

# “TAKE THE WITNESS: CROSS EXAMINATION IN INTERNATIONAL ARBITRATION”

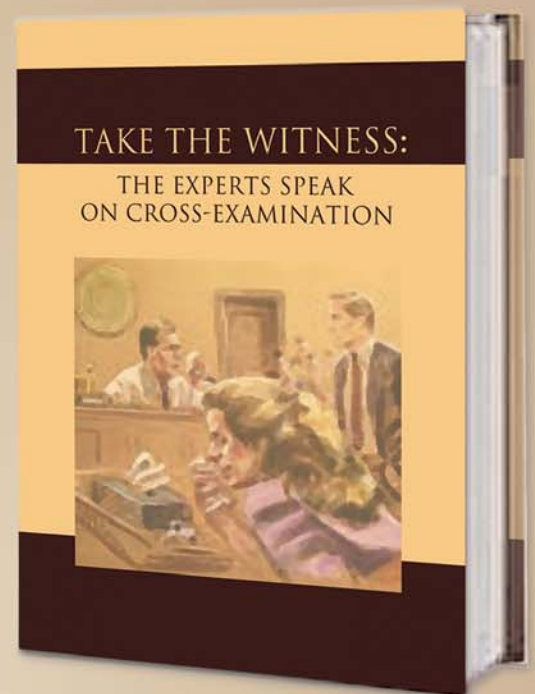
– an interactive competitive seminar  
on cross-examination in international arbitration.

22 JANUARY 2007

at

L’Intercontinental Paris Le Grand,  
*PARIS, FRANCE*

This innovative seminar will take up the art and science of cross-examination, with particular reference to its application in international arbitration proceedings. Cross-examination has, until recently, been thought of by many European lawyers as being confined to the arcane province of lawyers from common-law jurisdictions. Now, with oral hearings in international arbitration limited to the questioning of adversarial witnesses – direct testimony being relegated to witness statements or affidavits – the questioning of those witnesses has become of crucial importance to the outcome of international arbitration disputes. How cross-examination in international arbitration works as a practical matter will be dealt with by experts in international arbitration advocacy, against the background of a hypothetical factual scenario.



When you attend the Seminar  
you will receive a copy of  
*“Take The Witness: The Experts  
Speak On Cross-Examination”*

22 JANUARY 2007

## FACULTY

**PROFESSOR GEORGE BERMANN** is the Jean Monnet Professor of EU Law, Walter Gellhorn Professor of Law, and Director of European Legal Studies at Columbia Law School. He is the former President of the American Society of Comparative Law.

**GIORGIO BERNINI** is a Special Counsel to Studio Bernini associate a Baker & McKenzie in Bologna. He is now Honorary President of the International Council for Commercial Arbitration (ICCA) after serving as President for two terms.

**ROBERT BRINER** is the immediate past President of the International Court of Arbitration of the International Chamber of Commerce (ICC) and former President of the Iran United States Claims Tribunal. Mr. Briner is currently Of Counsel with Lenz & Staehelin in Geneva.

**FREDERICK T. DAVIS** is a Partner with Debevoise & Plimpton LLP's Paris office, where he focuses his practice on international arbitration and has represented major US, French and multinational companies in international arbitrations. He is a Fellow of the American College of Trial Lawyers and the French government has named him a Chevalier of the National Order of France.

**MATTHIEU DE BOISSESON** is a Partner at Darrois Villey Maillot Brochier, Paris. He is a Fellow Member of the ICC Institute of Business Law and Practice and a Member of the Executive Committee of the "Comité Français de l'Arbitrage."

**EMMANUEL GAILLARD** is a Partner in Shearman & Sterling LLP's Paris office and is Chair of the firm's international arbitration practice. He is also the Chairman of the International Arbitration Institute (IAI).

**JUDITH GILL** is a Partner in Allen & Overy's London and is Chair of the firm's international arbitration practice. She is a Fellow of the Chartered Institute of Arbitrators, a Director of the LCIA, Member of the LCIA Court and Member of the ICC UK Arbitration Group.

**STEVEN HAMMOND** is Co-Chair of the International Practice Group and Partner with Hughes Hubbard & Reed LLP, New York. He is former President of the Union Internationale des Avocats. >

# "TAKE THE WITNESS" - SEMINAR

## THE SCENARIO

How cross-examination in international arbitration works as a practical matter will be dealt with by experts in international arbitration advocacy, against the background of a hypothetical factual scenario. There will be a morning session dealing with the cross-examination of a fact witness (a representative of one of the parties), followed by an afternoon session, which will deal with the cross-examination of an expert witness – an expert on the law and customs of the hypothetical country in question.

Each of these witnesses will be questioned before panels of arbitrators by two separate cross-examining lawyers. Each of the lawyers will conduct his or her examination without having the benefit of hearing the cross-examination done by the other lawyer of the same witness. Thus, there will be two competing cross-examiners for each witness, one from a civil law jurisdiction, and the other from a common law jurisdiction.

Each proceeding will be conducted before a tribunal of three experienced arbitrators, one for the morning session and a separate panel for the afternoon. A pair of expert commentators will analyze the effectiveness of the cross examining techniques of the cross-examiners. The tribunal will consider the persuasiveness of the questioning done by the cross-examiners. Members of the audience will be invited to comment on the effectiveness of the cross-examination.

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# 22 JANUARY 2007 - PARIS

FACULTY

## 22 JANUARY - SEMINAR SCHEDULE

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### 8:30-9:00 REGISTRATION

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Coffee and tea upon arrival

### 9:00-11:00

#### PROCEEDING I: THE EXAMINATION OF A FACT WITNESS

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- Introduction to the factual setting
- Brief direct examination of the witness

Moderator and direct examiner: *Lawrence Newman*

- Cross-examination
  - Fact witness: *Kathleen Keatley*
  - Cross-examining lawyers: *Judith Gill, Matthieu de Boisseson*
  - Chairman of the tribunal: *Emmanuel Gaillard*
  - Members of the tribunal: *Robert Briner, Sigvard Jarvin*

### 11:00-11:30 COFFEE/TEA BREAK

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### 11:30-12:30

#### PROCEEDING I: ASSESSMENT OF THE CROSS-EXAMINATION

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- Expert commentators

Expert commentators: *Steven Hammond, Jean-Pierre Harb*

- The tribunal
- The audience

### 12:30-14:00 NETWORKING LUNCHEON

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### 14:00-16:00

#### PROCEEDING II: THE EXAMINATION OF AN EXPERT WITNESS

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- Introduction of the factual setting
- Brief direct examination of the expert witness

Moderator and direct examiner: *Lawrence Newman*

- Cross-examination
  - Expert on foreign law and legal customs: *Professor George Bermann*
  - Cross-examining lawyers: *Frederick T. Davis, Anne Véronique Schlaepfer*
  - Chairman of the tribunal: *J. Martin H. Hunter, Q.C.*
  - Members of the tribunal: *Giorgio Bernini, Kaj Hobér*

### 16:00-16:30 COFFEE-TEA BREAK

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### 16:30-17:30

#### PROCEEDING II: ASSESSMENT OF THE CROSS-EXAMINATION OF THE EXPERT WITNESS

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- Expert commentators

Expert commentators: *Fredrick Sherman, Jeremy B. Winter*

- The tribunal
- The audience

### 17:30 DRINKS RECEPTION

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**JEAN-PIERRE HARB** is with the Paris office of Baker & McKenzie.

**KAJ HOBÉR** is a Partner of Mannheimer Swartling, Stockholm and Professor of East European Commercial Law at Uppsala University, Uppsala.

**J. MARTIN H. HUNTER** is Professor of International Dispute Resolution at Nottingham Law School. He is a Council Member of ICCA and Chairman, Dubai International Arbitration Centre. He began as a solicitor and was a partner in Freshfields until joining Essex Court Chambers in 1994.

**SIGVARD JARVIN** is Counsel to Jones Day, Paris. He was Rapporteur at the 1990 and 1998 ICCA Congresses and was General Counsel, ICC International Court of Arbitration, Paris (1982-1987) and member of the Court (1988-1995).

**KATHLEEN KEATLEY** is In-House Contract Counsel with AMEC Spie Capag, a French company specializing in the construction of onshore pipelines and facilities worldwide, and handles work for projects in a diverse range of countries.

**LAWRENCE W. NEWMAN** is a Partner in the litigation department of the New York office of Baker & McKenzie. He is the author and co-author of several works on international arbitration and litigation.

**ANNE VÉRONIQUE SCHLAEPFER** is a Partner in Schellenberg Wittmer's arbitration group in Geneva. She is a member of the Arbitration Committee of the Geneva Chamber of Commerce and other various associations. She chairs the Association Suisse d'Arbitrage (ASA) Below 40 group.

**FREDRICK SHERMAN** is a Partner in Jones Day's New York Office practicing in the area of corporate and commercial litigation. He is the firm's representative on the Corporate Counsel Committee of the American Arbitration Association.

**JEREMY B. WINTER** is a Partner in Baker & McKenzie's London office and is Managing Partner of the Construction and Engineering Group for Europe and the Middle East. He is former Chair of the firm's International Arbitration Practice.

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