, SCENE II ..... **Eduardo Zuleta**, Workshop Co-Chair

9:40 ACT I, SCENE II – ARBITRATOR DISCLOSURES AND CHALLENGES [in English]

Following commencement of the arbitral proceedings, the parties assess their strategies for objecting to and potentially challenging members of the panel. They also explore the arbitrators’ and parties’ respective duties of due diligence and disclosure under the ICC Rules and the IBA Guidelines on Conflicts of Interest in International Arbitration.

*Stage Right — Respondent’s Counsel:*

Arbitration Counsel for Respondent ..... **Eduardo Silva Romero**  
 In-House Counsel for Respondent ..... **Gustavo Suárez Camacho**

*Stage Left — Claimant’s Counsel:*

Arbitration Counsel for Claimant ..... **Andres Jana**  
 In-House Counsel for Claimant ..... **Dietmar W. Prager**

9:55 PANEL DISCUSSION AND Q&A: INTERVIEW TECHNIQUES, DUTIES OF DUE DILIGENCE AND DISCLOSURE, AND BENEFITS AND PITFALLS TO CHALLENGING ARBITRATORS

Moderators ..... **Kenneth B. Reisenfeld**  
 ..... **Eduardo Zuleta**

**10:35 ARBITRAL INSTITUTIONS PANEL: ETHICAL ISSUES IN THE CONSTITUTION OF A TRIBUNAL [in Spanish]**

Moderator ..... **Rafael Guillermo Bernal Gutiérrez**  
Director, Center for Arbitration and Conciliation  
Chamber of Commerce of Bogotá  
Bogotá

Panelists

<b>Fernando Aguilar</b> Director, Argentine Committee for National and Transnational Arbitration Procedural Director, Arbitration Centre of the Argentine Chamber of Commerce Buenos Aires	<b>Eduardo Ferrero</b> Senior Partner, Estudio Echeopar Abogados – Lima President of the Arbitration Center of the American Chamber of Commerce of Peru Lima
	<b>Katherine Gonzáles-Arrocha</b> Director for Latin America ICC Dispute Resolution Services ICC International Court of Arbitration Panama City

**11:25 BREAK**

**11:45 SPECIAL REPORT AND PANEL: RESULTS OF THE ITA SURVEY OF LATIN ARBITRATION INSTITUTIONS [in Spanish]**

Moderator ..... **Jonathan C. Hamilton**  
Workshop Co-Chair  
Immediate Past Chair, ITA Americas Initiative  
White & Case  
Washington, D.C.

Panelists

<b>Diana C. Droulers</b> Executive Director, Arbitration Centre Caracas Chamber of Commerce Caracas	<b>Luis M. Martinez</b> Vice President, International Centre for Dispute Resolution President, Inter-American Commercial Arbitration Commission New York
<b>Eduardo Damião Gonçalves</b> Barretto Ferreira, Kujawski, Brancher E Gonçalves Immediate Past Chair, Brazilian Arbitration Committee Chairman, Arbitration Center Portugal-Brazil Chamber of Commerce São Paulo	<b>Liliana Sánchez</b> Secretary General, Center for Conciliation and Arbitration Panama, Chamber of Commerce, Industry and Agriculture of Panama Panama City
<b>Karin Helmlinger</b> Secretary General, Centro de Arbitraje y Mediación de Santiago Cámara de Comercio de Santiago Santiago	

**12:30 HOSTED LUNCHEON**

**DR. JUAN CARLOS HENAO PÉREZ**  
Vice President, Constitutional Court of Colombia  
Bogotá

*Sponsored by*

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LECG International Arbitration

**ACT II — THE ARBITRATION: ETHICAL ISSUES IN PREPARING AND PRESENTING THE CASE**

**2:15 INTRODUCTION TO ACT II AND ACT II, SCENE I ..... James E. Castello, Workshop Co-Chair**

**2:20 ACT II, SCENE I – INFORMATION GATHERING [in English]**

Buyer/Respondent's in-house counsel discusses with her outside lawyers the company's defense to the arbitration, including whether to seek information from Seller/Claimant's former in-house lawyer, who reportedly left on unhappy terms. Respondent's (European) counsel A and (U.S.) counsel B express different concerns about such an interview, based on the various possible ethical constraints that may apply.

Respondent's counsel B interviews Claimant's former in-house lawyer and discusses with him his ethical obligations regarding confidential information and attorney communications with his former client.

*Stage Left — Discussion of Respondent's Defense and Ethical Obligations Regarding Witness Interviews:*

European Counsel for Respondent ..... **Salvador Fonseca**  
U.S. Counsel for Respondent ..... **Jose I. Astigarraga**  
In-House Counsel for Respondent ..... **Elisabeth Eljuri**

*Stage Right — Respondent’s U.S. Lawyer Meets with Claimant’s Former In-House Counsel:*

U.S. Counsel for Respondent ..... **Jose I. Astigarraga**  
Former In-House Counsel for Claimant ..... **Thomas R. Snider**

**2:40 PANEL DISCUSSION AND Q&A: INFORMATION GATHERING**

Moderator ..... **James E. Castello**

**3:00 INTRODUCTION TO ACT II, SCENE II** ..... **Fernando Mantilla Serrano, Workshop Co-Chair**

**3:05 ACT II, SCENE II – HEARING ON DOCUMENT DISCLOSURE REQUEST [in English]**

Claimant and Respondent have each sought disclosure of the other party’s documents, including ones prepared by in-house counsel. The protections afforded such documents differ under the applicable legal regimes of Buyerland and Sellerville. The tribunal hears argument on motions to order disclosure.

Counsel for Claimant ..... **Pedro Martinez-Fraga**  
Counsel for Respondent ..... **Oswaldo J. Marzorati**  
Arbitration Chairperson ..... **Lucy F. Reed**  
Arbitrator Appointed by Claimant ..... **Enrique Gómez-Pinzón**  
Arbitrator Appointed by Respondent ..... **Fernando Aguilar**

**3:20 PANEL DISCUSSION AND Q&A: PROTECTING PRIVILEGES AND CONFIDENTIALITY**

Moderator ..... **Fernando Mantilla Serrano**

**3:40 BREAK**

**4:00 INTRODUCTION TO ACT II, SCENE III** ..... **Prof. Catherine A. Rogers, Workshop Co-Chair**

**4:05 ACT II, SCENE III – ARBITRATOR DELIBERATION ON MOTIONS FOR DISCLOSURE AND POSSIBLE CORRUPTION ISSUES [in English]**

The arbitrators deliberate on the motions to order disclosure. One arbitrator also queries what obligation the arbitrators may have to pursue concerns as to possible bribery.

Arbitration Chairperson ..... **Lucy F. Reed**  
Arbitrator Appointed by Claimant ..... **Enrique Gómez-Pinzón**  
Arbitrator Appointed by Respondent ..... **Fernando Aguilar**

**4:20 PANEL DISCUSSION AND Q&A: MOTIONS FOR DISCLOSURE AND CORRUPTION ISSUES**

Moderator ..... **Prof. Catherine A. Rogers**

**4:40 ARBITRAL INSTITUTIONS PANEL: ETHICAL ISSUES IN THE PRESENTATION AND PROCEDURE OF A CASE [in Spanish]**

Moderator ..... **Nicolás Gamboa Morales**  
Gamboa, Chalela, Gamboa Useche Abogados  
Bogotá

Panelists

	<b>Fernando Aguirre</b>	<b>Rodrigo Jijón L.</b>
	Bufete Aguirre Soc. Civ. Abogados	Pérez Bustamante & Ponce
	La Paz	Quito
	<b>Cecilia Flores Rueda</b>	
	Santamarina y Steta	
	Former Secretary General, Mediation and Arbitration Center	
	National Chamber of Commerce	
	Mexico City	

**5:25 CLOSING REMARKS** ..... **Dr. Bernal and Ms. Reed**

**5:30-8:00 WORKSHOP RECEPTION AND DINNER (dinner ticket required)**

**Andrés Carne de Res Restaurant**  
**Chia, Colombia**

*Ticket price: 95,000 COP / \$50 USD Dress code: Business*

*Sponsored by*  
**King & Spalding LLP**



## SEVEN WAYS TO REGISTER

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5201 Democracy Drive, Plano, Texas USA 75024

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[cburkel@cailaw.org](mailto:cburkel@cailaw.org) (ITA)

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+1 (972)244-3405 (English)

### BANK TRANSFER (US dollars)

Bank: Citibank NA, New York

Swift No.: CITIUS33

ABA Code: No: 021000089

Chips: No: 0008

Paying Bank: Banco de Occidente

Swift: OCCICOBC

Account Number: 10950229

Beneficiary: Camara de Comercio de Bogota

Account Number: 265-03534-5

### BANK TRANSFER (Colombian pesos)

Bank: Banco de Occidente

Type of Account: Checking Account

Account Number.: 265-03715-0

Entity: Camara de Comercio de Bogota

Reference: ITA

PAYMENT MUST ACCOMPANY REGISTRATION

## GENERAL INFORMATION

### CANCELLATION POLICY:

Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by September 23, 2010. If you registered through CCB, cancellations must be in writing and either faxed or emailed to: + (571) 2637892 or [boletincac@ccb.org.co](mailto:boletincac@ccb.org.co). If you registered through ITA, cancellations must be in writing and either faxed or emailed to: +1 (972) 244-3401 or [cburkel@cailaw.org](mailto:cburkel@cailaw.org). After this date, no refunds, but substitution of attendees for this program will be permitted.

### HOUSING:

The cost of housing is not included in the tuition. However, rooms (in limited number) have been reserved at the Hotel BH La Quinta y BH El Retiro. Registrants can reserve a room online at the reduced rate of 286,500 COP (approx \$169 USD) by visiting our website and completing the hotel information form: [http://www.cailaw.org/ita/ITACCB\\_entrance10.html](http://www.cailaw.org/ita/ITACCB_entrance10.html).

### MCLE CREDIT:

This course has been approved by the State Bar of Texas for 5.75 hours, including 5 hours of ethics credit for the Workshop and 1.75 hours for the Roundtable. Course ID Numbers: 901207803 (Workshop) and 901206630 (Roundtable). Sign-in sheets and/or certificates of attendance will be available for ALL U.S. states.

## REGISTRATION

### ITA-CCB AMERICAS WORKSHOP:

Confronting Ethical Issues in International Arbitration

and featuring

Perspectives of Latin American Arbitral Institutions

October 14-15, 2010

Chapinero Campus, Arbitration and Conciliation Center of the Chamber of Commerce of Bogotá  
Bogotá D.C., Colombia

Registration includes the Welcome Reception on October 14, the Workshop, the Workshop luncheon and course materials on CD on October 15.

To register for the Americas Roundtable for young lawyers only, please visit [http://www.cailaw.org/ita/ITACCBRT\\_entrance10.html](http://www.cailaw.org/ita/ITACCBRT_entrance10.html).

Check applicable box:

	Received by 9/23/10	Received after 9/23/10
Regular registration fee	<input type="checkbox"/> 450,000 COP/\$250 USD	<input type="checkbox"/> 495,000 COP/\$275 USD
ITA Member:		
Advisory Board Member	<input type="checkbox"/> 375,000 COP/\$200 USD	<input type="checkbox"/> 415,000 COP/\$225 USD
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Student/Government Employee	<input type="checkbox"/> 40,000 COP/\$20 USD	<input type="checkbox"/> 85,000 COP/\$45 USD

- I am under 40 years old and plan to attend the Americas Roundtable for Young Lawyers on October 14 (75,000 COP/\$40 USD regular fee - 45,000 COP/\$25 USD member fee).
- I plan to attend the Welcome Reception for all faculty and registrants on Thursday, October 14.
- I plan to attend the Reception and Dinner for all faculty and registrants on Friday, October 15 (ticket price - 95,000 COP/\$50 USD).

Name \_\_\_\_\_

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City, State, Postal Code, Country \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

- I wish to bring a guest to the Friday night Reception and Dinner (ticket price - 95,000 COP/\$50 USD)

Guest Name \_\_\_\_\_

Guest Title \_\_\_\_\_

Firm/Company/Organization \_\_\_\_\_

Address \_\_\_\_\_

City, State, Postal Code, Country \_\_\_\_\_

### PAYMENT INFORMATION

- I have sent my registration payment via wire transfer (see wire transfer instructions in the left column of this page)

- Check enclosed payable to: The Center for American and International Law

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