



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

## Inside the black box:

### How arbitral tribunals operate and reach their decisions

## PROGRAMME

**08:00 – 09:00**

**Welcome Coffee and Registration**

09:00 – 09:10	<b>Welcome address and introduction to the conference topic</b>  Michael E. Schneider LALIVE, ASA President
09:10 – 09:30	<b>The legal framework: rights and obligations of arbitrators in the deliberations</b>  Bernhard Berger KELLERHALS
09:30 – 10:45	<b>Decision-making and deliberations: steps and issues</b>  How should deliberations as a rule be organised? At what time should opinions be formed and expressed? Who goes first? Are there “best practices”? Is there a difference according to the type of decision (partial/final; procedural/merits)? Unanimous and majority decisions; decisions by the chairperson alone. Drafting the decision: when? by whom? The chairperson? The arbitrator with the best drafting and linguistic skills, allocation of tasks?

#### PANEL 1

Moderator:	Julian D.M. Lew	QC 20 ESSEX STREET
Panellists:	Piero Bernardini Matthias Scherer David Rivkin	UGHI E NUNZIANTE LALIVE DEBEVOISE & PLIMPTON

**10:45 – 11:15**

**Coffee Break**

11:15 – 12:45	<p><b>Conflict in the deliberations: dealing with bias and obstruction</b></p> <p>How to deal with bias and obstruction? Reporting obstructive behaviour and misconduct by arbitrators, is it possible? Desirable? Dissenting opinions: should they be avoided? How to deal with them? Should the decision on costs be used as a “sweetener”? How to deal with stalemate (no majority found)?</p>
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<b>PANEL 2</b>		
Moderator:	Markus Wirth	HOMBURGER
Panellists:	Phillip Capper	WHITE & CASE
	Pierre Mayer	DECHERT
	Bernhard Meyer	MME PARTNERS

**12:45 – 14:15**

**Lunch**

14:15 – 16:00	<p><b>Assistance to the Tribunal: options, advantages and dangers</b></p> <p>Forms of assistance to the Tribunal: administrative and organisational; document management; drafting and editing; technical understanding; legal research. Advisors to the Tribunal: are they permissible and useful? Under what conditions? How to preserve the integrity of the process and the responsibility of the tribunal for the award?</p>
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<b>PANEL 3</b>		
Moderator:	Michael E. Schneider	LALIVE, ASA President
Panellists:	Andrea Meier	WARTMANN & MERKER
	Geoffrey Senogles	CARLES RIVER ASSOCIATES
	Hans van Houtte	IRAN-US CLAIMS TRIBUNAL
	Zachary Douglas	MATRIX CHAMBERS

16:00 – 16:15	<p><b>Closing address</b></p> <p style="text-align: right;">Bernhard Berger KELLERHALS</p>
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**16:15 – 17:00**

**Reception**