



JAGIELLONIAN UNIVERSITY
IN KRAKÓW



ICC SCHOOL OF ARBITRATION AND ADR



CONTENTS

I.	GENERAL INFORMATION	3
1.	Objective.....	3
2.	Working methods.....	4
3.	Lecturers	5
4.	Participants – who is it for?	5
II.	APPLICATION PROCESS.....	6
III.	SCHEDULE	7
IV.	PROGRAMME.....	8
V.	ARBITRATION AND ADR BASICS	13
5	Contact	16
6.	Appendices	16
a)	ICC School of Arbitration and ADR – General Regulations.....	17
b)	Application form for ICC School of Arbitration and ADR 2014/2015	19



ICC SCHOOL OF ARBITRATION AND ADR 2014/2015

I. GENERAL INFORMATION

1. OBJECTIVE

The ICC School of Arbitration and ADR is an educational project in the field of international arbitration and ADR. It is an initiative jointly organized under the patronage of three renown institutions – International Court of Arbitration of the International Chamber of Commerce (ICC), Polish National Committee of the ICC and OKSPO at the Faculty of Law and Administration of the Jagiellonian University in Krakow.

The programme aims to develop expertise in international arbitration and alternative dispute resolution services provided by the International Court of Arbitration of the ICC and the International Centre for ADR, as well as master the skills mandatory for a successful counsel.

It is a one-off chance to learn from the most renowned arbitration practitioners in Poland, as well as gain knowledge directly from the source – from participating Court's Secretariat's representatives who will share their expertise. Also, it is an opportunity to polish one's advocacy skills and draw from the multicultural and international aspects of the course.

The programme will provide an in-depth understanding of the ICC Arbitration procedure under the 2012 ICC Rules of Arbitration by the thorough analysis of a case study which addresses the challenges of a complex arbitral proceedings.

2. WORKING METHODS

The course is designed in a form of 8 two-day workshops in order to apply a practical, hands-on approach. The teaching methods will include individual and small-group exercise, as well as plenary discussion. Amongst others the exercise will include:

I. DRAFTING OF:

1. Arbitration clause
2. Request for Arbitration
3. Answer to the Request for Arbitration
4. Challenge of the Arbitrator
5. Request for Joinder
6. Request for Emergency Arbitrator
7. Conservatory and interim measures/relieves/injunctions
8. Request for costs security
9. Terms of Reference
10. Procedural Timetable/Procedural Orders
11. The Award [interim/partial on jurisdiction/final]
12. Challenge of the Award
13. Request for Mediation (pre-arbitration settlement)

II. PRODUCTION OF DOCUMENTS:

1. Written evidence
2. Witness' / expert's reports

III. ROLE-PLAY / SIMULATION OF:

1. Hearing / preliminary hearing
2. Testimony
3. Oral pleadings
4. Examination
5. Cross-examination
6. Pre-arbitration case management conference



7. Interview with the potential arbitrator

IV. WRITING OF:

1. Strategy
2. Reports

3. LECTURERS

The course will be delivered by the most renowned Polish practitioners in the field of international arbitration who are associated with the member law firms of the Polish National Committee of the ICC.

The list of participating professionals will be released in September 2014.

4. PARTICIPANTS – WHO IS IT FOR?

This programme is designed to accommodate various levels of practical experience, however, a thorough general knowledge of arbitration and ADR is a pre-requisite.

ICC School of Arbitration and ADR is designed to benefit students (Master's and PhD level), as well as practising lawyers, corporate counsel and academics who wish to deepen their practical knowledge and share their views with other arbitration practitioners.

In order to make sure that all participants have equally deep knowledge of arbitration we have designed a series of meetings – “Arbitration and ADR Basics” – which will be run by the academics specializing in arbitration (from the Jagiellonian University and the US). Participation is optional – it is not part of the ICC School of Arbitration and ADR and is not mandatory – nevertheless we encourage all to take part. Further information will follow.



II. APPLICATION PROCESS

In order to benefit from the practical teaching methods and encourage active participation and networking the course is limited to 45 participants.

Application form can be downloaded from:

- 1) <http://www.iccwbo.org/Training-and-Events/All-events/Events/2014/ICC-School-of-arbitration-and-ADR/>
- 2) www.law.uj.edu.pl/okspo/en
- 3) www.iccpolska.pl
- 4) <http://www.mediujmy.pl/downloads.html>

Please fill in the application form and send together with your resume to iccsaa@mediujmy.pl by 15th of September 2014.

The selection process will take place after all submissions have been made on the basis of information provided in the application documents.

The results will be notified to the successful candidates by email on 21st of September 2014.

In order to be fully admitted it is required to make clear payment of the course fee (200PLN for students and 400PLN for non-students) by the 27th of September.

Candidates who will have actively participated in the course (attendance above 75%) and submit the final assignment will be issued a Certificate of Completion.

III. SCHEDULE

ICC SCHOOL OF ARBITRATION AND ADR 2014/2015 – PLAN

PROJECT/EVENT	ICC SCHOOL OF ARBITRATION AND ADR
ORGANIZER	ICAICC_ICCPL_UJ

PROJECT PHASE	STARTING	ENDING	DESCRIPTION
WORKSHOP 1	10.17.2014	10.18.2014	INTRODUCTION. ARBITRATION CLAUSE.
WORKSHOP 2	11.14.2014	11.15.2014	REQUEST / ANSWER TO THE REQUEST. CASE MANAGEMENT
WORKSHOP 3	11.28.2014	11.29.2014	ARBITRATORS
WORKSHOP 4	1.16.2015	1.17.2015	CONSERVATORY AND INTERIM MEASURES. EMERGENCY ARBITRATION
WORKSHOP 5	1.30.2015	1.31.2015	HEARINGS AND EVIDENCE
WORKSHOP 6	3.6.2015	3.7.2015	THE AWARD
WORKSHOP 7	4.17.2015	4.18.2015	ENFORCEMENT AND CHALLENGE OF THE AWARD
WORKSHOP 8	5.8.2015	5.9.2015	MEDIATION AND ADR
CLOSING CEREMONY / CONFERENCE	June [6.13.2015]		

CALENDAR

Key Dates:

15/09/14 – Application Deadline	30-31/01/15 – 5 th Workshop
20/09/14 – Admission	06-07/03/15 – 6 th Workshop
17-18/10/14 – 1 st Workshop	17-18/04/15 – 7 th Workshop
14-15/11/14 – 2 nd Workshop	08-09/05/15 – 8 th Workshop
28-29/11/14 – 3 rd Workshop	13/06/15 – Conference. Graduation.
16-17/01/15 – 4 th Workshop	

IV. PROGRAMME

ICC SCHOOL OF ARBITRATION AND ADR 2014/2015 - PROGRAMME

1) WORKSHOP 1

1. General
2. ICC as an administering institution
3. Pre-arbitration: drafting the arbitration clause

2) WORKSHOP 2

4. Request for Arbitration
5. Answer to the Request for Arbitration
6. Case management – strategic and technical

3) WORKSHOP 3

7. Arbitrators

4) WORKSHOP 4

8. Involvement of the local courts
9. Conservatory and Interim Measures
10. The Emergency Arbitration

5) WORKSHOP 5

11. Hearings
12. Evidence

6) WORKSHOP 6

13. The Award
14. Costs

7) WORKSHOP 7

15. Post-arbitral: Enforcement / Challenge



8) WORKSHOP 8

16. Mediation and ICC ADR

I. General

1. Opening and Introduction: Arbitration in the world today
2. Positioning of ICC Arbitration globally and in the CEE

II. ICC as an administering institution

3. Notifications and communications
4. Calculation of the time limits
5. Role of the Secretariat of the ICC International Court of Arbitration from the Terms of Reference to the end of the Procedure

III. Pre – arbitration

6. Arbitration Clause (ICC model clause, drafting)
7. Dispute resolution at the ICC ADR Centre: other dispute resolution procedures available before, during, or after ICC arbitration proceedings (Mediation, DOCDEX, Dispute Boards, Expertise)
8. Pre-arbitration settlement

IV. Starting the proceedings – Request and Answer

9. Request for Arbitration
 - preparing and drafting the Request
 - setting up the strategy (Claimant's): analysis of the different procedural options and dispute resolution methods; parties' identification, selection of claims, measures and relieves
10. Answer to the Request
 - preparing and drafting the Answer
 - setting up the Respondent's strategy
 - counterclaims
11. *Prima facie* decision on the existence of the arbitration agreement
12. Material terms of arbitration agreement
 - a. Non-signatories: Group of companies doctrine



- b. States
- c. Guarantor

13. Jurisdiction of the arbitral tribunal

14. *Compétence-compétence* principle

15. Complex arbitrations:

- multi-party arbitration
- multi-contract arbitration
- joinder of third parties
- parallel proceedings
- consolidation of matters
- Interim / partial award on jurisdiction

V. Case management –strategic and technical

16. Location (hearings, meetings, deliberations)

17. Language

18. Applicable law, contractual provisions and usages, *amiable compositeur*, *ex aequo et bono*

19. Complex proceedings:

- procedural meeting / procedural hearing
- case management conference and organizational issues
- bifurcation

20. Terms of Reference

21. Procedural Timetable

VI. Arbitrators

22. Powers, duties and roles of Arbitrators

23. Sole-arbitrator vs Arbitral Tribunal

24. Choosing the Arbitrator – selection criteria

- Qualifications and credentials
- Independence and Impartiality
- Conflicts of interest

25. Constitution of a Tribunal

- Joint-nomination



- Third-parties participating in selection
- Confirmation by the Secretary General

26. Appointment of Arbitrators

27. Objections to confirmation by the ICC Court

28. Challenges against Arbitrators

29. Replacement / Resignation of Arbitrators

VII. Involvement of local courts:

- relations between Arbitral Tribunals and National Courts
- -arbitrability of the dispute
- art. 6 (6)
- conservatory and interim measures ordered by national courts
- anti-arbitration injunctions
- attachment of assets

VIII. Conservatory and interim measures ordered by the Tribunal.

- conservatory and interim measures ordered by the Tribunal
- counter-security
- remedies in case of non-compliance
- dismissal of Counsel
- attachment of assets
- security for Costs

IX. Emergency measures and Emergency Arbitrator under the 2012 ICC Rules

X. Hearings

30. Confidentiality

31. Preliminary hearings

32. Expert determination

33. Preparation of witnesses and experts for cross-examination

34. Witness examination and witness-expert examination and cross-examination/witness conferencing

35. Admissible / non admissible conduct



XI. Evidence

- 36. Scope of discovery
- 37. Criteria and procedure of document production
- 38. Oral evidence / testimony
- 39. Production of documents: written evidence, witnesses and experts' reports
- 40. Identification of issues to be put before the expert
- 41. Identification of expert / ICC expertise

XII. The Award

- interim, partial and final awards
- Award by consent
- ICC Award Checklist
- form of the award
- applicable law
- burden of proof and evaluation of evidence
- dispositive part of the award
- dissenting / concurring opinion

XIII. Scrutiny, Notification of the Award and its Enforcement

- scrutiny by the ICC Court
- notification of the Award
- correction / interpretation / remission of awards
- enforcement proceedings

XIV. Costs of arbitration and advance on costs

- costs and interest.
- allocation of costs

XV. Post – arbitral: enforcement and challenge of the Awards

XVI. Mediation and ICC ADR



V. ARBITRATION AND ADR BASICS

“Arbitration and ADR Basics” is not part of the School’s programme and the attendance is not mandatory. However, we highly encourage all interested in widening their knowledge of arbitration to participate and network.

Further information (including dates, lecturers etc.) will be published online in September 2014.

Arbitration Basics – programme

General overview of international commercial arbitration:

- brief history and overview
- definition and general explanation of the different institutions and rules of arbitration
- types of arbitration (specifics)
- institutional and ad-hoc arbitration
- when to arbitrate and when to litigate or mediate (advantages and disadvantages)
- stages of arbitration proceedings
- hierarchies in arbitration rules
- institutional providers of arbitration services
- “forum shopping”

Legal framework and theory of international commercial arbitration:

- arbitration agreements
 - a. validity (substantive/form)/ defective clauses
 - b. separability
 - c. scope / multi – party arbitrations
 - d. multi-tier arbitration
 - e. unilateral clauses
- arbitrability
- confidentiality



- res iudicata
- iura novit arbiter
- applicable law
 - a. the law governing the arbitration agreement / law of the contract / law of the seat
 - b. the law of the arbitration (*lex arbitri*)
 - c. the law applicable to the substance (general principles, *lex mercatoria*, national/international/transnational)
 - d. ethics, codes of conduct, guidelines, soft law
- the award (final/partial) and its validity
- remedies
- challenge of awards
- recognition and enforcement of arbitral awards

Overview of the specific arbitration types (ie. construction / investment etc.)

Topics specific to the international nature of arbitral proceedings:

- civil law vs common law (ie. mirrored in approach towards discovery)
- “local approach” as the implication of the choice of the seat of arbitration (ie. Swiss vs French approach towards arbitration agreements)
- cultural differences in cross-cultural disputes

Polish reality of commercial arbitration:

- history
- institutions
- statistic

Advocacy skills:

- a. Written – drafting skills, memorials, briefs



- b. Oral – pleadings, opening statements, closing speeches etc. (techniques of delivery and the art of persuasion)
- c. Interaction with the tribunal and opposing counsel
 - Case management: procedural and management problems
 - Case analysis
- a. issue identification
- b. strategy
- c. tactics

ADR Basics – programme

General overview of the ADR worldwide

ADR explained – conciliation, adjudication, evaluation, expertise, negotiation

Mediation – general overview

Mediation in Poland

Commercial Mediation

Mediation Skills for Counsel

Mediation Skills for Mediators



5 CONTACT

If you have any questions or queries please do not hesitate to contact the Project Manager of the School at: iccsaa@mediujmy.pl .

Further information related to the course – including the list of lecturers, recommended readings etc. – will be released online in September 2014.

6. APPENDICES



ICC SCHOOL OF ARBITRATION AND ADR 2014/2015 GENERAL REGULATIONS

I. General provisions

Art. 1. These Regulations shall govern particular matters concerning the ICC School of Arbitration and ADR at the Faculty of Law and Administration of the Jagiellonian University in Cracow (the Programme).

II. Language

Art. 2. In principle, the Programme shall be taught in English with some elements in the Polish language.

III. Admission – requirements.

Art. 3. The Course is open to all individuals interested in arbitration and ADR. It is designed for students (Master's and PhD) and professionals in the field of law.

Art. 4 Participation is limited to 45 individuals.

Art. 5 The Programme shall be open to participants upon fulfillment of the following requirements:

1. Submission of:

- a) the electronic application form
- b) candidate's resume which shall be returned to the address:
iccsaa@mediujmy.pl by September 15th 2014.

2. Obtaining a notice of admission from the organisers.

Successful applicants will be notified on September 21st 2014 by email.

IV. Course Fee

Art. 6. In order to be fully admitted participants shall make clear payment of the course fee by the 27th of September:

1. 200 PLN for students
2. 400 PLN for non-students
3. Payment details will be provided in the email confirming admission to the Course.

Art. 7. The course fee is devoted to cover some of the administrative costs of the course and is non-refundable.

V. Course Duration

Art. 8. The Programme shall be conducted during the academic year of 2014/2015 in a form of 8 two-day workshops starting in October 2014. Complete schedule of the course will be available on the organiser's website.

VI. Attendance and Preparation.

Art. 9. Regular and active attendance is expected of every participant.

Art. 10. In order to be eligible for a Certificate of Completion the minimum attendance of 75 % is mandatory.

Art. 11. All students are expected to prepare for the workshops. All the relevant course materials will be circulated in advance.

VII. Final Assignment

Art. 12. There is a written final assignment at the end of the Programme in a form of an essay.

VIII. Certificate

Art. 13. Each participant of the Programme fulfilling the criteria described in the aforementioned articles shall receive a Certificate of Completion.

IX. Final provisions

Art. 14. General rules apply to the provisions not specifically regulated in this document.



APPLICATION FORM FOR ICC SCHOOL OF ARBITRATION AND ADR 2014/2015

PERSONAL INFORMATION

Title: _____

Family Name: _____ First Name: _____

E-Mail Address: _____ Phone Number: _____

Organisation: _____ Position: _____

INQUIRY DETAILS

Complete the form and send it to the following e-mail address: iccsaa@mediujmy.pl

1. WHAT IS YOUR LEVEL OF THE ENGLISH LANGUAGE PROFICIENCY? (mark with "x")

intermediate [] upper-intermediate [] advanced [] proficient []

2. WHAT IS YOUR LEVEL OF LEGAL ENGLISH?

Basic [] advanced [] proficient []

3. PLEASE STATE ON WHAT BASIS (ie. certificate of language proficiency, already studied/worked etc.):

.....

4. WHY WOULD YOU LIKE TO PARTICIPATE IN THE PROGRAMME? (max. 200 words)

.....

5. HAVE YOU ALREADY HAD ANY EXPOSURE TO ARBITRATION OR ADR? (max. 150 words)

.....

6. WHAT DO YOU THINK AN ARBITRAL TRIBUNAL LOOKS FOR IN A COUNSEL? (max. 150 words)

.....

7. WHAT DO YOU THINK CLIENTS EXPECT FROM THEIR LEGAL COUNSEL IN ARBITRATION? (max. 150 words)

.....

8. WHAT IS THE ROLE OF IBA IN INTERNATIONAL ARBITRATION? (max. 150 words)

.....

9. HOW DID YOU HEAR ABOUT THE PROGRAMME?

Internet (please state a specific website) _____ University []

Other (please state) _____ Word of mouth []

10. WOULD YOU LIKE TO PARTICIPATE IN *ARBITRATION BASICS*? (mark "x" if yes) [] YES

The details provided on this form will be used solely for registration and selection purposes. In order to process the data please indicate whether you agree on the following:

[] I hereby give my consent for processing my personal data included in the course application for the needs of the selection process.