



Getting Your Witness Testimony Right: A Discussion of Today's Challenges and Pitfalls

October 21, 2010, 10.30 h – 13.30 h

Venue:

Frankfurt International Arbitration Center,
Industrie- und Handelskammer Frankfurt am Main, Room "London"
Börsenplatz 4, 60313 Frankfurt am Main

- **Today's Best Practice of Witness Testimony in Overview**
 - Access to knowledgeable people to establish historic facts: "own" and other witnesses
 - The need to submit a witness statement rather than just nominating a witness in the submissions: contents, formal requirements and disclosure of earlier drafts
 - The function of the witness statement: establishing facts and basis for the cross-examination by opposing counsel:
- **The Need for Interaction Between Counsel and "Own" Witnesses:
A Potential Minefield for Lack of Clear Rules?**
 - Lack of uniform rules dealing with interaction between counsel and "own" witnesses
 - Establishing a level playing field: French experiences of lobbying against a prohibition of contacts between counsel and witness
 - Handling practical issue: familiarising a witness with the process of cross-examination and the witness that requests compensation for time-spent on being a witness
- **Dealing with Adverse Interference of the Opposing Party on "Own" Witnesses**
 - Communication between my witness and opposing counsel
 - The witness who is requested to prepare a witness statement by both parties
 - Threatening of my witness by the other party: what protection is available?

10.30 h – 13.15 h: Panel and Discussion

Moderation: *Ulrike Gantenberg*, Heuking Kühn Lüer Wojtek, Düsseldorf
Jan K. Schäfer, Allen & Overy LLP, Frankfurt am Main

Panellists: *Michelangelo Cicogna*, De Berti Jacchia studio legale, Milan
Mag. Philipp Peters, Konrad & Justich, Vienna
Matthew Secomb, White & Case, Paris

13.15 h – 13.30 h: Introduction of Young Members Group of CI Arb

Laurence Burger, Tavernier Tschanz, Geneva
Gonçalo Malheiro, BPPR, Lisboa

This DIS40 Event, which is intended for participants below 40 years of age, will take place at the Frankfurt International Arbitration Center, Industrie- und Handelskammer Frankfurt am Main, Room "London", Börsenplatz 4, 60313 Frankfurt am Main

Please register before 11 October 2010 online via the DIS-Website (current/events, www.dis-arb.de) or via e-mail (dis@dis-arb.de).

The registration fee is **50 €** (incl. VAT). We kindly ask to transfer this fee, upon registering, to the following account:

Deutsche Institution für Schiedsgerichtsbarkeit

Kölner Bank (BIC: GENODED1CGN)

Account Number 462871023, BLZ 371 600 87

IBAN DE33 3716 0087 0462 8710 23

With confirmation of the registration, you will receive via e-mail an invoice for the registration fee.