



ICC Advanced Arbitration Academy

North America

Miami | Houston | San Francisco |
Toronto | New York

November 2023 – November 2024

Application period: 25 May-25 June 2023

Working language

English

Contact

DRSLearning@iccwbo.org

Organised under
the auspices of



Programme Description

The ICC Advanced Arbitration Academy is a comprehensive and practice-oriented professional training programme tailored for experienced arbitration practitioners who are interested in pursuing a career as an arbitrator.

Administered over a one-year period, the programme covers the main stages of the arbitration proceedings from an arbitrator's point of view.

It will encompass issues relating to ICC Arbitration, including jurisdiction of tribunal, case management, provisional remedies, security for costs, evidence, hearing, award and scrutiny and notification of the award.

The programme includes assignments, group work and eight in-person, mandatory workshops in a range of North American cities. The in-person workshops will take place over two days, approximately every three or four months in countries across North America.

In each workshop, participants are expected to actively engage in practical activities and rich discussions with prominent arbitrators, ICC experts, counsel and law professors.

The ICC Advanced Arbitration Academy for North America is limited to approximately 40 participants.

Learning Outcomes

Participants who successfully complete the course will have acquired a strong command of the arbitration procedures and techniques and shall be capable of acting as arbitrators in international arbitration cases, with a particular focus on ICC Arbitration Rules.

This programme is also a unique opportunity for exchanging and networking with leading professionals in the field.

Who Should Attend?

This advanced level professional training is designed primarily for senior and upper mid-level arbitration practitioners interested in pursuing a career as an arbitrator.

Participants must have an advanced knowledge of the English language and sufficient experience in international arbitration.

Programme Co-Chairs

Stephanie Cohen

Independent Arbitrator

Brian King

Independent Arbitrator

Jennifer Kirby

Principal, KIRBY

Tentative Workshop Dates and Locations

- Workshop 1 | 11 November 2023 | Miami, United States
- Workshop 2 | January 2024 | Houston, United States
- Workshop 3-4 | April 2024 | San Francisco, United States
- Workshop 5 | June 2024 | Toronto, Canada
- Workshop 6-7 | September 2024 | New York, United States
- Workshop 8 | November 2024 | Miami, United States

The precise venues will be indicated as the programme goes along. Each workshop will generally last from 9:00 am to 6:00 pm, with a one-hour break for lunch.

Programme Structure

Each workshop will feature prominent professionals who will engage in activities with the participants. The list of guest speakers will be provided in due course. Please note that the programme content and structure remain subject to modifications.

Workshop 1: **Appointment as an Arbitrator**

Topics

- General standards
- Accepting appointment as an arbitrator
- Appointment as an arbitrator by the ICC Court
- Selecting the Chair
- Objections to confirmation by the ICC Court
- Challenges of arbitrator
- Replacement / resignation of an arbitrator
- Financial aspects of accepting an appointment
- Communications with the ICC Court and the Secretariat
- ICC Court as appointing authority

Tasks

- Arbitrator's CV
- Statement of Acceptance, Availability, Impartiality, and Independence
- Disclosure
- Drafting a report on confirmation / challenge / resignation

Workshop 2: **Jurisdiction of Tribunal**

Topics

- Arbitration agreement
 - Form of arbitration agreement
 - Arbitrability
 - Material terms of arbitration agreement
 - Non-signatories: Group of companies doctrine, States, Guarantor
- Pre-arbitration procedure
 - Pre-arbitration settlement procedure
 - FIDIC contracts
- ICC *Prima Facie* Decision on jurisdiction

Tasks

- Report on case
- Interim / partial award on jurisdiction

- Procedure
 - Criteria
- Competence-Competence principle
 - Parallel proceedings
 - Anti-arbitration injunctions
- Multiparty, multi-contract, multi-polar arbitrations
 - Appointment of arbitrators
 - Consolidation
 - Advances on costs
- Interim / Partial award on jurisdiction

Workshop 3: Case management

Topics

- Organising the work of the Arbitral Tribunal
- UNCITRAL Notes on Organising Arbitral Proceedings
- Effective case management under the ICC Rules
- Arbitrating small claims: ICC Rules and guidelines
- Terms of Reference
- Provisional Timetable
- Procedural Order no. 1

Tasks

- Drafting the Terms of Reference
- Drafting Procedural Order no. 1
- Drafting Procedural Timetable

Workshop 4: Provisional Remedies, Security for Costs

Topics

- Conservatory and interim measures
- Procedure
- Criteria
- Countersecurity
- Procedural hearing
- Remedies in case of non-compliance
- Decision on interim measures: Procedural Order or Award?

Tasks

- Drafting a Procedural Order on one of the following issues:
 - Dismissal of Counsel
 - Attachment of assets
 - Confidentiality
 - Anti-Arbitration Injunction
 - Security for Costs

Workshop 5: Evidence

Topics

- IBA Rules on the Taking of Evidence
- Document production
 - Scope of discovery
 - Criteria for document production
 - Procedure of document production
 - Tribunal's role in document production
 - IT in arbitration
- Expert reports
 - Party appointed vs. tribunal appointed expert
 - Identification of issues to be put before the expert
 - Identification of expert / ICC expertise
 - Management of work with expert
 - Should the members of the Arbitral Tribunal act as experts?
- Witness statements
- Site inspection

Tasks

- Drafting the procedural schedule related to document production
- Drafting the order for production of documents (Redfern Schedule)
- Drafting the Procedural Order on appointment of expert

Workshop 6: Hearing

Topics

- Organisational issues
 - Booking premises
 - Translation, transcripts and associated costs
 - Pre-hearing telephone conference
- Management of hearings
 - Setting the dates and timeframes
 - Setting the schedule for the hearing
 - Housekeeping issues
- Conduct of the hearing
 - Adversarial v. inquisitorial style
 - Allocation of time between the parties
 - Examination and cross-examination of witnesses
 - Expert conferencing
 - Admissible/non admissible conduct

Tasks

- Drafting a letter to the parties inviting them to make proposals with regard to organisation of the hearing
- Drafting a Procedural Order for the hearing
- Drafting a report on a practical situation

Workshop 7: Award

Topics

- Deliberations and allocation of work among arbitrators
- Interim, partial, and final awards
- Award by consent
- ICC Award Checklist
- Form of the award
- Applicable law
- Burden of proof
- Evaluation of evidence
- Costs and interest / Allocation of costs
- Dispositive part of the award
- Dissenting / concurring opinion

Tasks

- Drafting a final award

Workshop 8: Scrutiny, Delivering Award, Enforcement

Topics

- Scrutiny by the ICC Court
- Signing and notification of the award
- Correction, interpretation and remission of awards
- Making enforceable awards
- Enforcement proceedings

Tasks

- Dealing with the ICC Court's comments on the draft award
- Drafting the addendum / decision on correction and interpretation

Workshop Details

The ICC Advanced Arbitration Academy for North America is organised over one year and includes eight in-person workshops delivered during two-day meetings, taking place approximately every three or four months in different countries in North America.

At each session the participants will be provided with a list of required and recommended reading for the next session. The session colloquia shall be structured on the assumption that the participants have studied the list of required and recommended reading.

In each workshop the participants will:

- Discuss the assignments they completed before the workshops;
- Analyse practical situations based on ICC cases;
- Draft procedural documents (correspondence with the parties, Terms of References, Procedural Orders, Awards etc.);
- Discuss with Co-Chairs and speakers, practical situations and their feedback.

Participation in the workshop discussions is essential.

Written exercises shall be organised in relation to the topics covered at the session.

Guidelines and materials for the written exercises will be provided. The assignment will be assessed by the Co-Chairs; feedback shall be provided at the beginning of the following session.

Case study materials shall be provided electronically. Participants will be expected to organise their materials for each workshop. Participants will be responsible for purchasing materials if required.

Registration Fees

US\$ 4,000 (20% VAT will be applied)

The registration fee covers two coffee breaks, lunch, and workshop materials for each workshop. Training activities are subject to last minute changes and modification by the organisers.

Admission

Only successful applications will be asked to pay the registration fee. Admission is guaranteed only if candidates have completed the payment within the given timeline. On registering for this programme, participants commit to attending all eight workshops.

Travel and accommodation

Participants are responsible for making their own travel arrangements and hotel reservations. There are no scholarship or registration waivers available for this programme. ICC is able to dispatch visa invitation letters to support visa applications only after the receipt of full payment of registration fees.

Cancellation policy

Participants are eligible for a refund of their registration fee if a cancellation request is submitted in writing before 25 September 2023. However, this will incur a cancellation fee which must be covered by the participant. Any cancellation after the mentioned date is not refundable.

Please note that ICC reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC will not, however, be held responsible for any related expenses.

How to Apply?

Complete the following steps before 25 June 2023, 23:59 (CET).

Step 1: Submit your application on [ICC Knowledge 2 Go](#).

Step 2: Send your CV and cover letter to DRSLearning@iccwbo.org with the subject line “Academy NA Application – [Name and Surname]”.

These documents should include your educational background and work experience with details of any arbitration-related experience, such as the number of years, the number of cases, and whether it was full-time or part-time. In your cover letter, please describe your motivation for joining the programme and your aspirations to become an arbitrator. We recommend limiting your response to under 1,000 words.

Please address all your enquiries to DRSLearning@iccwbo.org

Selection Criteria

- Applicants residing and/or practising in North America*;
- Minimum experience of five years of professional experience in arbitration, with a preference for applicants with more than 10 years of experience;
- Advanced level in English is required as all instructions, assignments, and workshops will be conducted in English;
- Contributions to the development of arbitration in the region are desired; and
- Strong motivation and commitment for the programme.

Certification

A certificate will be issued upon successful completion of the course to provide public recognition of the level of expertise gained. The certificate shall only be given to those participants who attended at least seven workshops and successfully completed 100% of the exercises.

** Priority will be given to applicants from Antigua and Barbuda, Barbados, Canada, Dominica, Grenada, Haiti, Jamaica, Puerto Rico, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, The Bahamas, Trinidad and Tobago, and United States.*

Partnership Opportunities

The ICC Advanced Arbitration Academy offers firms an unrivalled opportunity to build worldwide partnerships. Partnering with us raises visibility with major decision makers in global business and/or within the international arbitration network.

For more information on sponsorship opportunities, please contact

DRSLearning@iccwbo.org

About ICC

The International Chamber of Commerce (ICC) is the institutional representative of more than 45 million companies in over 170 countries. ICC's core mission is to make business work for everyone, every day, everywhere. Through a unique mix of advocacy, solutions and standard setting, we promote international trade, responsible business conduct and a global approach to regulation, in addition to providing market-leading dispute resolution services. Our members include many of the world's leading companies, SMEs, business associations and local chambers of commerce. www.iccwbo.org

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The ICC International Court of Arbitration

The International Court of Arbitration is the world's leading arbitral institution. Since 1923, it has administered over 27,000 cases and has helped resolve difficulties in international commercial and business disputes to support trade and investment.

The Court provides parties with a flexible and neutral setting for dispute resolution. It offers confidentiality and extraordinary freedom for parties to choose the framework for how and where they want to resolve their dispute. While the dispute itself is resolved by independent arbitrators, the Court supervises the process from beginning to end, increasing the quality of the process and enforceability of the awards.

For more information visit:
www.iccwbo.org/arbitration

The ICC Institute of World Business Law

The ICC Institute of World Business Law acts as a think-tank working closely with the ICC International Court of Arbitration.

Created over 40 years ago, the Institute provides research, training and information to the legal profession concerned with the development of international business law. In line with ICC's philosophy of excellence, the Institute proposes publications, trainings and conferences on a range of topics related to international business law.

For more information visit:
www.iccinstitute.org