



Chartered
Institute of
Arbitrators

CI Arb

**Chartered Institute of Arbitrators
Proudly Presents**

**TWO EXTRAORDINARY EVENTS -
A Unique Opportunity to Witness:**

**International Arbitration
Proceedings under ICC Rules**

**International Mediation under
CI Arb Mediation Rules**

19 & 20 January 2010, at Goodwood Park Hotel, Singapore



**For more information about CI Arb, please email to
primrose@hkiac.org or Singapore@ciarbasia.org or visit www.ciarb.org**

THE CASE

Twenty years have passed since XANOC and the Shanghai Oil Xanadu Company formed a joint venture in the State of Xanadu to exploit the petroleum reserves off the coast of Xanadu. The oil is exhausted and it is time to end the project. But who is to pay for the decommissioning? Amazingly, no one thought to allocate the responsibility for closing off the oil exploration project in the contract, and now no one wants to pay US\$100 million - the cost of decommissioning.



THE DISPUTE

Now that the oil deposits at the bottom of the sea are exhausted, who is going to plug the gaping drill holes?

Who is going to remove the gigantic oil rigs to clear the way for marine traffic?

And who is going to pay the cost?

THE DISPUTE RESOLUTION

How to resolve the issues and who can do it best?

Watch events unfold as the Parties try to resolve the dispute without giving in!

Who will be the winner in this nightmare of bad drafting?

Will someone be able to devise a “win-win” solution?

WHO SHOULD ATTEND

- Arbitrators
- Mediators
- Members of the Judiciary
- In House Legal Counsel
- Project Managers
- Oil Majors
- Ship-owners and Operators
- Engineers
- Bankers & Financiers
- Legal Practitioners
- Legal Managers
- Contract Managers
- Quantity Surveyors
- Contractors
- Suppliers
- Architects
- Training Institutions

ABOUT THE CONFERENCE

DAY 1: ARBITRATION UNDER ICC RULES

You will watch the arbitration procedure unfold under the ICC Rules.

Can China State Oil Company be drawn into the dispute, even though it never signed the contract?

Will the Corporate Veil be pierced?

Will the US\$35 million Letter of Credit be drawn?

Will one of the arbitrators be forced to step down because of a conflict?

Given the diverging legal cultures in play, what kind of procedure can we expect to see?

What becomes of the “leaked” documents when the counsel tries to use them in a parallel dispute?

Who will be the victor in this multi-million dollar dispute?

What happens when one member of the tribunal refuses to sign the Award?

Will the resulting Award be enforceable?

Whose responsibility is it to decide all these questions?

See the interaction of the Parties, the Tribunal, the ICC Court and the State Court Judge.

DAY 2: INTERNATIONAL MEDIATION

If the parties had decided to mediate, would they be better off?

On Day Two, we will look at the same fact situation, but instead of an adversarial process, the parties will attempt, with the help of a neutral third party, to negotiate a creative settlement to their dispute.

Together with the mediator, the parties will

explore the interests behind their legal positions, seeking a solution that both can accept and live with.

How does the mediator role differ from that of the arbitrator?

If they succeed in resolving their dispute, what happens next? How does a mediated settlement agreement bring the parties to closure?

ABOUT THE CONFERENCE

ARE YOU INTRIGUED?

This two-day conference, with its star-studded faculty of international experts, takes a unique approach, by using arbitration and then mediation to approach the same fact situation.

As well as demonstrating the practical steps involved in each process, the mock case demonstrations on two successive days will contrast the adversarial arbitration process with the “interest-based” negotiations of mediation.

This conference will interest not only dispute resolution

professionals --arbitrators, legal counsel, expert witnesses and mediators --but also business operators and in-house counsel from government and oil & gas and wide spectrum of industrial segments, looking to see first-hand the advantages and inconveniences of both forms of dispute resolution, and how the procedures unfold in real life.

Join us for two fascinating days which promise to be both instructive and entertaining!

WHY YOU SHOULD NOT MISS THIS EVENT

- It's all live with real lawyers, experts, party representatives and witnesses.
- Internationally acclaimed panel of arbitrators who have done arbitrations over decades across the globe – see them in person – in action!
- Internationally recognised Mediator will not only resolve the dispute but will enlighten delegates by sharing his experiences from more than 100 mediation and arbitration proceedings.
- A realistic case about the decommissioning, demonstrating issues faced by the states and the environmental regulatory authorities these days.
- Live-note Transcribers and use of state of the art technology in managing time and cost of dispute resolutions. **(Sponsor: Merrill Legal Solutions)**
- Exceptional opportunity to explore issues of confidentiality and the role of state courts.
- To avoid disputes and to resolve disputes efficiently, foreknowledge is the key; learning from experiences as they unfold in the Xanadu Case, will prepare you for similar situations in your next business deal.

ABOUT CHARTERED INSTITUTE OF ARBITRATORS

Founded in 1915 with approximately 12,000 members in more than 100 countries, the CIArb is a centre of excellence, for the global promotion, facilitation and development of all forms of dispute resolution. The Institute is a UK registered charity working in the public interest through an international network of more than 30 Branches and Chapters.

The Institute's professional Pathways programme is a world-class framework of knowledge and skills in the

field of non-court dispute resolution covering the main disciplines of arbitration, adjudication, mediation, and international arbitration.

The programmes and events of CIArb provide the ideal platform to underpin and support the development of professional experience in these disciplines, as well as a tiered range of professional membership qualifications to provide public recognition for your level of expertise.

CONFERENCE PROGRAMME

DAY 1 TUESDAY, 19 JANUARY 2010: ARBITRATION PROCEEDINGS

- 0830 Registration
- 0900 Welcome Address by Colin J Wall, Trustee
East Asia, Chartered Institute of Arbitrators
- 0910 Preliminary Issues & Terms of Reference
- 1030 Tea Break
- 1100 Interim Relief Award
- 1300 Lunch
- 1400 Witness & Evidence
- 1600 Tea Break
- 1615 The Award & Afterward

EVENING PROGRAMME Sponsor & Host : ATMD Bird & Bird

- 1830 Welcome Cocktails
- 1930 Special Performance and Musicals
by Natalie Ng, the Pianist
- 2015 Dinner
- 2130 Closing

DAY 2 WEDNESDAY, 20 JANUARY 2010: MEDIATION PROCESS

- 0900 A rocky start
- 1030 Tea Break
- 1100 A Better Understanding
- 1300 Lunch (**Sponsor: Hill International**)
- 1400 Difficult Negotiations
- 1530 Tea Break
- 1600 Common Sense Prevails
- 1645 Conclusion & Lessons Learned by
Christopher Lau, SC
- 1700 Closing Address by Michael Forbes Smith,
Director General, Chartered Institute of
Arbitrators



Christopher Lau

Senior Counsel (Singapore)

FCIArb, FSIArb, Chartered Arbitrator

Producer & Chairman – Event Management Committee

Christopher Lau was educated in Australia. He is an independent arbitrator and a Senior Counsel of the Singapore Supreme Court. He was called to the English Bar in 1972 and the Singapore Bar in 1975. Between May 1995 and April 1998, he served as a Judicial Commissioner of the Supreme Court of Singapore. Christopher's arbitration practice encompasses all aspects of commercial (including oil & gas) & corporate disputes and in gas & electricity competition law matters. He is a Chartered Arbitrator

and a member ICC Commission on Arbitration, Chairman of the Singapore Chapter of CIArb's East Asia Branch and a member of CIArb's mediation sub-committee. He is also a member of the Governing Board of the IMO International Maritime Law Institute in Malta and a member of the Board of Directors (as an independent non-executive director) of Neptune Orient Lines Ltd (NOL).



Louise Barrington

FCIArb, Chartered Arbitrator, Mediator, Counsel, Teacher

Director, Arbitration Proceedings and Narrator on Day 1

Louise Barrington practiced as a lawyer in Ontario Canada, before moving to Europe to pursue graduate studies in European Law and to teach. She has since qualified as an attorney in New York and in England & Wales as a solicitor. For over 25 years she has been involved in international commercial arbitration, first as Director of the ICC's Institute of World Business Law, then as the founding Director of ICC Asia in Hong Kong, as a professor of law in Hong Kong and London, and as an arbitrator.

Now dividing her time among clients in London, Hong Kong and Toronto, Louise continues to act as a dispute resolver (arbitration and mediation) and as counsel in international construction

cases.

She also continues her teaching work as a thesis supervisor and professional trainer, designing and delivering programmes for institutions and schools around the world. She writes and speaks extensively on international dispute resolution topics and comparative law.

Louise is the founder and co-president of ArbitralWomen (www.arbitralwomen.org) and of the Vis (East) Arbitration Moot in Hong Kong (www.cisgmoot.org)

THE CONFERENCE PRODUCER & DIRECTORS



Colin J Wall

Managing Director

Commercial, Mediation & Arbitration Services Ltd and Global Mediation Services Ltd

Narrator on Day 2

Colin J Wall is a Chartered Arbitrator, Chartered Surveyor and Accredited Mediator based in Hong Kong but operating globally. He is a full time dispute resolver of construction, engineering and commercial disputes and a mediation trainer. Colin is listed on numerous arbitration and mediation panels, including the Singapore International Arbitration Centre's arbitration panel and as an International Member of the Singapore Mediation Centre Principal Panel of Mediators.

Colin is a Past President of the Chartered Institute of Arbitrators,

a Past Chairman of the Hong Kong Branch and the current East Asia Trustee. Colin is Deputy President of the Union Internationale des Advocats World Forum of Mediation Centers. Colin is also a past Chairman of The Hong Kong Mediation Council and has been practicing as a full time mediator and arbitrator for the past 19 years. He is the inventor of the Dispute Resolution Adviser system, an honorary professor at The University of Hong Kong and a guest lecturer in arbitration and ADR at various other institutions.



Alan L Limbury

Specialist Accredited Mediator and Chartered Arbitrator

Managing Director, Strategic Resolution, Adjunct Professor, The University of Sydney

Director Mediation Sessions and the Mediator

Alan Limbury was admitted as a barrister in England before emigrating to Australia in 1964. He practised as a solicitor for over 30 years in major Australian law firms, including for 20 years as a partner in Minter Ellison, specializing in litigating intellectual property (particularly pharmaceutical patents), trade practices and administrative law cases. He trained in negotiation at Harvard and has taught with Harvard Professors Roger Fisher and Frank EA Sander in Australia and the United States. He started mediating in 1987 and was a founder member and Chairman of LEADR. He holds Australian National Accreditation as a mediator and is also accredited by CEDR in the UK, where he operates from Crown Office Chambers.

Alan was for 8 years Chairman of the Complaints Resolution Panel under the Australian Therapeutic Goods Regulations and remains Chairman of the Complaints Panel of the Australian Self-

Medication Industry (ASMI) and a member of the ASMI Mediation Panel for the resolution of disputes between ASMI members.

Whilst he continues in legal practice as a sole practitioner, in 1996 Alan became Managing Director of Strategic Resolution, a dispute resolution consultancy. He has mediated over 1,500 disputes with legally represented parties and arbitrated over 300 domain name disputes. He is a Fellow of the Chartered Institute of Arbitrators (both as an Arbitrator and as a Mediator), a Chartered Arbitrator, a member of its Board of Management, Chairman its Practice and Standards Committee and former Chairman of its Mediation sub-committee. He is also a member of the board and Vice President, Mediation of the Australian Branch of the Institute. He is presently convenor of a working party of the Institute to formulate a workable protocol for Med-Arb.

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of International Arbitration
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W: www.mediation.com.sg

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REGISTRATION FORM

19 & 20 January 2010, at Goodwood Park Hotel, Singapore
International Arbitration Under ICC Rules
International Mediation under CI Arb Mediation Rules

Please complete all sections in **BLOCK CAPITALS** and return your completed form to:

Chartered Institute of Arbitrators (East Asia Branch) Singapore Chapter

39 Robinson Road, Robinson Point, #07-01, Singapore 068911

Attention: Ms. Gladys Teo

Tel No.: +65-63239863

PERSONAL DETAILS

Salutation	Full Name (Underline Surname)	
<input type="text"/>	<input type="text"/>	
Gender (please tick one) [] Male [] Female	Date of Birth	Telephone No.
	<input type="text"/>	<input type="text"/>
Email		
<input type="text"/>		
Address		
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Special Requirements (diet / access / other)		
<input type="text"/>		

COMPANY DETAILS

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Please indicate which address we should use for correspondence.
(please tick one)

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TERMS & CONDITIONS

By submitting this form, the applicant has certified that the above information is accurate to the best of his / her knowledge and has agreed to the following terms & conditions:

1. Any cancellation received in writing 30 working days or more prior to the Event Date will be subjected to a 50% cancellation charge.
2. There is no refund for cancellations within 30 days of the event date.
3. Registration is confirmed only upon receipt of the registration fee.
4. For substitution, please let us have the name of your substitute attendee in writing before the Event Date.
5. Any "no-show" by registered attendee on Event Date will be liable for full payment of the Registration Fee.

Disclaimer. The Chartered Institute reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors without prior notice.

REGISTRATION FEE

Registration fee includes Event Documents, Lunch and Tea Breaks on both days and also the dinner and the musical event on 19 January 2010.

<input type="checkbox"/> CI Arb Member	- S500	Membership No.
<input type="checkbox"/> Members of Sponsors	- S\$750	<input type="text"/>
Sponsor Organisation:		
<input type="checkbox"/> Standard	- S\$1000	

PAYMENT METHOD

Please select one of the following payment methods:

- ☐ **CHEQUE / BANK DRAFT.** Please find enclosed a Cheque / Bank draft made payable to "Chartered Institute of Arbitrators (Singapore)" for the amount: S\$..... Bank: Cheque / Draft No.:
- ☐ **By Inter-Bank Giro (IBG).** I hereby confirm that I have made the payment of S\$..... By IBG to the DBS Account No.: 001-905323-4 on and the Transaction Reference No. is

For more information about CI Arb,
please email to primrose@hkiac.org or
Singapore@ciarbasia.org or visit www.ciarb.org.