

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@mddisputes.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 Ventoruzzo (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 	Lluis Paradell (Counsel, Freshfields, Rome) Lluis.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 Londro (general counsel, Danieli S.p.A.) f.londro@danieli.it</p> <p>Edoardo Marcenaro (Senior Counsel, ENEL SpA) Edoardo.marcenaro@enel.com</p>
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