



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

ABOUT THE CONFERENCE

Conference Topic

Clear Path or Jungle in Commercial Arbitrators' Conflict of Interest?

What should, what must an arbitrator disclose? Which circumstances disqualify an arbitrator in the eyes of the parties, counsel, or the courts? Does it all depend upon the institutions, the parties, the seat of the arbitration, or the type of arbitration? There is obviously lack of uniformity and predictability. Should the arbitration community do something about it? Is it all just a pretext for disruption of perfectly legitimate proceedings?

Few issues in international arbitration are so prevalent and at the same time so disputed. This conference tackles these issues head on and tries to provide some guidance in the jungle of rules, practices and views. Whether it achieves to show a clear path will be for the attendees to judge.

Schedule at a Glance, 7 February 2020

08:00	COFFEE & REGISTRATION
09:15	CONFERENCE
11:10	COFFEE BREAK
12:50	LUNCH
14:00	CONFERENCE
15:20	COFFEE BREAK
15:40	CONFERENCE



CONFERENCE PROGRAMME

9:15 – 9:30	PRESIDENT'S WELCOME	Felix Dasser , ASA & Homburger, Zurich
9:30 – 9:50	WELCOME ADDRESS AND INTRODUCTION TO THE CONFERENCE TOPIC	Wolfgang Peter , Peter & Kim, Geneva
9:50 – 11:10	PANEL 1 – THE VIEW FROM THE USERS How much independence and impartiality do users seek? What expectations do users have from the different members of the tribunal? How important is a right of each party to appoint an arbitrator? When and why should an arbitrator be objected against/challenged?	MODERATION: Wolfgang Peter , Peter & Kim, Geneva SPEAKERS: Jan Michael Ahrens , Siemens Mobility GmbH, Zurich Ulrich Hagel , Bombardier Transportation, Berlin Gottlieb Keller , Roche Holding AG, Zurich Pierrick Le Goff , De Gaulle Fleurance & Associés, Paris Nishtha Kharb Shukla , Association of Corporate Counsel, Singapore
11:10 – 11:30	Coffee Break	
11:30 – 12:50	PANEL 2 – PRACTICAL EXPERIENCE: THE VIEW FROM MAJOR INSTITUTIONS What is the threshold for disclosure? What is the procedure for objections/challenges? Is it effective? Is there any difference between party-appointed arbitrators and chairpersons? Is there an impact of the internal “knowledge” of the institutions on appointments?	MODERATION: Pierre Tercier , Independent Arbitrator, Fribourg SPEAKERS: Claudia Annacker , SIAC Court of Arbitration & Cleary Gottlieb, Paris Alexander Fessas , ICC, Paris Jamie Harrison , LCIA, London Gabrielle Nater-Bass , SCAI & Homburger, Zurich
12:50 – 13:50	Lunch	



14:00 – 15:20

PANEL 3 – PRACTICAL EXPERIENCE: THE VIEW FROM STATE COURTS

What is the threshold for independence and impartiality?

Is there a specific threshold for disclosure?

What is the relevance of the IBA Conflicts of Interest Guidelines and other private instruments?

Is there a duty of parties to investigate?

How successful are challenges in court and on what grounds?

MODERATION:

Felix Dasser, ASA & Homburger, Zurich

SPEAKERS:

Diana Akikol, ABR Avocats, Geneva

Laurent Gouiffès, Hogan Lovells, London

Paula Hodges, Herbert Smith Freehills, London

Laurence Shore, BonelliErede, Milan

15:20 – 15:40

Coffee Break

15:40 – 17:00

PANEL 4 – THE DEBATE: IS THERE ENOUGH UNIFORMITY? NOT ENOUGH? MORE THAN ENOUGH?

IBA Guidelines vs. ICC Notes and everything else? Are there conflicts between guidelines?

Do we need harmonized standards for disclosure?

How to deal with tactical challenges?

Are there lessons to be drawn from other types of arbitration (investor-state, sports and others)?

To what extent does the perception of independence and impartiality vary in different legal cultures?

MODERATION:

Charles Kaplan, Orrick, Paris

SPEAKERS:

Alexander Fessas, ICC, Paris

Paula Hodges, Herbert Smith Freehills, London

Álvaro López de Argumedo, Uría Menéndez, Madrid

Nathalie Voser, Schellenberg Wittmer, Zurich

17:00 – 17:10

CLOSING REMARKS

Felix Dasser, ASA & Homburger, Zurich