

THIRTEENTH ANNUAL WORKSHOP OF THE  
INSTITUTE FOR TRANSNATIONAL  
ARBITRATION

ALSO SPONSORED THIS YEAR  
BY THE CENTER'S NEW  
INSTITUTE FOR LAW AND TECHNOLOGY

TECHNOLOGY TRANSFER  
DISPUTES AND THE ROLE  
OF TECHNOLOGY IN  
ARBITRATION

JUNE 20, 2002

THE WESTIN HOTEL, GALLERIA  
DALLAS, TEXAS USA

MOCK ARBITRATION  
PROCEEDINGS AND  
COMMENTARY

*featuring*

PROF. DAVID D. CARON  
BOALT SCHOOL OF LAW  
UNIVERSITY OF CALIFORNIA  
AT BERKELEY

*and*

HON. CHARLES N. BROWER  
IRAN-UNITED STATES CLAIMS  
TRIBUNAL, THE HAGUE

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

# You are cordially invited to join

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Workshop Co-Chair

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New York, New York USA

**MICHAEL HWANG, SC**

Workshop Co-Chair

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Mexico City, Mexico

**CHRISTOPHER TO**

Secretary Counsel  
Hong Kong International  
Arbitration Centre  
Hong Kong

2002 ANNUAL WORKSHOP:

## TECHNOLOGY TRANSFER DISPUTES AND THE ROLE OF TECHNOLOGY IN ARBITRATION



David D. Caron



Charles N. Brower

The Workshop this year will again combine expert commentaries with mock scenes to illuminate procedures and issues commonly encountered in international commercial arbitration. The mock scene actors and the commentators will include many of the leading arbitrators and arbitration practitioners in the world.

The mock setting this year is an international patent dispute, and will incorporate demonstrations of a variety of technologies available in international arbitration. The mock arbitration will be conducted under the rules of the World Intellectual Property Organization (WIPO). Among the procedural and substantive issues addressed - both in the mock arbitration and in the commentaries that follow each scene - will be the ethical standards governing conduct of lawyers in conducting arbitrations, the standards applied by tribunals in awarding provisional relief, the choice of law governing arbitrability in international arbitrations, consolidation of related arbitrations, and the use of videoconference or conference-call testimony.

The program will begin with a presentation by Professor David D. Caron on special concerns that arise in arbitrating intellectual property disputes. Prof. Caron is the C. William Maxeiner Distinguished Professor of Law and Director of International Legal Studies at Boalt School of Law at the University of California at Berkeley. Prof. Caron's presentation will be followed by commentaries from Cecil Abraham of Shearn Delamore & Co., Kuala Lumpur, and Jan Paulsson of Freshfields Bruckhaus Deringer, Paris.

Our luncheon speaker will be the Hon. Charles N. Brower who will address "The Coming Crisis in the World Judicial System". Judge Brower is a judge on the Iran-United States Claims Tribunal in The Hague, a Judge Ad Hoc of the Inter-American Court of Human Rights in San Jose, Costa Rica, a member of 20 Essex Street Chambers in London and Special Counsel to White & Case in Washington, D.C. During his distinguished career, he has served as Acting Legal Adviser in the US State Department, Deputy Special Counselor to the President in the White House and Chair of the ITA Advisory Board.

We hope you will be able to join us.

## THE MOCK ARBITRATION CAST

|  |   |
|--|---|
| The Tribunal .....                     | Teresa Cheng<br>L. Yves Fortier<br>Andrew Rogers                          |
| Counsel for Rafaelo Biotech, Ltd. .... | D. Brian King<br>Mark Friedman<br>Scott Donahey<br>Richard Kreindler      |
| Counsel for Frankmed Gmbh .....        | Christopher To<br>Dana Haviland<br>Deborah Enix-Ross<br>Eduardo Siqueiros |

## THE PROGRAM

|       |   |   |
|-------|---|---|
| 8:00  | REGISTRATION  |   |
| 9:00  | INTRODUCTION TO THE WORKSHOP .....  | DONALD FRANCIS DONOVAN<br>Chair, Advisory Board of the<br>Institute for Transnational Arbitration |
| 9:10  | FEATURED PRESENTATION .....   | PROF. DAVID D. CARON  |
| 9:40  | COMMENTARY .....  | CECIL ABRAHAM<br>JAN PAULSSON   |
| 10:10 | QUESTION AND ANSWER   |   |
| 10:25 | BREAK   |   |
| 10:40 | INTRODUCTION TO THE MOCK CASE AND SCENES I AND II .....                     | PAUL D. FRIEDLAND   |
| 10:50 | SCENE I: HEARING BEFORE THE ARBITRAL TRIBUNAL ON CLAIM OF UNETHICAL CONDUCT |   |

The Tribunal conducts a hearing in response to a claim that Rafaelo's counsel acted unethically in contacting a Frankmed employee who had been identified as a witness. The witness in question is examined via videoconference from his office.

|                            |  |
|----------------------------|--|
| Counsel for Rafaelo .....  | D. BRIAN KING                                    |
| Counsel for Frankmed ..... | CHRISTOPHER TO                                   |
| Tribunal .....             | TERESA CHENG<br>L. YVES FORTIER<br>ANDREW ROGERS |

11:20 COMMENTARY AND DISCUSSION ON SCENE I

What ethical standards apply to the conduct of counsel in international arbitration? Is it unethical for counsel to contact the employees or witnesses of the other side? What is the role of arbitrators in sanctioning unprofessional conduct? What sanctions are available?

Commentators-----ROBERT HORNICK  
HANS VAN HOUTTE

11:45SCENE II: HEARING BEFORE THE ARBITRAL TRIBUNAL ON REQUESTS FOR PROVISIONAL RELIEF

The tribunal hears argument on both sides' requests for provisional relief.

Counsel for Rafaelo-----MARK FRIEDMAN  
Counsel for Frankmed -----DANA HAVILAND  
Tribunal-----TERESA CHENG  
L. YVES FORTIER  
ANDREW ROGERS

12:05 COMMENTARY AND DISCUSSION ON SCENE II:

What law governs requests for provisional relief? What standards apply in international commercial arbitration for granting provisional relief (e.g., the need or lack thereof for posting of security and a showing of irreparable harm)? To what extent do/should arbitrators hesitate to grant requests for provisional relief that require them to pre-judge the merits? Is it advisable and permissible to grant provisional relief where the tribunal's jurisdiction is challenged? How are provisional measures enforced?

Commentators-----JULIAN D.M. LEW  
HORACIO GRIGERA NAÓN

12:30 QUESTION AND ANSWER

12:40 - 2:00 HOSTED LUNCHEON  
THE COMING CRISIS IN THE GLOBAL JUDICIAL SYSTEM

HON. CHARLES N. BROWER

IRAN-UNITED STATES CLAIMS TRIBUNAL, THE HAGUE  
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SPECIAL COUNSEL, WHITE & CASE, WASHINGTON, D.C.

CO-SPONSORED BY EXXON MOBIL CORPORATION  
AND  
KING & SPALDING

2:00 INTRODUCTION TO SCENES III-V----- MICHAEL HWANG

2:10 SCENE III: HEARING BEFORE THE ARBITRAL TRIBUNAL ON JURISDICTIONAL ISSUES  
AND ON REQUEST FOR CONSOLIDATION

The Tribunal hears argument on consolidation of two arbitrations addressing related disputes and the arbitrability of a dispute over patent validity.

Counsel for Rafaelo ----- SCOTT DONAHEY  
Counsel for Frankmed ----- DEBORAH ENIX-ROSS  
Tribunal ----- TERESA CHANG  
L. YVES FORTIER  
ANDREW ROGERS

2:30 COMMENTARY AND DISCUSSION ON SCENE III

What standards should a tribunal apply in deciding whether to consolidate related arbitrations? To what extent is there a role for courts in consolidating separate arbitrations? What law governs questions of arbitrability (e.g., the law at the arbitral forum, the law governing the contract containing the arbitration clause, some other law)? To what extent and when will courts review a decision on arbitrability?

Commentators ----- JOHN GARDINER  
MICHAEL PRYLES

3:00 QUESTION AND ANSWER

3:10 BREAK

3:30 SCENE IV: PRE-HEARING CONFERENCE

The Tribunal holds a pre-hearing conference to decide various questions of the procedure to be followed in the hearing on the merits. Among the questions are (i) a claim that taking testimony by videoconference or conference call impairs the opponent's right to cross-examine, (ii) the advisability of site visits, and (iii) the advisability of using Tribunal appointed experts.

Counsel for Rafaelo ----- RICHARD KREINDLER  
Counsel for Frankmed ----- EDUARDO SIQUEIROS  
Tribunal ----- TERESA CHENG  
L. YVES FORTIER  
ANDREW ROGERS

3:50 COMMENTARY AND DISCUSSION ON SCENE IV

To what extent does taking testimony by videoconference or conference call prejudice the opposing party's right to cross-examine the witness? What standards should apply in deciding whether to permit such testimony in lieu of live testimony? Under what circumstances should/do tribunals undertake site visits? Under what circumstances should/do tribunals appoint experts?

Commentators ----- LAURENT LÉVY

4:20 SCENE V: TRIBUNAL DELIBERATIONS

The Tribunal conducts deliberations.

The Tribunal

TERESA CHENG  
L. YVES FORTIER  
ANDREW ROGERS

4:40 SUMMARY COMMENTARY WILLIAM (RUSTY) PARK

4:55 CLOSING REMARKS DONALD FRANCIS DONOVAN

5:00 ADJOURN

## BIOGRAPHIES

CECIL ABRAHAM is the Managing Partner of Shearn Delamore & Co. and he is the Head of the Dispute Resolution Department and specialises in litigation and arbitration. He has extensive arbitration practice and frequently appears as Counsel in domestic and international arbitrations and also sat as arbitrator in respect of arbitrations conducted under the UNCITRAL Rules, ICC Rules, LCIA Rules, Singapore International Arbitration Centre Rules and the Kuala Lumpur Regional Centre Rules. He has also sat as sole-arbitrator and co-arbitrator in international arbitrations. He read law at Queen Mary College, University of London. He was admitted to the English Bar in 1969 and the Malaysian Bar in 1970. He was elected a Fellow of Queen Mary and Westfield College in 1990 and is also a Fellow of the Chartered Institute of Arbitrators and the Malaysian Institute of Arbitrators. He is a member of the London Court of International Arbitration (LCIA), the International Council of Commercial Arbitration (ICCA), and the International Bar Association (IBA). He is the Past Vice Chair of Committee D of the IBA. He is a Past President of the Inter-Pacific Bar Association (IPBA)(1997/1998). He is also a member of the working group of the IPBA who are formulating rules and developing a system of software applications and advance multi-point video conferencing systems for use in internet arbitrations (Cyber arbitrations).

R. DOAK BISHOP is a Partner at King & Spalding in Houston, Texas. He has a B.A. degree from Southern Methodist University, where he graduated with high honors and departmental distinction. Mr. Bishop received his J.D. degree with honors from the University of Texas. He has served as Chairman of the International Law Section of the Dallas Bar Association in 1986 and as Chairman of the Business Litigation Section in 1992. He has also chaired the State Bar of Texas Litigation Section and the International Litigation Committee of the American Bar Association's Litigation Section. He is Board Certified in Civil Trial Law, Texas Board of Legal Specialization. He was the Editor of the International Litigation Quarterly (published by the International Litigation Committee of the Litigation Section of the American Bar Association) for 15 years and is Vice-Chairman for the Institute of Transnational Arbitration, Chairman of the Southwest Arbitration Committee of the ICC, and an alternate member of the U.S. delegation of the NAFTA Committee of Private Commercial Disputes. He is also a Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators.

JOHN BOWMAN is a partner in the firm of Fulbright & Jaworski L.L.P. in Houston, Texas, where he is engaged primarily in an arbitration practice representing energy and petrochemical companies in domestic and international commercial disputes. He is also co-chair of the firm's Arbitration and ADR Practice Group. Among his current activities, he is Vice President for Education of the Association of International Petroleum Negotiators, Houston Correspondent of the International Arbitration Institute (Paris), co-chair of the Houston International Arbitration Club, and a Fellow of The Chartered Institute of Arbitrators. He is a member of the Executive Committee of The Chartered Institute of Arbitrators North American Branch, AAA Southwest Region Energy Advisory Council, CPR Institute Oil and Gas Panel, London International Arbitration Club, LCIA, and Advisory Board of the Institute for Transnational Arbitration. He recently organized and chaired

the Special Institute on International Energy & Minerals Arbitration hosted by the Rocky Mountain Minerals Law Foundation (Houston, Feb. 2002). His writings include: *Dispute Resolution for the Oil and Gas Industry*, 16 ICSID Rev. - Foreign Investment Law Journal 332-407 (2001); and *The Panama Convention and Its Implementation under the Federal Arbitration Act*, 11 Am. Rev. Int'l Arb. 1-186 (2000). He has served as an arbitrator in domestic and international commercial arbitrations. Mr. Bowman received his B.A. in 1974 and a J.D. in 1980 from the University of Kansas, where he was Editor-in-Chief of the *Kansas Law Review*. He was admitted to practice law in Kansas in 1980 and in Texas in 1983.

CHARLES N. BROWER is a Judge of the Iran-United States Claims Tribunal at The Hague; a Judge Ad Hoc of the Inter-American Court of Human Rights in San Jose, Costa Rica; a member of 20 Essex Street Chambers in London; Special Counsel to White & Case LLP in Washington, D.C.; a member of the Register of Experts of the United Nations Compensation Commission in Geneva; and a member of the Panels of Arbitrators and Conciliators of the International Centre for Settlement of Investment Disputes, as well as numerous other panels of arbitrators. Previously he served four years (1969-73) in the United States Department of State, including as Acting Legal Adviser, and at the White House (in 1987) as Deputy Special Counsellor to the President. A graduate of Harvard College (cum laude) and Harvard Law School, Judge Brower has been a Visiting Fellow at both Jesus College and The Lauterpacht Research Centre for International Law at Cambridge University, England, and has lectured at The Hague Academy of International Law as well as at a number of universities in Europe and North America. Judge Brower has chaired the Institute for Transnational Arbitration Advisory Board, is a former Chairman of the Section of International Law and Practice of the American Bar Association, where he has served on the Board of Governors and in the House of Delegates, and is past President of the American Society of International Law.

DAVID D. CARON is Professor of Law and Director of International Legal Studies at the Boalt School of Law of the University of California at Berkeley. Following his graduation from the Boalt School of Law at the University of California at Berkeley, he served from 1983 to 1985 as legal assistant successively to Judges Charles N. Brower and Richard M. Mosk at the Iran-United States Claims Tribunal in The Hague. Professor Caron writes and teaches in the area of international dispute resolution. In 1994, he published with Dr. Matti Pellonpää a book entitled *The UNCITRAL Arbitration Rules as Interpreted and Applied; Selected Problems in Light of the Iran-United States Claims Tribunal*. Professor Caron is a member of the AAA's Panel of Arbitrators, the Board of Editors of the *American Journal of International Law* and the U.S. Department of State Advisory Committee on Public International Law.

TERESA CHENG, SC, is the Deputy Chairman of the Hong Kong International Arbitration Centre. She is a Chartered Engineer, Senior Counsel and Chartered Arbitrator, Fellow of the Chartered Institute of Arbitrators, Fellow of the Hong Kong Institute of Arbitrators, corporate member of the Institution of Civil Engineers, UK and corporate member of the Hong Kong Institution of Engineers. Teresa is an arbitrator and mediator and has been involved in various mediations, arbitrations and litigation in Hong Kong and abroad. These cases are primarily disputes on building contracts, large infrastructure projects, insurance, international trading and sale of goods contracts and joint venture agreements. She has been appointed as the Chairman of the Copyright Tribunal and as vice-chair or member of a number of other statutory tribunals in Hong Kong. She is Honorary Professor of China University of Political Science and Law and a honorary lecturer at the Hong Kong University and has delivered various seminars and lectures on subjects related to construction, arbitration, mediation and litigation to various institutions around the world.

M. SCOTT DONAHEY received his bachelor of arts degree from Stanford University with distinction, a master of arts from the Johns Hopkins University, and his J.D. from Santa Clara University Law School, *summa cum laude*. Scott is an arbitrator and mediator in complex commercial disputes, with an emphasis in intellectual property disputes. He is on the Technology Panel of Arbitrators for the CPR Institute and for the American Arbitration Association, and is a member of the panel of arbitrators of the World Intellectual Property Organization in Geneva. He is on the panels of all of the providers certified by the Internet Corporation for Assigned Names and Numbers to decide domain name disputes, and has decided over 100 such disputes. In 1999, the National Patent Board gave him its President's Award for Distinguished Service in Alternative Dispute Resolution.

DONALD FRANCIS DONOVAN is a partner at Debevoise & Plimpton in New York, where he concentrates his practice in international litigation and arbitration. He has argued arbitration law, international law, and other issues before the International Court of Justice, the International Criminal Tribunal for the Former

Yugoslavia, the United States Supreme Court, and other federal and state courts throughout the U.S. He has conducted arbitrations in numerous venues in the United States and abroad. Among other positions, Mr. Donovan is Chair of the ITA Advisory Board and one of two U.S. members of the International Council for Commercial Arbitration, and he is co-author of the United States Report in ICCA's International Handbook on Commercial 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.

DEBORAH ENIX-ROSS received her B.A. and J.D. degrees from the University of Miami School of Law, a Diploma from the Parker School of Foreign and Comparative Law of Columbia University; and a Certificate from the London School of Economics. She was appointed by the U.S. Departments of Commerce and State as one of eight U.S. members of the tri-lateral NAFTA Advisory Committee on Private Commercial Disputes. She is a member of the Advisory Board of the Institute for Transnational Arbitration, and a member of the American Arbitration Association Board of Directors. Prior to joining The WPO Arbitration and Mediation Center in Geneva, Switzerland in 1998, Ms. Enix-Ross was the director of international litigation for the Dispute Analysis and Corporate Recovery Services Group for the New York office of Pricewaterhouse, L.L.P. Prior to joining Pricewaterhouse, Ms. Enix-Ross served as the American Representative to the ICC International Court of Arbitration.

L. YVES FORTIER, C.C., Q.C., is a senior partner of the law firm of Ogilvy Renault in Montreal and has been its Chairman since January 1992. He received a B.A. from Université de Montréal in 1955, a B.C.L. from McGill University in 1958 and a B.Litt. from Oxford University in 1960 where he studied as a Rhodes scholar. He was appointed as a Queen's Counsel in 1976. In December 1984, Mr. Fortier was appointed an officer of the Order of Canada. In July 1991, he was elevated to a Companion, the highest rank in the Order. Mr. Fortier has served as a member of the Permanent Court of Arbitration in The Hague, and as Canada's Ambassador and Permanent Representative to the United Nations in New York. In 19993, Mr. Fortier was appointed by the U.N. Security Council as Chairman of a Tribunal of the U.N. compensation Commission (Iraq-Kuwait) in Geneva, and was recently appointed a member of the Claims Resolution Tribunal for Dormant Accounts in Switzerland. Presently a judge ad hoc of the International Court of Justice in The Hague and President of the London Court of International Arbitration (LCIA) since January 1, 1998, Mr. Fortier has served as an arbitrator in many international arbitrations involving private and state entities, in matters of a commercial and public nature, both ad hoc and under the auspices of institutions such as the LCIA, ICC, ICSID and AAA.

PAUL FRIEDLAND is a partner in the New York office of White & Case LLP. He has acted as counsel in numerous international arbitrations before the ICC, AAA, ICSID and other tribunals. Mr. Friedland regularly advises clients on drafting dispute resolution clauses and is the author of *Arbitration Clauses for International Contracts* (2000). He is currently Chairman of the AAA's Arbitration Practice Committee, and is a member of the bars of New York and Paris.

MARK W. FRIEDMAN is a partner in the law firm Debevoise & Plimpton. He has a general practice in commercial litigation and arbitration, having represented clients before numerous international arbitration tribunals, and in various federal and state courts in the United States. Mr. Friedman has handled a wide variety of business disputes, including cases involving foreign investments, construction projects, commercial and contractual transactions, and business torts. Mr. Friedman graduated from the University of Massachusetts-Amherst in 1988, and from Yale Law School in 1991.

JOHN L. GARDINER is a partner in the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. In addition to practicing law in the United States, Mr. Gardiner is qualified to practice in England, Wales and the Republic of Ireland where he graduated from University College Dublin. Mr. Gardiner has had extensive experience arguing before various international and domestic arbitral tribunals, including the AAA and the ICC and has written on various arbitration topics. He is presently Co-Chair of the Practising Law Institute's program on Current Developments in Federal Civil Practice.

DR. HORACIO GRIGERA NAÓN, Special Counsel with White & Case LLP in Washington, D.C. and former Secretary-General of the International Court of Arbitration of the ICC, has been a practitioner in the field

of international business law and international commercial arbitration for twenty-five years, and has published widely on these topics, including a book on “Choice-of-Law Problems in International Commercial Arbitration” (1992) and lectures at the Hague Academy of International Law (2001) on the same topic. Dr. Grigera Naón, who also acts independently as international arbitrator, is a member of the American Law Institute and a former Senior Counsel with the International Finance Corporation in Washington, D.C. He holds LL.B. and LL.D. degrees from the University of Buenos Aires; LL.M. and S.J.D. degrees from Harvard Law School; and is a member of the Buenos Aires, New York, and United States Supreme Court Bars.

DANA HAVILAND is the CEO of Online Resolution, Inc., an Internet company offering alternative dispute resolution technology and services online. For many years a partner at the Silicon Valley law firm of Wilson Sonsini Goodrich & Rosati, Ms. Haviland has extensive experience in international and domestic arbitration, litigation and mediation of intellectual property and commercial disputes for technology and other businesses. She is admitted to practice in federal and state courts in California, the District of Columbia, and Georgia. She is a member of the NAFTA Advisory Committee on Private Commercial Disputes and has served as chair of the ABA International Commercial Arbitration Committee of the Section on International Law and Practice, the ICC Northwest Subcommittee on Arbitration, and the AAA Intellectual Property and Technology Advisory Council for Northern California. She has served on arbitration and domain name panels for WIPO, the ICC, AAA, the Hong Kong International Arbitration Centre, National Arbitration Forum, eResolution, the National Patent Board of Arbitrators, and the British Columbia International Commercial Arbitration Center. Ms. Haviland received a J.D., with Distinction, from Emory University School of Law and clerked for the Hon. Griffin Bell on the Fifth Circuit Court of Appeals.

ROBERT HORNICK is a partner in the law firm of Morgan Lewis. He concentrates on international commercial arbitration, including representation of private parties and governments before ICSID, ICC, AAA and other international arbitral tribunals. His cases have included disputes about international power projects, distributorships and joint ventures, engineering, procurement and construction contracts, licensing agreements, acquisition agreements and services agreements. He is also an experienced commercial lawyer, having drafted and negotiated EPC contracts for European contractors, financial documentation for U.S., Asian and European banks and debt restructuring documentation for a Latin American government. He publishes frequently about Indonesian law and law reform, has testified before courts and arbitral tribunals as an expert on Indonesian law and has been a consultant on Indonesian law and law reform to several U.S. and international development agencies. Mr. Hornick is a graduate of Amherst College and Harvard Law School. He has lived in India, Indonesia and Singapore, and currently resides in New York.

PROFESSOR HANS VAN HOUTTE teaches conflict of laws, arbitration and international business law at Leuven University (KU Leuven). He also directs the University’s Institute for International Trade Law. He has served as chairman, sole arbitrator and party appointed arbitrator in proceedings under the rules of i.a. ICC, LCIA, ICSID, UNCITRAL, European Development Fund, CEPANI, Netherlands Arbitration Institution, Polish Chamber of Foreign Trade. He has been member of the United Nations Compensation Commission as well as of the Real Property Claims Commission for Bosnia Herzegovina. He currently serves as a Senior Judge on the Claims Resolution Tribunal for Dormant Accounts in Switzerland and is President of the Eritrea-Ethiopia Claims Commission. Professor van Houtte is Vice-President of the Belgian arbitration institution CEPANI, Fellow of the Chartered Institute of Arbitrators and Advisor to the Kuala Lumpur Arbitration Centre. Moreover, he is a member of the ICC International Arbitration Commission and of the ICC Commission on Commercial Practices. He is furthermore Chairman of the IBA Committee on International Sales. He is the author of some 100 articles on arbitration and international business transactions. The second edition of his *The Law of International Trade* (Sweet & Maxwell 2002) has just been published.

MICHAEL HWANG, SC, received his legal education at Oxford University, where he was a College Scholar and Prizewinner. He taught at the Faculty of Law at the University of Sydney before returning to Singapore to commence private practice with Allen & Gledhill where he is a partner and head of the litigation department. Mr. Hwang formerly served as Judicial Commissioner of the Supreme Court of Singapore. He is also one of the first twelve Senior Counsel to be appointed by the Supreme Court of Singapore, a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Singapore Institute of Arbitrators, and an accredited arbitrator of several international arbitration centres, including the Permanent Court of Arbitration, ICSID, AAA,

HKIAC (Hong Kong), SIAC (Singapore), BANI (Indonesia), CIETAC (China) and ICA (India). He is co-author of the "Chapter on Singapore" in the Encyclopaedia of International Commercial Litigation. Mr. Hwang serves as a commissioner of the United Nations Compensation Commission based in Geneva. He has also served as a visiting professor to the National University of Singapore, teaching advocacy and commercial arbitration at the Faculty of Law. His arbitration appointments include being a Council Member of the International Council for Commercial Arbitration (ICCA) and a member of the International Bar Association's (IBA) Arbitration Committee. Some of his publications include the chapter on The Arbitration Rules of the Singapore International Arbitration Centre in Carswell's Handbook of International Dispute Resolution Rules (Carswell) and the Singapore chapter in Arbitration in Asia (Butterworths).

D. BRIAN KING is International Counsel in the Amsterdam office of Freshfields Bruckhaus Deringer and heads the international arbitration group in the Amsterdam office. Brian's practice consists primarily of acting as counsel in arbitration matters involving a variety of commercial areas, including energy, cross-border acquisitions, construction, joint ventures and media enterprises. He also sits occasionally as arbitrator in cases administered by the ICC and other institutions. Brian received a Juris Doctor degree from the New York University School of Law in 1990 and a degree in politics and economics from Princeton University (summa cum laude) in 1985. He is a member of the Bar of several U.S. jurisdictions. Brian has practiced in Europe since 1994, including a two-year term (1994-1996) as a Legal Adviser at the Iran-United States Claims Tribunal.

RICHARD H. KREINDLER is a Partner of Shearman & Sterling, working in its Frankfurt office. Mr. Kreindler has handled numerous commercial, construction and infrastructure arbitrations under the rules of the leading arbitration regimes. He has also represented private and sovereign entities in various claims before the Iran-United States Claims Tribunal and the United Nations Compensation Commission. He has frequently acted as party-appointed arbitrator or Chairman and has also acted in related challenge and enforcement proceedings in various locales. Mr. Kreindler is a Member of the ITA Advisory Board. Among his other arbitration-related activities have included Council Member of the ICC Institute of World Business Law and Member of the Editorial Board or Advisory Board of International Arbitration Law Review, Arab Law Quarterly, International Commercial Litigation, International Legal Materials, World Arbitration and Mediation Report, Arbitration & Dispute Resolution Journal, and Revue de Droit des Affaires Internationales. Mr. Kreindler is an Adjunct Professor of Law at the University of Münster, Germany. Among his publications on international arbitration and litigation subjects are Transnational Litigation: A Practitioner's Guide (General Editor, 3 vols., 1997, 1999, Oceana) and Transnational Litigation: A Basic Primer (1 vol., 1998, Oceana). Mr. Kreindler is a graduate of Columbia Law School, the University of Munich and Harvard College.

LAURENT LEVY is a partner in the firm of Schellenberg Wittmer, Switzerland, which has offices in Geneva and Zurich. Dr. Lévy is a graduate of the University of Paris and the University of Geneva; he was admitted to the Geneva Bar in 1974. His expertise is in the fields of international law, commercial law and arbitration. He is a member of several professional societies (such as International Bar Association, London Court of International Arbitration, Institute of World Business Law (member of Council) of the International Chamber of Commerce (ICC), Institut pour l'arbitrage international (IAI) (correspondent for French-speaking Switzerland), etc. He has also published a number of articles.

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**MICHAEL PRYLES'** diversified practice with Minter Ellison, Melbourne, Australia, includes corporatisation, privatisation and government law, commercial law and international transactions, joint ventures, major projects, energy industry and utilities acquisitions and regulation, government and constitutional law, arbitration and alternative dispute resolution. Mr. Pyles has wide experience as counsel and arbitrator in many arbitrations in Australia and abroad, as well as experience as a mediator in various commercial disputes. He has represented Australia at the Hague Conference of Private International Law, and published extensively on dispute resolution, Private International Law and International Trade Law. He has acted for Australian and offshore clients including Department of Treasury and Finance (Victoria), Health Insurance Commission, Australian Wheat Board, Mazda Motor Corporation (Japan), Taiwan Salt Works (Taiwan), Caterpillar Inc (USA), China International Trust and Investment Corporation, Optus, Victorian Employers' Chamber of Commerce and Industry, Department of Business and Employment (Victoria), Clyde Industries Ltd, SPC Ltd, Sumitomo Australia Ltd, Electricite de France (France), The Australian Gas Light Company, PowerGen plc (UK), The National Grid Company plc (UK), Basslink Development Board (Tasmania) and ELYO (France). His background in the power sector is significant having advised on many well known and substantial projects such as United Energy Ltd acquisition, advising on the restructuring of the electricity industry in Victoria, Yallourn Energy Ltd acquisition, strategic advice to British Energy plc, acting for the National grid Company plc consortium in its bid to acquire PowerNet Ltd and advising Basslink Development Board (a Tasmanian Government authority) on a range of financing, regulatory and construction issues. Mr. Pyles has also arbitrated significant disputes in the energy industries and water sector in many jurisdictions in Asia and Australia. Michael has been the legal advisor to the Privatisation and Industry Reform Division of the Department of Treasury and Finance (Victoria) since 1993 and has been involved in the restructuring of many government business enterprises and the giving of strategic and commercial advice. Pyles serves as Commissioner, United Nations Compensation Commission (Geneva), President, Australian Centre for International Commercial Arbitration and as Co-editor, Journal of International Arbitration.

THE HONOURABLE ANDREW JOHN ROGERS QC, International arbitrator and mediator. Member of the International Commission for Commercial Arbitrators. Formerly the Chief Judge of the Commercial Division of the Supreme Court of NSW. Member of the Bar of the State of New York. Non- Executive Director of New South Wales Treasury Corporation and other companies. Since retirement from the Court, acted as sole Arbitrator/Chairman and Panel Member in numerous arbitrations and as a member of three person tribunals sometimes in Australia largely in other countries including England, the United States, France, China, Singapore and Hong Kong. They have involved the laws of each of these countries and have been under the Rules of the International Chamber of Commerce, London Court of International Arbitration, International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law. Such arbitrations have related particularly to insurance and reinsurance, the power generation section, major construction and infrastructure projects, oil and gas sector, investment disputes, as well as general commercial matters. Consultant to a national law firm, Clayton Utz. On the panels for China Council for the Promotion of International Trade, Beijing, International Centres for Commercial Arbitration - British Columbia, India, Indonesia, LCIA, SIAC, WIPO, Kuala Lumpur Regional Centre, Nominee of Australia to Panel of Conciliators International Centre for Settlement of Investment Disputes (ICSID), Washington DC, Court of Arbitration for Sport and Hong Kong International Court of Arbitration. Participated in many mediations throughout Australia principally as mediator but occasionally representing a party. 1998 appointed by Federal Government as Facilitator for the creation of a National Oilcode. As HomeFund Commissioner (1993) prepared and supervised scheme for disposing of hundreds of claims by HomeFund borrowers.

EDUARDO SIQUEIROS T. is a partner in the firm of Barrera, Siqueiros y Torres Landa in Mexico City, where he concentrates in international commercial and investment transactions. He received his law degree from Escuela Libre de Derecho in Mexico, and an LL.M. from Harvard Law School. Mr. Siqueiros has acted on various occasions as sole arbitrator or member of an arbitral tribunal in proceedings administered by ICC as well as Mexican organizations, and has participated as an arbitrator in a NAFTA Chapter 11 dispute. He is an alternate member for the Committee established under NAFTA Section 2022, and also serves in the International Commercial Arbitration Committee of the Mexican Chapter of the ICC, and that of the Mexican Chamber of Commerce.

CHRISTOPHER WING TO is the Secretary General of the Hong Kong International Arbitration Centre. A Chartered Electrical Engineer, Mr. To has authored papers on arbitration, computing, engineering, mediation and training practices in various journals and publications, and has presented papers at a variety of legal and technical conferences throughout the world. He is a frequent guest speaker at City University of Hong Kong, Chinese University of Hong Kong, Hong Kong University and the Institute of Vocational Council. He is currently a Council Member of the Hong Kong International Arbitration Centre, a Committee Member of the Hong Kong Mediation Council, Hong Kong Institution of Engineers - Training Committee Member, Hong Kong Institution of Engineers - Electronics Division Committee Member, CPD Alliance Committee Member, Council Member of the Intelligent Transportation Systems - Hong Kong and The Hong Kong Institute of Directors - Training Committee Member. Mr. To earned his Master's Degree in Arbitration and Alternative Dispute Resolution from City University of Hong Kong in 1996 and is currently pursuing a Master's Degree in Commercial Law. He is an Associate of The Hong Kong Institute of Arbitrators, Royal Aeronautical Society, an adviser for the faculty of Mediation and ADR of the Academy of Experts and a Sustaining Public Member of CPR Institute for Dispute Resolution.

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- ◆ Six Flags Over Texas (amusement park)
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- ◆ Dallas World Aquarium
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# THE INSTITUTE FOR LAW AND TECHNOLOGY

The Institute for Law and Technology (ILT), the newest division of the Center for American and International Law, is just being formed this year. Only the eighth such division in the 54-year history of the Center, the purpose of the new institute is to provide a premier national and global forum on technology-related legal issues affecting counsel and companies in the digital age.

New technologies are changing the way people live and work, and the way companies and attorneys do business, around the world. High technology industries have novel legal concerns and operate globally under a wide array of national legal regimes. The Center for American and International Law, with its established global network and its base in one of the world's technology capitals, is especially well qualified to address and influence the evolving legal framework in which these changes take place.

Like the Institute for Transnational Arbitration, the ILT is a membership-based educational institution offering a variety of educational programs and activities for its members and for the public. Membership will soon be available to corporations, law firms, attorneys, professors and other interested individuals and organizations.

For more information about the new Institute for Law and Technology, please contact ILT Director David Winn at [dwinn@cailaw.org](mailto:dwinn@cailaw.org), +1 (972) 664-3488, and keep an eye on the Center's website, [www.cailaw.org](http://www.cailaw.org).

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The Institute for Transnational Arbitration, one of eight educational centers of The Center for American and International Law (formerly the Southwestern Legal Foundation), was launched in 1986 and has since become an important educational forum in the field of transnational arbitration. Through its annual Transnational Commercial Arbitration Workshop in Dallas, its publication News and Notes with its acclaimed Scoreboard of Adherence to Transnational Arbitration Treaties, and its educational video series, ITA is making a significant contribution to the legal knowledge and skills that support international commercial arbitration.

Membership in the Institute for Transnational Arbitration (ITA) is available to individuals, law firms and corporations. Each member of ITA may appoint a representative to the ITA Advisory Board. That person is invited to attend, without charge, the annual ITA Workshop and the annual Advisory Board meeting, which is held at the time of the Workshop. Advisory Board members are also invited to attend the Friday morning invitation-only ITA Forum on current issues held on the morning after the Workshop. In addition, Advisory Board members may attend most other programs of The Center for American and International Law at no tuition charge.

Further, ITA members may send one or more other representatives to the Workshop each year at no tuition charge. Sustaining Members may send up to three representatives (in addition to the Advisory Board member). Sponsoring Members may send two additional representatives, and Associate Members may send one.

Members also receive each issue of the ITA's quarterly newsletter, News and Notes, with its Scoreboard of Adherence to Transnational Arbitration Treaties. Additionally, members receive a substantial discount off the price of all ITA educational video products, which are especially valuable in jurisdictions with mandatory continuing legal education requirements. For more information about ITA, visit us online at [www.cailaw.org/ita](http://www.cailaw.org/ita).

I wish to join the Institute for Transnational Arbitration as a:

- Sustaining Member (Annual dues - \$1,500)
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13TH ANNUAL WORKSHOP OF THE  
INSTITUTE FOR TRANSNATIONAL ARBITRATION

JUNE 20, 2002 ❖ DALLAS, TEXAS

MAIL OR FAX REGISTRATION FORM AND PAYMENT TO:

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The Center for American and International Law

P. O. Box 830707

Richardson, Texas 75083-0707

Phone: 972.664.3461

Fax: 972.699.3870

E-mail: cburkel@cailaw.org

Registration includes the Workshop, luncheon and course materials. ITA Advisory Board Members will be contacted separately to RSVP for additional Advisory Board activities on Thursday and Friday.

|                                | Received by May 31 | Received After May 31 |
|--------------------------------|--------------------|-----------------------|
| Registration Fee               | Q \$265            | Q \$315               |
| 2002 ITA Members:              |                    |                       |
| 2002 Advisory Board Member     | Q \$0              | Q \$0                 |
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## GENERAL INFORMATION

**TUITION:** Tuition (including papers and other materials) is \$265 (\$315 after May 31). For members of The Center for American and International Law, the cost is \$215 (\$265 after May 31). Members of the IFA Advisory Board may attend at no tuition charge. In addition, Sustaining Members of IFA may send up to three other persons at no tuition charge. Sponsoring Members may send up to two additional persons at no tuition charge. Associate Members may send one additional person at no tuition charge.

**CANCELLATION:** Tuition, less a \$50 handling charge for each registration, will be refunded upon written cancellation received not later than June 10. Cancellations received after this date cannot be refunded, but substitutions are encouraged. If there is not a refund, the registrant will receive a copy of the course materials.

**HOTEL RESERVATIONS:** Rooms (in limited number) have been reserved at The Westin Hotel for persons attending the Workshop. Registrants should contact the Westin Hotel Galleria directly (13340 Dallas Parkway, Dallas, Texas 75240, Phone: 972/234-9494). A reduced room rate of \$175 is available if you advise the hotel that you are attending a Center for American and International Law program. The last day to obtain the special rate is May 20, 2002.

**MILE CREDIT:** Mile credit is being requested from the State Bar of Texas for 6 hours, including 1 hour of ethics. Sign-in sheets and/or certificates of attendance will be available for ALL states.

**INFORMATION FOR AIR TRAVELERS:** Most interstate flights into the Dallas-Fort Worth area land at the Dallas/Fort Worth International Airport. Super Shuttles and taxis leave each terminal for The Westin Hotel, Galleria, Dallas, as they do from the other airport, Love Field.

**NONDISCRIMINATION POLICY:** It is the policy of The Center for American and International Law that no person on the basis of race, sex, sexual orientation, color, religion, national origin or ancestry, age or handicap shall be discriminated against in educational programs and activities, scholarship programs, or admissions.

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