

**FIFTEENTH ANNUAL INTERNATIONAL  
COMMERCIAL ARBITRATION WORKSHOP  
OF THE  
INSTITUTE FOR TRANSNATIONAL  
ARBITRATION**

**ARBITRAL ADVOCACY**

**JUNE 17, 2004**

**THE WESTIN GALLERIA HOTEL  
DALLAS, TEXAS**

**MOCK ARBITRATION  
PROCEEDINGS AND  
COMMENTARY**

**THE INSTITUTE FOR TRANSNATIONAL ARBITRATION  
OF  
THE CENTER FOR AMERICAN AND INTERNATIONAL LAW  
(FORMERLY THE SOUTHWESTERN LEGAL FOUNDATION)**

*You are cordially invited to join...*

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## THE 2004 WORKSHOP: ARBITRAL ADVOCACY



**Pierre Bienvenu**



**Dominique  
Brown-Berset**



**Mark Friedman**



**Gabrielle  
Kaufmann-Kohler**

This year's Workshop will continue the ITA tradition of combining scenes from a mock arbitration with expert commentaries. The mock players and commentators include many of the foremost arbitrators and arbitration practitioners in the world.

The Workshop will focus this year on advocacy in international commercial arbitration. The mock proceeding arises from a construction dispute between a Texas construction company (Lone Star Construction) and the Moroccan subsidiary of a Dutch power company (Van Dyke Morocco) in which the claimant seeks damages for alleged defects in the design and construction of a power plant jetty that was damaged in a storm. The contract states that such disputes are governed by New York law and calls for dispute resolution in Geneva, Switzerland, under the rules of the London Court of International Arbitration. Through the mock proceeding, the faculty will explore how concerns about effective advocacy pervade all aspects of an arbitration dispute, from initial mapping of case strategy and formulation of written pleadings, to establishing procedural ground rules, to hearing room examination of witness and presentation of oral argument. The diverse faculty, drawn from all over the world, will also consider how legal and cultural traditions influence effective advocacy in international arbitration.

Our featured speaker will be Gabrielle Kaufmann-Kohler, Professor of Law at the University of Geneva and partner at Schellenberg Wittmer in Geneva. Prof. Kaufmann-Kohler will address the manner in which arbitrators apply the substantive law governing a dispute: "The Arbitrator and the Law: Does He/She Know It? Apply It? How? And a Few More Questions." Prof. Kaufmann-Kohler will also chair one of three distinguished mock arbitral panels whose commentaries we will hear during the course of the mock.

We hope you will be able to join us.

# THE PROGRAM

- 8:00 REGISTRATION AND CONTINENTAL BREAKFAST
- 8:50 INTRODUCTION TO THE WORKSHOP..... **ITA Chair Donald Donovan**
- 9:00 INTRODUCTION TO ACT I..... **Workshop Co-Chair Dominique Brown-Berset**
- 9:10 ACT I—CASE STRATEGY AND WRITTEN ADVOCACY

Van Dyke Morocco has just commenced arbitration against Lone Star Construction, seeking the substantial costs of rebuilding the coal unloading jetty destroyed when it was struck by a barge during an unusually powerful storm. Van Dyke's Request for Arbitration alleges various defects in design and construction of the jetty, and contends that these defects made the jetty vulnerable to the barge, whereas a properly designed and constructed jetty would have survived without damage.

Lone Star's outside counsel are now meeting with the in-house counsel and a Lone Star engineer to consider how to respond to the Request for Arbitration. What they must develop, and develop quickly, is a strategy for defending the case.

Lone Star's outside counsel are also eager to pull together the Statement of Defense. They have already prepared a preliminary draft. But are those preliminary views consistent with the evolving case strategy, and are they expressed in a way that is suitable for the kind of international arbitration that is now taking shape?

Contractor's Outside Counsel ..... **Judith Gill**  
Contractor's Outside Counsel ..... **John M. Townsend**  
Contractor's In-house Counsel ..... **Stephen D. Butler**  
Contractor's In-house Engineer ..... **David Lane**

- 9:40 COMMENTARY AND DISCUSSION: MAPPING A CASE STRATEGY AND EFFECTIVE WRITTEN ADVOCACY IN INTERNATIONAL ARBITRATION
- Commentators ..... **R. Doak Bishop**  
**Bernard Hanotiau**
- 10:00 QUESTION AND ANSWER
- 10:15 BREAK
- 10:30 INTRODUCTION TO ACT II ..... **Workshop Co-Chair Mark Friedman**

10:40 ACT II—PRE-HEARING ADVOCACY

ACT II—SCENE I—THE PROCEDURAL OPTIONS

With the arbitration under way, the parties now confront a series of choices about how to structure the proceeding. Lone Star's outside counsel confers with the client to lay out the options and decide which procedural elements will provide the best opportunity to present the case in its most favorable light.

10:55 ACT II—SCENE II—ARGUING PROCEDURAL ISSUES

Counsel for Van Dyke and Lone Star meet with the Tribunal for the first time. While Van Dyke and Lone Star have been able to agree on some procedural issues, there are substantial issues that they cannot resolve by themselves and consequently must be resolved by the Tribunal. Counsel square off over the structure of the arbitration.

Contractor's Outside Counsel .....	<b>Fernando Mantilla-Serrano</b>
Contractor's In-house Counsel .....	<b>Guido Tawil</b>
Owner's Outside Counsel .....	<b>Robert H. Smit</b>
Tribunal .....	<b>Gabrielle Kaufmann-Kohler</b> , Arbitral Chair
	<b>Henri Alvarez</b> , Party Appointed
	<b>Hon. John S. Martin, Jr.</b> , Party Appointed

11:20 COMMENTARY AND DISCUSSION: TAKING ADVANTAGE OF ARBITRATION'S PROCEDURAL FLEXIBILITY FOR MORE EFFECTIVE ADVOCACY

Comments by the Members of the Tribunal

11:45 QUESTION AND ANSWER

**12:00 - 1:30**

**HOSTED LUNCHEON**

**THE ARBITRATOR AND THE LAW: DOES HE/SHE KNOW IT? APPLY IT? HOW? AND A FEW MORE QUESTIONS**

**GABRIELLE KAUFMANN-KOHLER**  
PROFESSOR, UNIVERSITY OF GENEVA  
SCHELLENBERG WITTMER  
GENEVA, SWITZERLAND

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**DEBEVOISE & PLIMPTON LLP**  
AND  
**EXXON MOBIL CORPORATION**

1:30 INTRODUCTION TO ACT III ..... **Workshop Co-Chair Pierre Bienvenu**

1:40 ACT III—ADVOCACY WITH WITNESS TESTIMONY

ACT III—SCENE I—PREPARING WITNESS STATEMENTS

The case is progressing and the time is approaching when Loan Star will have to submit the testimonial and documentary evidence on which it relies. An important part of the evidence will be the testimony of the Lone Star civil engineer principally responsible for the jetty design. Lone Star's counsel meets with the engineer to discuss the engineer's written witness statement that will serve as the engineer's direct testimony in the upcoming merits hearing.

Contractor's Outside Counsel ..... **David Brynmor Thomas**  
Contractor's In-house Engineer ..... **David Lane**

1:55 COMMENTARY: THE USE AND ABUSE OF WRITTEN WITNESS STATEMENTS IN INTERNATIONAL ARBITRATION

The Tribunal ..... **Michael E. Schneider**, Arbitral Chair  
**Gerald Aksen**, Party Appointed  
**Michael J. Moser**, Party Appointed

2:10 ACT III—SCENE II—CROSS-EXAMINATION AND WITNESS CONFERENCE/CONFRONTATION

The action then shifts to the hearing itself. The engineer is very comfortable with his written testimony, and feels confident about Lone Star's position in the arbitration. The engineer is called to the stand, affirms the witness statement and is handed over for cross-examination by Van Dyke's counsel. Will the engineer still be confident after the cross-examination?

Van Dyke and Lone Star have both engaged independent experts to testify in the case, and each expert has submitted a written report. As the written reports were submitted simultaneously, they do not engage each other directly. The Tribunal has decided to bring both experts to the stand together, and through this witness conference try to discern the real points of agreement and disagreement between the experts. Will this procedure help the Tribunal better understand the important engineering issues in the case, or will it permit the experts to evade the most difficult questions that they might have had to confront in party-led cross examination?

Contractor's Outside Counsel ..... **David Brynmor Thomas**  
Contractor's In-house Engineer ..... **David Lane**  
Contractor's Expert Witness ..... **Carol Malinvaud**  
Owner's Outside Counsel ..... **Rayner M. Hamilton**  
Owner's Expert Witness ..... **David M. Lindsey**  
Tribunal ..... **Michael E. Schneider**, Arbitral Chair  
**Gerald Aksen**, Party Appointed  
**Michael J. Moser**, Party Appointed

2:45 COMMENTARY AND DISCUSSION: CROSS-EXAMINATION AND WITNESS CONFERENCING/ CONFRONTATION—SEARCHING FOR THE TRUTH

Comments by the Members of the Tribunal

3:10 QUESTION AND ANSWER

3:25 BREAK

3:45 INTRODUCTION TO ACT IV..... **Workshop Co-Chair Dominique Brown-Berset**

3:55 ACT IV—ORAL ADVOCACY

The evidence is in. The witnesses have been heard. All that remains is closing argument. But what is the most effective way to present that argument? Counsel for the parties present variations on closing argument influenced by three traditions of international arbitration: a civil law approach, an English approach, and an American approach.

Owner's Outside Counsel .....	<b>Hilary Heilbron</b>
Owner's Outside Counsel .....	<b>Philippe Pinsolle</b>
Contractor's Outside Counsel .....	<b>James H. Carter</b>
Tribunal .....	<b>Hon. Charles N. Brower</b> , Arbitral Chair
	<b>Michael Collins</b> , Party Appointed
	<b>Pierre A. Karrer</b> , Party Appointed

4:30 COMMENTARY AND DISCUSSION: ORAL ADVOCACY IN ARBITRATION

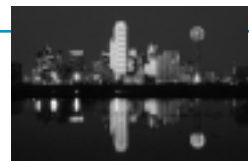
Comments by the Members of the Tribunal

4:55 QUESTION AND ANSWER

5:10 CLOSING REMARKS ..... **Donald Francis Donovan**

## Experience Dallas

Have you experienced Texas (and Dallas) hospitality? If not, you are in for a treat. Please consider bringing your entire family. Among the many available activities outside the classroom:



- ♦ Dallas Museum of Art
- ♦ Meadows Museum
- ♦ The Kimbell Museum (Fort Worth)
- ♦ The Galleria (world-class shopping)
- ♦ The Dallas Arboretum and Botanical Garden
- ♦ Southfork Ranch (home of the television series "Dallas")
- ♦ 6th Floor Museum (Kennedy Museum)
- ♦ Mesquite Rodeo
- ♦ Stockyards Historic District (Fort Worth)
- ♦ Six Flags Over Texas (amusement park)
- ♦ Hurricane Harbor (water park)
- ♦ Medieval Times Dinner & Tournament
- ♦ Dallas World Aquarium
- ♦ Meyerson Symphony Center
- ♦ Nightlife in the West End, Deep Ellum, Lower Greenville and Uptown

## BIOGRAPHIES

**GERALD AKSEN** is a full time arbitrator and ADR neutral. He is a retired partner of Thelen Reid & Priest LLP, New York, where he was the firm specialist in arbitration and alternative dispute resolution. He is immediate past president of the College of Commercial Arbitrators and immediate past vice chairman of the ICC International Court of Arbitration. He has chaired and acted as sole or co-arbitrator in ad hoc proceedings and under the rules of numerous institutions in over 200 cases and has participated as advocate or arbitrator in 18 different countries. Mr. Aksen has a broad background in the dispute resolution field, having been an arbitrator, advocate, academic (adjunct professor, New York University School of Law) and administrator (general counsel, American Arbitration Association), and is a frequent speaker and lecturer on international arbitration. He is a 1958 graduate of New York University School of Law.

**HENRI ALVAREZ**, a partner of the law firm of Fasken Martineau DuMoulin LLP in Vancouver, British Columbia, Canada, acts regularly as an arbitrator and also as counsel in international and domestic commercial arbitrations, including arbitrations under the auspices of the International Chamber of Commerce, London Court of International Arbitration, the American Arbitration Association, International Centre Settlement of Investment Disputes and the British Columbia International Commercial Arbitration Centre. Mr. Alvarez is a Chapter 19 Panellist under the NAFTA. He has taught as an adjunct professor at the Faculty of Law, University of British Columbia since 1985 in the areas of international commercial arbitration and dispute resolution and has published and lectured widely on the topics of international commercial arbitration and international dispute resolution.

**PIERRE BIENVENU**, Partner, serves on the Executive Committee of Ogilvy Renault and heads the firm's Arbitration and ADR practice team. Practises international commercial arbitration, corporate commercial litigation as well as competition and constitutional law. Has acted as Counsel in numerous domestic and international arbitrations, both ad hoc and institutional, relating to telecommunications, aeronautics, international distribution, joint ventures and construction disputes. He regularly represents parties in setting aside or recognition and enforcement proceedings before Canadian courts. He is a member of the Canadian roster - ICC arbitrators, of the International Panel - ADR Chambers and of several other arbitral institutions. He is also an Alternate Member on NAFTA's 2022 Committee. He was Co-Counsel for the Government of Canada before the Supreme Court in the Reference concerning the secession of Québec. Also involved in many challenges to the constitutional validity of provincial and federal legislation.

**R. DOAK BISHOP**, Partner in King & Spalding's Houston Office and Chair of the firm's International Arbitration Practice Group, received his B.A. degree with high honors and departmental distinction from Southern Methodist University (1973), and his J.D. degree with honors from the University of Texas Law School (1976), Research Editor of the Texas Law Review. Mr. Bishop is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. He serves as Vice-Chair of the Institute of Transnational Arbitration; Fellow of the Chartered Institute of Arbitrators and Chartered Arbitrator, Executive Committee of North American Chapter and is Member, U.S. delegation to the NAFTA Advisory Committee on Private Commercial Disputes; Adjunct Professor, SMU Law School (1999) (International Commercial Arbitration) and University of Houston Law School (2002) (Foreign Investment Disputes); Co-Chair, International Litigation Committee of ABA's Litigation Section (1998-2000); Editor, International Litigation Quarterly (1985-2000); Chair, Litigation Section of the State Bar of Texas (1998-1999). He served as sole, chair, party-appointed, and institution-appointed arbitrator in ICC, AAA, UNCITRAL, and CPR arbitrations and has substantial experience as counsel in ICSID arbitrations.

**CHARLES N. BROWER** has been a Judge of the Iran-United States Claims Tribunal in The Hague since 1983. He has been Acting Legal Adviser of the US Department of State, Deputy Special Counsellor to the President of the United States, a member (since 1991) of the Register of Experts of the UN Compensation Commission, a member (since 1998) of the panel of Arbitrators and Conciliators of the International Centre for Settlement of Investment Disputes, and a member (since 1996) of the United States Secretary of State's Advisory Committee on Public International Law. He is a past President of the American Society of International Law and Chair of the Advisory Board of the Institute for Transnational Arbitration. He is a former partner, and now Special Counsel, at White & Case LLP in Washington, DC, where he has handled lit-

igation in federal and state courts throughout the United States, including jury trials, bench trials and appeals, in a wide range of civil, administrative, and criminal proceedings, while specializing during the last 25 years in the handling of disputes involving States or State entities before international courts, tribunals, and commissions. He is also a member of 20 Essex Street Chambers in London.

**DOMINIQUE BROWN-BERSET** is a partner of B•M•G Avocats, a Geneva-based law firm where she practices mainly in the field of international business transactions and international dispute resolution. She is a member of the Geneva Bar and holds law degrees from Lausanne University Law School, Switzerland (License en droit), Paris I, Panthéon-Sorbonne, France (DEA) and Harvard Law School (LL.M). She is Co-Chair of Committee D (Arbitration and Dispute Resolution) of the International Bar Association and International Vice-President of the Chartered Institute of Arbitrators (London). She is a member of the Board of the Association Suisse des Juristes and of the Swiss Institute of Comparative Law. She has been acting as counsel or arbitrator in a broad range of international arbitration cases around the world, in particular in arbitration involving States and international organizations both at private and governmental levels, relating to transfer of technology, construction of turnkey factories and of other major projects, procurement contracts, license agreements, agency, joint venture and shareholders' agreements, distribution and sale and purchase agreements, warranties and representations in acquisition and the like.

**DAVID BRYNMOR THOMAS** is a partner in Herbert Smith, specialising in international commercial arbitration, with particular experience of disputes arising from all aspects of infrastructure and other major projects. He also advises on and drafts arbitration and other dispute resolution provisions and sits as both sole and party appointed arbitrator in institutional and ad hoc arbitrations. Mr. Brynmor Thomas acts as an Observer to the Arbitration Working Group of UNCITRAL and is a member of the Arbitration Practice subcommittee of the Chartered Institute of Arbitrators, the AAA International Roster of Neutrals and the GCC Commercial Arbitration Centre Panel of Arbitrators.

**STEPHEN D. BUTLER** is managing counsel of Bechtel Corporation in San Francisco. He has over 30 years of domestic and international litigation and ADR practice in the public and private sectors with extensive experience in engineering, construction and related fields. His practice, both as an advocate and as an arbitrator/mediator, includes major commercial disputes involving infrastructure projects, power plants, refineries, pipelines, factories, bridges, dams, schools, sports facilities and highways. He has served as an advocate and arbitrator in a many complex domestic and international arbitrations in Europe and the Middle East. He is on numerous panels including the ICDR's, the AAA's Large Complex Case, and CPR's Distinguished Neutrals. He is a Fellow in the American College of Construction Lawyers and co-chair of the IBA's Construction Committee. He is the author of publications on litigation, ADR and construction industry subjects and is a frequent speaker at international and domestic conferences on these subjects.

**JAMES H. CARTER** is a partner in the New York office of Sullivan & Cromwell LLP and coordinator of its international arbitration practice. He is a graduate of Yale College and Yale Law School, attended Cambridge University as a Fulbright Scholar and served as law clerk to Hon. Robert P. Anderson of the U.S. Court of Appeals for the Second Circuit. Mr. Carter is President of the American Society of International Law and Chairman of the Board of Directors of the American Arbitration Association and has chaired its Arbitration Law Committee. He is also a Past Chair of the American Bar Association Section of International Law and Practice and served as Chair of its Committee on International Commercial Arbitration. Mr. Carter has chaired both the International Affairs Council and the Committee on International Law of the Association of the Bar of the City of New York, as well as the International Law Committee and the International Dispute Resolution Committee of the New York State Bar Association. He also is a member of the London Court of International Arbitration and Vice President of its North American Council and a member of the Court of Arbitration for Sport.

**MICHAEL G. COLLINS** joined Fulbright & Jaworski L.L.P. as a special legal consultant in 2002 after practicing as a barrister in commercial law at Essex Court Chambers in London for almost 30 years. His principal areas of specialization include arbitration, insurance and reinsurance, shipping, and other contractual and tortious disputes of a technical or commercial nature. Mr. Collins regularly serves as an arbitrator in International Chamber of Commerce, London Court of International Arbitration, United Nations Commission on International Trade Law, London Maritime Arbitrators Association and other institutional and ad hoc cases. Mr. Collins received an LL.B (Honors) 1st Class from the University of Exeter, Devon, England in

1970. He was appointed Queen's Counsel in 1988, and served as a Recorder of the Crown Court between 1994 and 2001. He has authored several articles and frequently lectures at various international seminars and programs. Mr. Collins is a Fellow of both the Chartered Institute of Arbitrators and the Singapore Institute of Arbitrators, and is a member of the Advisory Board of the Institute for Transnational Arbitration. He is also a CEDR-accredited mediator.

**DONALD FRANCIS DONOVAN** is a partner at Debevoise & Plimpton LLP in New York, where he concentrates his practice in international litigation and arbitration. He has argued arbitration law, international law, and commercial law issues before the International Court of Justice, the United States Supreme Court, other international tribunals, and other federal and state courts throughout the United States. He has conducted arbitrations under ICC, AAA, ICSID, and other rules in numerous venues throughout the world, and he regularly sits as arbitrator in international cases. Among other positions, Mr. Donovan is Chair of the ITA Advisory Board and Vice-President and one of two U.S. members of the International Council for Commercial Arbitration (ICCA), and among other publications, he is co-author of the United States Report in ICCA's International Handbook on Commercial Arbitration. He was recently appointed Adjunct Professor of Law at the NYU School of Law, where he will teach international arbitration. He joined Debevoise after serving as law clerk to Associate Justice Harry A. Blackmun of the United States Supreme Court and as legal assistant to the Honorable Howard M. Holtzmann of the Iran-United States Claims Tribunal.

**MARK W. FRIEDMAN** is a partner at Debevoise & Plimpton LLP. He is a London based American litigator with broad experience in U.S. and international disputes. He has represented clients in the federal and state trial and appeals courts and he regularly represents clients in international arbitrations involving parties and projects throughout the world. He has represented clients in arbitrations involving varied subjects, including shareholder rights, oil and gas interests, construction claims, and other commercial contracts. He has also represented clients in investment treaty arbitrations, including representing the investor in *Central European Media Enterprises, Ltd. v. The Czech Republic*. Mr. Friedman speaks and publishes on international arbitration topics. He is also a member of various international arbitration committees and associations, including serving as Vice-Chair of the ABA's International Commercial Dispute Resolution Committee, and membership in the ICC Arbitration Commission, the International Bar Association's Committee D, and other organizations.

**JUDITH GILL** is Head of Allen & Overy's International Arbitration Group. She graduated in Jurisprudence from Worcester College, Oxford University and joined Allen & Overy in 1983. In 1990 she obtained a Diploma in International Commercial Arbitration, with distinction, from Queen Mary and Westfield College, University of London and in 1998 qualified as a Solicitor-Advocate. Judith has been a partner in Allen & Overy since 1992. She has extensive experience in conducting all forms of arbitration proceedings, both local and international, and frequently appears as advocate in arbitration proceedings. She is also regularly appointed as an arbitrator both by parties and by arbitral institutions, and has rendered awards both as sole arbitrator and as a member of panels. Judith is co-author of the last two editions of the leading textbook "Russell on Arbitration" and is a News Correspondent for International Arbitration Law Review. She is a Director and Court Member of the LCIA, a member of the ICC UK Arbitration Group, a Fellow of the Society of Advanced Legal Studies, a Fellow of the Chartered Institute of Arbitrators and a Committee Member of the International Arbitration Club.

**RAYNER M. HAMILTON** is a retired partner of White & Case where he headed the International Arbitration Practice Group from 1985 through 2002, originally from New York but from Paris from 1999 through 2002. He also for many years headed the Firm's international litigation practice. He has conducted arbitrations under ICC, AAA, LCIA, ICSID, UNCITRAL and other rules, and under ad hoc procedures, at numerous venues around the world. He has served as an expert witness on New York law, and on many occasions as a party appointed or institution appointed arbitrator. Mr. Hamilton's undergraduate degree was in Engineering Physics from the University of Colorado, and his LLB from the University of Pennsylvania where he was Managing Editor of the Law Review. He has had extensive experience in arbitration/litigation arising out of construction or engineering contracts and/or other complex international contractual relationships.

**BERNARD HANOTIAU** is a lawyer with Hanotiau & Van Den Berg in Brussels and is also a member of the Paris Bar. A former participant in the Center for American and International Law's Academy of American and International Law, he has a Ph.D in Private International Law from Catholic University of Louvain and a Master of Laws degree from Columbia University. He is a trustee of the Center, a former president of the Club of International Arbitrators (Milan) and a member of the International Arbitration Club (London). He is Vice-Chairman of the Belgian Arbitration Center (CEPANI) and a member of the London Court of International Arbitration. He is an ICC Arbitrator and member of the panel of arbitrators of numerous institutions including ICSID and also acts frequently as arbitrator in UNCITRAL cases. Since 1978, Mr. Hanotiau has been actively involved in commercial arbitration as party appointed counsel or expert in various parts of the world in nearly 200 cases.

**HILARY HEILBRON QC** is a barrister and Queen's Counsel practising general commercial law and litigation and international arbitration in London from Brick Court Chambers. She also sits as an arbitrator acting as such in ICC, LCIA and ICDR arbitrations. She is also a Senior Counsel of NSW, Australia; a Deputy High Court Judge and an accredited mediator with CEDR. She is currently Deputy Chairman of the City Disputes Panel and Vice Chairman of the IBA International Litigation Committee. She is a former Chair of the London Common Law and Commercial Bar Association and of the International Practice Committee of the Bar Council of England and Wales and a former member of the CEDR Advisory Panel and the Civil Justice Council.

**DR. PIERRE A. KARRER**, a partner in Pestalozzi Lachenal Patry, Zurich, has been chairman, sole arbitrator, and party-appointed arbitrator in around 200 international commercial arbitrations in Switzerland and all over the world, ad hoc and with all major institutions. He acts as counsel to parties in arbitration and defends arbitral awards before the Swiss Federal Supreme Court. Dr. Karrer is Honorary President of the Swiss Arbitration Association, Vice President of LCIA, Court Member of ICC, FCI Arb of the Chartered Institute, and listed arbitrator of many institutions. After studies in Zurich, Göttingen, Padova, and The Hague, he obtained a Dr. iur., summa cum laude from the University of Zurich, and an LL.M. from Yale. He teaches International Arbitration at Zurich University. His publications include Switzerland's Private International Law, Commentary to Article 187 PIL Statute; and numerous articles on international arbitration. Dr. Karrer chairs arbitrations in English, French, German, and Italian. He also speaks Dutch and some Spanish.

**GABRIELLE KAUFMANN-KOHLER**, Professor at Geneva University Law School, where she teaches international dispute resolution, is also a partner of the Geneva Law firm of Schellenberg Wittmer, where she practices arbitration, both as arbitrator and counsel (over 100 cases, ad hoc and institutional, including ICC, ICSID, AAA, LCIA). She chairs the Swiss Arbitration Association (ASA) and is a member of the International Council for Commercial Arbitration (ICCA). She has published extensively on international commercial, sports, and investment arbitration, international litigation, electronic commerce and online commerce resolution, as well as international contracts. She is presently conducting a research project on the use of IT in international arbitration. She chaired the Arbitral Tribunal of the Olympic Games from its inception in 1996 (Atlanta) to 2000 (Sydney) and presently sits on the panel of the XXXII America's Cup.

**DAVID LANE** is a partner at Venable LLP in Washington D.C. and is a member of the Texas, Virginia, Maryland and District of Columbia bars. He received a J.D degree from Georgetown University in 1971, after having earned a Bachelor of Science degree in Engineering from Purdue University. He worked as practicing engineer for the National Aeronautics and Space Administration (NASA). Mr. Lane has developed substantial expertise in the negotiation, mediation and arbitration/litigation of disputes arising out of large and complex infrastructure, industrial and commercial construction projects. He has represented designers, owners, general contractors and subcontractors in disputes on a variety of projects including the construction of underground mass-transit systems, electrical generation facilities, pulp and paper mills, petrochemical process facilities and wastewater treatment plants. Mr. Lane has represented a number of clients and also served as an arbitrator in a number of complex industrial construction cases. He served as a member of the Council of the Section of Public Contract Law of the American Bar Association, and was appointed Chair of the Section's Construction Law Division.

**DAVID LINDSEY** is a partner in the New York office of Clifford Chance and leads the firm's International Arbitration Practice Group in the Americas. His practice focuses on international commercial contracts, power/energy projects, bilateral investment treaty claims, and other investment-related claims against sover-

eight nations, with special emphasis on Latin America. Mr. Lindsey has represented parties in arbitrations under the rules of the ICC, the LCIA, the AAA, ICSID, UNCITRAL and the Indian Arbitration Act. He also advises clients on protecting foreign investment through effective dispute resolution mechanisms. He has also tried cases in US federal and state courts in his 15 years of practice. Mr. Lindsey is a frequent lecturer and is editor and co-author of *International Arbitration in Latin America* (Kluwers Law International, 2002). Mr. Lindsey is listed in the 2003 *Chambers Global* "World's Leading Lawyers" and in the 2004 *Chambers USA* "Americas Leading Business Lawyers" in the field of international arbitration.

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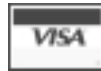
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