

International Arbitration and Risk Management 2024 - Program

In the age of globalization, companies can easily find themselves involved in international arbitrations. From the initial phase of selecting arbitration as a mechanism for settling cross-border disputes to the final phase of recognition or challenge of an arbitral award, **international arbitration can either be a costly effort or a source of earnings** and like any other business **must be handled through project and risk management tools**.

This course will give professionals the necessary tools to rationally plan the management of cross-border disputes their companies are involved in, choosing the various strategic options, allocating the necessary resources and monitoring costs.

Summary of the Program:

Day and time	Professors and testimonials
Tuesday 26 November 2024 (9:00 am -10:45 am)	
The use of international arbitration from a <i>forum/law shopping</i> perspective <ul style="list-style-type: none">• what “international” arbitration is: brief introductory notions• strategy and tactics concerning the choice of dispute resolution mechanisms (arbitration, state courts, ADRs) before and after the dispute arises• negotiation and drafting of choice-of-law and dispute resolution clauses	Massimo Benedettelli (Partner of ArbLit, Milan, formerly full professor 'Aldo Moro' University, Bari) Testimonial Barbara Benzoni (In-house Counsel, ENI S.p.A.) Barbara.Benzoni@eni.com
Tuesday 26 November 2024 (11:00 am - 1:00 pm)	
International arbitration as a “project” <ul style="list-style-type: none">• the preliminary SWOT analysis (of the claimant and the respondent)• Early Case Assessment• creation of the team and identification of the internal manager/supervisor (legal, technical, commercial)• the selection of external consultants (legal and technical)• alternative remuneration models for external consultants• monitoring costs•	Michael Mcilwrath (Founder & CEO of MD Disputes, Florence) michael.mcilwrath@mdisputes.com Angelo Anglani (partner, Advant-NCTM, Rome) Angelo.anglani@advant-nctm.com
Tuesday 26 November 2024 (2:00 pm – 3:45 pm)	
The quantification of damages and interest <ul style="list-style-type: none">• the applicable law	Carine Dupeyron (partner, Darrois Villey, Paris)

<ul style="list-style-type: none"> • alternative criteria • interests • the evidence and the role of the expert • the ICCA toolkit 	cdupeyron@darroisvilley.com
Tuesday 26 November 2024 (4:00 pm -6:00 pm)	
The third-party financing	Yasmin Mohammad (Director, Fortress Investment Group, Paris) ymohammad@fortress.com
Wednesday 27 November 2024 (9:00 am -10:45 am)	
Effective management of contracts and claims in “technical” disputes <ul style="list-style-type: none"> • due and dedicated care during the various phases of the contract life (tendering, execution, litigation) • selection of the correct type of contracts and proper allocation of the risks at the tendering stage • document creation and retention during the contract’s performance • the different types of control/reaction instruments depending on the type of <i>claim</i> • critical path analysis and the “ownership of the float” • different types of additional costs and hints for recovery • the proof • the role of the expert • the role of the in-house Company’s professionals 	Liam Holder (Managing Director, Secretariat, London) / Giovanni Foti LHolder@secretariat-intl.com Testimonials: Fabio Fagioli (General Counsel, Maire Tecnimont S.p.A.) fabio.fagioli@mairetecnimont.it Alessio Ottaviano Rossi (general counsel, Rizzani De Eccher) a.rossi@rde.it Giorgio Melega (General Counsel, Tenova S.p.A.) giorgio.melega@tenova.com
Wednesday 27 November 2024 (11:00 am - 12:00 pm)	
The management of price adjustment procedures <ul style="list-style-type: none"> • alternative price adjustment criteria in M&A transactions • alternative price adjustment criteria in long-term supply contracts • the alternative between arbitration and contractual expertise • the evidence and the role of the expert 	Marco Ventruruzzo (partner, Gattai & Minoli, Full Professor, Bocconi Law School) marco.ventoruzzo@unibocconi.it
Wednesday 27 November 2024 (12:00 pm - 1:00 pm)	
Investment arbitration and <i>treaty shopping</i> <ul style="list-style-type: none"> • <i>treaty shopping</i>: defining the architecture of a foreign investment in light of the protections granted by international treaties 	Lluís Paradell (Counsel, Freshfields, Rome) Lluís.paradell@freshfields.com

Wednesday 27 November 2024 (2:00 pm – 3:45 pm)	
The cross-examination of witnesses and experts <ul style="list-style-type: none"> • what cross-examination is: brief introductory notions • • cross-examination: a practical guide for the witness • cross-examination: a practical guide for the expert • cross-examination: a practical guide for the lawyer • case-study 	Richard Samuel (Counsel, BonelliErede, London) Richard.samuel@belex.com Practical exercise
Wednesday 27 November 2024 (4:00 pm -6:00 pm)	
Interim management of the dispute <ul style="list-style-type: none"> • early termination of the dispute through a settlement • recourse to the emergency arbitrator prior to the constitution of the arbitral tribunal • the use of precautionary measures by state courts • protection against the enforcement of bank guarantees practical insights and war stories on enforcement of awards (including Yukos)	Andrea Carlevaris (Partner, BonelliErede, Rome) Andrea.Carlevaris@belex.com Testimonial Marnix Leijten (Partner, De Brauw, Amsterdam) marnix.leijten@debrauw.com
Thursday 28 November 2024 (9:00 am -10:45 am)	
When things go wrong: recusing arbitrators and challenging awards <ul style="list-style-type: none"> • the recusal of an arbitrator • the challenge of the award • opposition to the enforcement of the award 	Albert Henke (Associate Professor, Università Statale Milan) Albert.Henke@unimi.it
Thursday 28 November 2024 (11:00 am - 1:00 pm)	
When things go right: the enforcement of the award <ul style="list-style-type: none"> • <i>forum/law shopping</i>: identification of the debtor's assets and international circulation of the award • enforcement in Italy • enforcement abroad • opposition to the recognition of the award • opposition to the enforcement of the award 	Marco Torsello (Partner, ArbLit, Milan, and Full Professor, University of Verona) marco.torsello@arblit.com
Thursday 28 November 2024 (14:00 pm - 6:00 pm)	
“Domestic” vs. “International” “Handling” of International Arbitrations?	Paolo Michele Patocchi (Partner, Patocchi & Marzolini, Ginevra) and Alberto Toffoletto (full professor, Università Statale Milan, partner, NCTM), moderated by Niccolò Landi (Arbitration Chambers, Milan) patocchi@patocchimarzolini.com alberto.toffoletto@advant-nctm.com

<p>Business game where participants will be divided in teams. A simulated board of directors will be called to deliberate on the best way to handle tactical approaches to a cross-border dispute.</p>	<p>nl@landilegal.com</p> <p>Simulated board of directors for the business game</p> <p>Testimonials</p> <p>Pedro Arcoverde (inhouse counsel Airbus) Pedro.arcoverde@airbus.com</p> <p>Fabio Londero (general counsel, Danieli S.p.A.) f.londero@danieli.it</p> <p>Edoardo Marcenaro (Senior Counsel, ENEL SpA) Edoardo.marcenaro@enel.com</p>
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