Center for International Legal Studies

Emerging Trends in Dispute Resolution

David B. Wilson, Holme Roberts & Owen LLP, Denver, Colorado, United States

Sunday, 2 December 2007

Welcome Reception
Aspen/Boardroom 06:00 PM 07:00 PM

Opening Dinner
Aspen/Boardroom 07:00 PM 09:00 PM

Monday, 3 December 2007

Selecting Appropriate Dispute Resolution Mechanisms 07:30 AM 09:00 AM
Twilight

Panel Chair Clifford R. Pearl, United States

- Alberto Mansur, Mexico
  Some Strategic Principles in Dispute Resolution
- Stephen D. Mau, China
  International Arbitration in Hong Kong
- Mark A. Nadeau, United States
  Pros and Cons of International Arbitration vs. International Litigation

Mediation
Twilight 04:30 PM 06:30 PM

Panel Chair Clifford R. Pearl, United States

- Thomas J. Dolina, United States
  Mediating Business and Employment Disputes: Transformative or Facilitative Mediation
- Kendall C. Reed, United States
  Effectiveness in Mediation
- Ernest Schneider, England
  Mediation - How and Why Does it Work (A Little Psychotherapy)
- Ivan K. Stevenson, United States
  Mediation - The First and Best Choice in the ADR Process to Resolving Disputes

Tuesday, 4 December 2007

Hot Topics in Arbitration
Twilight 07:30 AM 09:30 AM

Panel Chair Mark A. Nadeau, United States

- Craig W. Budner, United States
  Best Practices for Reducing Costs in International Arbitration - Contractual Limits on Discovery
- Mary E. Comeau, Canada
  Best Practices for Drafting Arbitration Clauses
- R. Rogge Dunn, United States
  Persuading the Arbitration Panel: Keys to Make the Winning Presentation at the Hearing
- J. Chad Mitchell, United States
  A Personal Jurisdiction Dilemma: Collateral Attacks on United States Enforcement Actions

Hot Topics in Investor-State Arbitration
Twilight 04:30 PM 06:00 PM

Panel Chair Lorraine M. Brennan, United States

- Tom Bayko, United States
  Disputes between American Companies and State Owned Enterprises
- Viviana Castro Hurtado, Mexico
  Investment Arbitration in Mexico and Venezuela
- Lisa B. Goodman, United States
  Conflict Resolution Techniques for Land Use Disputes

Wednesday, 5 December 2007

Arbitrator Ethics and Independence
Twilight 07:30 AM 09:00 AM

Panel Chair David B. Wilson, United States

- Phyllis E. Bernard, United States
  Comparative Legal Ethics in Arbitration: Connections, Conflicts and Collegiality
- Peter A. Cross, United States
  Disqualification of Arbitrators for Conflicts of Interest and other Misconduct
- Lawrence S. Schaner, United States
  Arbitrator Independence: Evolving United States Legal Standards

Special Issues in Arbitration
Twilight 04:30 PM 06:30 PM

Panel Chair José Ramón Villar, United States

- S. George Alfonso, United States
  Choice of Law Clause in ICC Arbitration: Can Procedural Law Become Substantive Law?
- Nusrat Hassan, India
  Arbitration vs. Litigation: The Indian Perspective
- Joshua D. Rievman, United States
  The United States Supreme Court's Expansion of 28 USC § 1782: Is the Door Now Open to Discovery in Aid of Foreign Arbitration Proceedings?
- Christof Siefarth, Germany
  Document Production in Europe

Thursday, 6 December 2007

Enforcement Issues

Twilight 07:30 AM 09:00 AM

Panel Chair John S. Kelly, Canada

- Lorraine M. Brennan, United States
  The Enforcement of Foreign Arbitral Awards: The Landscape in the United States and How to Navigate it
- Louis B. Kimmelman, United States
  Judicial Review of International Arbitration Awards in the United States, France and Canada Part I
- Dana MacGrath, United States
  Judicial Review of International Arbitration Awards in the United States and France Part II

Hot Topics in International Dispute Resolution

Twilight 04:30 PM 06:30 PM

Panel Chair Otto K. Hilbert, II, United States

- Katarína Chovancová, Slovakia
  Enforcement of Arbitral Awards vs. Enforcement of Court Judgments in the New Countries of the European Union
- Lorna S. Katica, United States
  Resolving Disputes of United States Expats and United States Workers Employed Part-Time Abroad
- John W. Rourke, United States
  Enforcement of Arbitration Awards around the World: An International Survey
- Isaac Bonny Teko, Uganda
  A Case for Alternative Dispute Resolution in Uganda

Friday ,7 December 2007

Resolving Business and Employment Disputes

Twilight 07:30 AM 09:00 AM

Panel Chair Christof Siefarth, Germany

- Susan Brushaber, United States
  Implementation of the Intellectual Property Enforcement/Dispute Resolution Mechanisms under TRIPs
- Norman H. Kirshman, United States
  Applicability of American Employment Laws Overseas
- Gregory K. Ranslam, Indonesia
  Pitfalls of Litigation in Foreign Jurisdictions such as Indonesia

The Future and Summing It All Up

Twilight 04:30 PM 06:00 PM

Panel Chair John Arrastia, Jr., United States

- Paul D. Clote, United States
  Practice Tips for Arbitration and Mediation
- Patricia Hatry, United States
  An Overview of Litigation in the United States - Now, Then and Mañana
- Debra Hayes, United States
  Unconscionability as a Defense to the Arbitration Clause: Will Congress Force Wall Street to Give Investors a Choice

Concluding Dinner

Aspen/Boardroom 07:00 PM 09:00 PM