



## Due Process in International Arbitration: Latest Developments

- ◆ Balancing due process and the need for time and cost efficiency in arbitral proceedings
- ◆ Due process as a limiting factor for arbitral discretion
- ◆ Curing the due process paranoia
- ◆ How to combat the misuse of due process effectively
- ◆ From theory to practice: case studies on due process:
  - Examples where a violation of due process was upheld by the courts
  - Defining safe havens for arbitrators

**06 + 07 October 2022**

Thursday, 06 October: 1.30 pm – 5.00 pm

Friday, 07 October: 9.00 am – 12.30 pm

In cooperation with:

**Venue**

tba

Vienna, Austria



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## Target Group

- ◆ Inhouse Counsel
- ◆ Attorneys at law
- ◆ Arbitrators and Counsel
- ◆ Financial and Economic Experts
- ◆ Project-, Contract- and Claim-Managers

## Background & Objective

As of today, no coherent body of case law on due process has developed. This has increasingly motivated recalcitrant parties to use due process as a strategic tool in arbitration proceedings. By alluding to the Damocles sword of set-aside or refusal of recognition and enforcement, these recalcitrant parties attempt to nudge arbitral tribunals into directions that are strategically advantageous for the parties; in a worst-case scenario, this conduct may even be geared at undermining the enforceability of a future award.

Examples from practice in which parties have resorted to these techniques are regrettably abundant. It is not uncommon for parties to phrase simple procedural requests as matters of due process, capitalize on due process to file new evidence or misuse due process as a pretext to submit unsolicited submissions. Arbitral tribunals that are risk-averse – critics speak of arbitral tribunals suffering from “due process paranoia” – may be open to giving in to such demands. They thereby put at risk the very hallmarks of international arbitration, i.e., the prospect of obtaining an enforceable award in expeditious proceedings.

The objective of this seminar is to explore how due process sets limits to arbitral discretion across jurisdictions, while also examining how to balance due process with the need for a time and cost efficient procedure. The seminar is based on a global study on due process in international arbitration conducted by the Speakers.

## Partners



Wir bewegen Wirtschaft.



## Speakers

**Prof. Dr. Dietmar Czernich;** CHG Czernich Rechtsanwälte, Vienna

**Prof. Dr. h.c. Franco Ferrari, LL.M.,** Director Center for Transnational Litigation, Arbitration, and Commercial Law New York University School of Law, New York, NY

**Dr. Friedrich Rosenfeld,** Hanefeld Rechtsanwälte, Hamburg

**Prof. Giuditta Cordero-Moss,** Faculty of Law, University of Oslo

**Prof. Caroline Kleiner ,** Université de Paris

**Prof. Francesca Ragno,** Università die Verona

## Programme\*

Due process issues arise in every arbitration. A sound knowledge of due process and its limitations is necessary in order to safeguard the efficient and smooth conduct of the proceedings. The joint Seminar of ICC Austria and the Center for Transnational Litigation, Arbitration, and Commercial Law of New York University School of Law explores how it is possible to manage the twin goals of ensuring a high degree of due process while at the same time ensuring the efficiency of the proceedings in practice. Issues covered include:

### **DAY 1 – 06 October: 1.30 pm – 5.00 pm**

- **The normative framework on due process and its interpretation**
- **Due process paranoia and its potential to undermine the efficiency of arbitration proceedings**
- **Due process and party autonomy (including waivers)**
- **Due process and the right to comment (including the administration of deadlines)**
- **Due process and the taking of evidence**
- **Due process and surprising decisions/directions by the tribunal**

### **DAY 2 – 07 October: 9.00 am – 12.30 pm**

- **Due process and non-participating parties/issues of proper notice**
- **Due process and arbitrators – when does procedural conduct give rise to concerns as to the independence and impartiality of arbitrators**
- **Practical exercises**
- **Concluding remarks**

## Registration Form

Mail to:

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responsible for the content: **Ass. iur. Eleonore Treu**

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<https://www.icc-austria.org>
**Registration – closing date 30<sup>th</sup> September 2022**
**>>> online registration <<<**

	06 + 07 October 2022	06 October 2022
I want to register for:	<b>Advanced Seminar on Due Process in International Arbitration</b> <input type="checkbox"/>	<b>Cocktail / Networking Event</b> 5 – 7pm <input type="checkbox"/>
Regular Fee per person	<b>EUR 710,--</b> (plus 20% VAT)	<b>EUR 45,--</b> (plus 20% VAT)

**Graduates of NYU Law are eligible for a discounted fee. Please get in touch with [k.ludl@icc-austria.org](mailto:k.ludl@icc-austria.org)**

After receiving the registration, we will sent a confirmation with the invoice attached - please transfer the course fees - free of charges for ICC Austria - via banktransfer.

**Once confirmed by ICC Austria, your registration is legally binding! The regular fee shall be paid within two weeks from receipt of invoice. In case of late registration verifiably before the Conference starts!**

### Conference documentation

All conference documentations will be provided electronically to registered participants three business days prior to the start of the conference.

✓ electronic documentation included

Please note that there is no computer or only limited connection options for the power supply at the conference location!

### Participant Information

Mr.    Mrs.

Family Name: ..... First Name: .....

Organisation / Company: .....

Address: .....

City, Postal code: ..... Country: .....

Participant E-Mail: .....

Telephone: ..... Job Title / Position: .....

### Invoice data *(if differ from above mentioned data)*

Organisation / Company: .....

VAT Number *(Obligatory for invoicing participants from EU member states)*: .....

Address: .....

City, Postal code: ..... Country: .....

### Cancellation Policy / Data Protection

Upon signature of this registration form the General Terms and Conditions of ICC Austria are deemed accepted; available with <https://www.icc-austria.org/en/About-us/General-terms-and-conditions/Seminars.htm>. A full refund will only be given for written cancellations received up to 14 working days before the event (7 days for ICC-Members). Should you be unable to attend, you can nominate a colleague as replacement. I acknowledge that my data is stored electronically for registration purposes. ICC Austria will not submit my data to third parties.

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