

# Effective Fact Finding vs. Information Overload: Too Much Paper in Arbitration?

Mannheim, Germany – 26 February 2016 (9am–5:30pm)

## Venue

University of Mannheim, Germany

## Highlights

The process for establishing facts in an international arbitration proceeding is a matter which is often debated given the different approaches taken by various jurisdictions as well as the rapid developments in technology. The concept of ensuring the due process rights of the parties (e.g. right to be heard and right to prove their case) is often limited by the prevention of burying the arbitral tribunal and the other side with huge amounts of papers.

The Mannheim International Arbitration Conference will cover topics focusing on the different methods of establishing facts in international arbitrations from the perspectives of various jurisdictions and the impact that each method has on international arbitration. Mr. Grant Hanessian, Partner of Baker & McKenzie (New York) and member of the ICC International Court of Arbitration, will give a Keynote Speech entitled “Document Production – To Have or Not to Have in International Arbitration”.

The Mannheim International Arbitration Conference will kick off with a cocktail reception hosted by SZA Schilling, Zutt & Anschutz, the evening before on Thursday, 25 February 2016.

## Who should attend

Anyone interested in the field of international arbitration such as practitioners, arbitrators, corporate counsel and academics.

This Conference is also open to students, in particular those who are interested in the Willem C. Vis Moot Competition (past, present and future).

## Supported by



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**Organized by:** the International Court of Arbitration of the International Chamber of Commerce (ICC) and the Chair for Private Law, International Corporate and Financial Markets Law, European Business Law at the University of Mannheim



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## PROGRAMME

**Thursday, 25 February 2016, 19.00**

Cocktail reception hosted by SZA Schilling, Zutt & Anschütz

**Friday, 26 February 2016**

**8:30 – 9:00**

**Registration**

**9:00 – 9:15**

**Welcome and Introduction**

**9:15 – 10:45**

**Panel 1: Witness Statements: Are In-Person Examinations Necessary?**

This panel will focus on the different approaches taken by various jurisdictions with respect to witness evidence. Specifically, the panel will discuss how different jurisdictions deal with witness evidence: from requiring written witness statements to the concept of bringing the witness to a hearing and subjecting the witness to direct and cross examination.

**Ania Farren (Moderator)**

Special Counsel, K&L Gates, London

**Dr. Axel Reeg**

Partner, Reeg Rechtsanwälte, Mannheim

**Christopher K. Tahbaz**

Partner, Debevoise & Plimpton, Hong Kong & New York

**Felix Weinacht**

Head of Industry Litigation, Siemens AG, Munich

**Prof. Dr. Dres. h.c. Harm Peter Westermann**

Eberhard Karls University of Tübingen, Of Counsel, SZA Schilling, Zutt & Anschütz, Mannheim

**10:45 – 11:15**

*Morning Coffee break*

**11:15 – 12:45**

**Panel 2: Expert Opinions: Role of Experts in International Arbitrations**

This panel will take a look at, and discuss the purpose of, having an expert opinion and how expert opinions can be efficiently integrated into an international arbitration proceeding. Issues that the panel will discuss include the effects of the methods of appointment of an expert in an international arbitration proceeding (*i.e.* by a party, arbitrator or arbitral institution) as well as case management techniques such as requiring separate or joint written opinions by party-appointed experts and “hot-tubbing” of expert witnesses.

**Friederike Schäfer (Moderator)**

Counsel, ICC International Court of Arbitration, Paris

**Dr. Mariel Dimsey LL.M.**

Associate, Cleary Gottlieb Steen & Hamilton LLP, Cologne

**Christopher Lau, SC**

Independent Arbitrator, Singapore (to be confirmed)

**Dr. Simon Manner**

Senior Legal Counsel, Nordex SE, Hamburg

**Dr. Nicolas Wiegand**

Partner, CMS Hasche Sigle, Munich

**12:45 – 14:00**

*Lunch Break*

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**14:00 – 14:30**                      **Keynote Speech: “Document Production – To Have or Not to Have in International Arbitration”**

**Grant Hanessian**

Partner, Baker & McKenzie, New York

**14:30 – 15:45**                      **Panel 3: Document Production in International Arbitration**

This panel will expand on the idea of document production in international arbitration and whether its existence is in fact beneficial or harmful to all parties involved in an international arbitration. In this discussion, the panel will weigh parties’ due process rights versus the burden of “too much paper” as a result of document production. It will also discuss parties’ frequently expressed fear of disclosing confidential information and possible measures to address this concern.

**Kabir Duggal (Moderator)**

Senior Associate, Baker & McKenzie, New York

**John Beechey**

Independent Arbitrator, former President of the ICC Court of International Arbitration, London

**Alexander Fessas**

Managing Counsel, ICC International Court of Arbitration, Paris

**Todd Wetmore**

Partner, Three Crowns, Paris

**Prof. Dr. Matthias Wolkewitz**

Head of Legal, Tax, Insurance and General Counsel, Wintershall AG, Kassel

**15:45 – 16:15**                      *Afternoon Coffee break*

**16:15 – 17:30**                      **Panel 4: Shifting the Burden of Proof – An Efficient Alternative to Document Production?**

The final panel for the day will discuss the role of the allocation of the burden of proof in international arbitrations and its use as an alternative and, possibly, more time and cost efficient instrument to document production in establishing facts in an international arbitration proceeding. In this discussion, the panel will *inter alia* address the different use of such instrument in the common law and civil law tradition and whether the burden of proof is governed by procedural or substantive laws, as well as the effects of such a qualification in arbitrations. It will also be discussed whether the CISG’s rules on the burden of proof (if any) may preempt the use of document production in an international arbitration proceeding.

**Dr. Marc D. Veit (Moderator)**

Partner, LALIVE, Zurich

**Amy C. Kläsener**

Counsel, Sherman & Sterling, Frankfurt

**Dr. Stefan Riegler**

Partner, Baker & McKenzie, Vienna

**Prof. Dr. Ulrich G. Schroeter**

University of Mannheim

**Dr. Patricia Shaughnessy**

University of Stockholm

**17:30**                                      **Closing Remarks**

**17:45 – 19:30**                      **Closing Drinks**

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## SPEAKERS

### Keynote Speaker:

#### **Grant Hanessian**

Partner, Baker & McKenzie, New York

### (in alphabetical order)

#### **John Beechey**

Independent Arbitrator, former President of the ICC Court of International Arbitration, London

#### **Dr. Mariel Dimsey LL.M.**

Associate, Cleary Gottlieb Steen & Hamilton LLP, Cologne

#### **Kabir Duggal (Moderator)**

Senior Associate, Baker & McKenzie, New York

#### **Ania Farren (Moderator)**

Special Counsel, K&L Gates, London

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Head of Legal, Tax, Insurance and General Counsel, Wintershall AG, Kassel

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## LOGISTICS AND REGISTRATION

### Venues:

#### Thursday, 25 February 2016, Welcome Reception

SZA Schilling, Zutt & Anschutz, Otto-Beck-Straße 11, 68165 Mannheim

#### Friday, 26 February 2016, Conference

University of Mannheim

Mannheim Palace, East Wing (Ostflügel), FuchsPetrolub-Festsaal (O 138)

Bismarckstraße 82, 68161 Mannheim

### Working language:

English

### How to register:

Registration and payment can be completed directly on the conference website.

Website: <http://www.mannheim-arbitration-conference.org/>

Alternatively, the following form can be filled out and returned by email/fax/mail:

Email: [ArbitrationConference@uni-mannheim.de](mailto:ArbitrationConference@uni-mannheim.de)

Post: Chair for Private Law, International Corporate and Financial Markets Law, European  
Business Law  
University of Mannheim  
Schloss Westflügel, 68131 Mannheim  
Germany

Phone: + 49 621 181 1588

Fax: + 49 621 181 1590

Should you choose this option, please indicate your method of payment.

Registration will be confirmed only upon receipt of both payment and the registration form.

### Registration fee:

**Early bird** (registration until 31 January 2016): **50 €**

**Full fee** (registration on 1 February 2016 or later): **100 €**

Special rates for **students** (please note that only a limited number of seats are available):

**Early bird** (registration until 31 January 2016): **15 €**

**Full fee** (registration on 1 February 2016 or later): **25 €**

Registration fee includes welcome reception, refreshments, lunch, and closing reception.

### Travel and accommodation:

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations. A list of hotels in Mannheim is available on the website.

### Cancellation charge:

50% of the contribution to costs will be refunded if notice of cancellation is received in writing before **12 February 2016**. Cancellations after this date are not refundable. However, registration may be transferred to another person from the same company or organization at no extra charge, provided that notice is sent to [ArbitrationConference@uni-mannheim.de](mailto:ArbitrationConference@uni-mannheim.de) prior to the Conference.

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## REGISTRATION FORM

### Venue:

Participant information: \_\_\_\_\_

Title (Mr/Dr/Mrs/etc.): \_\_\_\_\_

Family name: \_\_\_\_\_

First/given name: \_\_\_\_\_

Position: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

Zip/postal code: \_\_\_\_\_ City/state: \_\_\_\_\_

Country: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Registration fee: (please tick the appropriate box.)

By 31 January 2016: "Early bird special". After 31 January 2016: full fee.

- Early bird: 50 euros                       Full fee: 100 euros  
 For students, early bird: 15 euros       For students, full fee: 25 euros

### Registration fee:

By credit card: \_\_\_\_\_

American                                       ExpressEuro/MasterCard                       Visa

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Purpose: Mannheim Arbitration Conference 2016 [Name of Participant]

Date:                      /                      /                      Signature: \_\_\_\_\_

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