

7<sup>th</sup> Annual

# Arbitration Training Institute

A Comprehensive Training in Commercial Arbitration

June 21-23, 2012 | DoubleTree by Hilton Hotel | Philadelphia, PA



## Who Should Attend?

- Attend if you are seeking a career move to arbitration
- Attend if you are an experienced arbitrator or advocate wanting to better understand recent issues in arbitration and improve your skills
- Attend if you are a litigator wanting to better utilize arbitration and gain insights about how arbitrators approach their task

## Why Should You Attend?

- Learn from top arbitration academics, advocates and practitioners who will share their experience, insight, expert advice and best practice tips
- Network with seasoned practitioners about the finer points of arbitration
- Stay current with the ever changing world of arbitration

## The Curriculum

### Day 1 - Commencing the Arbitration Through the First Preliminary Conference

#### Overview of Sources of Arbitral Authority and Administered Programs

Federal Arbitration Act of 1925; State arbitration statutes; Pre-dispute arbitration clauses; Post-dispute stipulation to arbitrate (submission agreements); Institutional v. non-administered arbitration; Common applicable rules – AAA, JAMS, CPR (non-administered).

#### The Role of the Arbitrator and the Disclosure Requirement

How to best effectuate the various roles arbitrators assume; The importance of informed, deliberate decision-making; Nature of the disclosure statement; The Commonwealth Coatings Standard; Duty to investigate disclosure issues; Continuing obligation of the duty to disclose; Arbitrator selection; Party arbitrator practice.

#### Economical and Efficient Arbitration

Purpose and importance of the Prehearing Conference; Growth of and high cost of handling arbitration for complex commercial cases; Guidelines on how arbitrators can work with counsel toward a fair and efficient process; What to do before the Preconference Hearing.

#### Conducting the Pre-Hearing Conference, Preliminary Issues and Motions

Conducting the Prehearing Conference; Motions to Dismiss; Request to amend/add parties/dismiss parties; Provisional relief; Bifurcation; Consolidation; Motions for continuance.

### Day 2 - Managing the Hearing

#### Managing Discovery

Applicable rules regarding discovery; Expert discovery; Electronic discovery; Third party discovery; Confidentiality; Objections and motions to compel; Sanctions

#### Managing the Parties and Their Lawyers

Objections and motions to compel; Avoiding ex parte contact; Dispositive motions; Setting hearing dates; Proceeding in the absence of a party; Handling late amendments of claims.

#### Preparing for Hearing

Neutrality issues; Parallel proceedings; Hearing subpoenas; Prehearing exchanges, motions and briefs; Managing time and space.

#### Hearing and Managing the Evidence

Opening statements; Documentary evidence; Handling objections; Testimonial evidence; Surprise evidence; Cumulative evidence; Site visits; Closing arguments and/or briefs; Neutrality pitfalls; Closing the record.

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## Day 3 - The Award and Post-Award Activities

### An Approach to Award Writing

Confirming/Vacating the award; Statutory and non-statutory grounds for vacatur; Building the Theory of the Case (Background and Facts; The Issues; Relevant Contract Provisions and Applicable Law; Positions of the Claimant and Respondent; Analysis The award).

### Award Essentials and Formats

Planning for the award; Required elements; "Bare" awards; Reasoned awards; Findings of fact/Conclusions of law; Baseball, hi-lo formats; Tripartite processes and deliberation.

### Award Writing Practicum

Group exercise focusing on the deliberation and award writing process.

### Interim Awards and Partial Final Awards

Bifurcation of liability/damages; Bifurcation of costs/attorney's fees; Bifurcation of remedial processes; Provisional relief; Partial final awards (use in class wide arbitrations); Dismissals; Summary disposition and other less-than-final determinations.

### Remedies

Authority to craft remedies; Injunctions; other equitable remedies; Punitive damages; Attorneys' fees and costs; Sanctions.

### Post Award Process

Correcting the award (by the arbitrator); Judicial review: Confirming/vacating the award; Appellate arbitral review; Collateral Estoppel and Res Judicata.

## Institute Faculty

### Lorraine M. Brennan

Managing Director  
JAMS International  
London, England

### Philip L. Bruner

JAMS  
Mahtomedi, MN

### Kathleen A. Bryan

President and CEO  
International Institute for Conflict Prevention and Resolution  
(CPR Institute)  
New York, NY

### Richard Chernick

JAMS  
Los Angeles, CA

### Zela "Zee" G. Claiborne, *Institute Co-Chair*

JAMS  
San Francisco, CA

### Eugene I. Farber

Farber Pappalardo & Carbonari  
White Plains, NY

### John W. Hinchey

JAMS  
Atlanta, GA

### Michael Marra

Vice President, Construction Division  
American Arbitration Association  
Philadelphia, PA

### Gina Miller

Vice President, Southwest Region  
JAMS  
Los Angeles, CA

### John R. Phillips, *Institute Co-Chair*

Partner  
Husch Blackwell LLP  
Kansas City, MO

### Hon. Susan S. Soussan (ret.)

Susan S. Soussan, P.C.  
Houston, TX

### Lillian G. Stenfeldt

Sedgwick LLP  
San Francisco, CA

### R. Wayne Thorpe

JAMS  
Atlanta, GA

### Christi Underwood

Christi L. Underwood PA  
Orlando, FL

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## REGISTRATION FORM

Arbitration Training Institute | 7th Annual | June 21-23, 2012, DoubleTree by Hilton Hotel | Philadelphia, PA  
Register by Mail: ABA Section of Dispute Resolution, 740 15th St. NW, Washington D.C., 20005 Fax: 202-662-1683 Phone: 202-662-1680

Full Name \_\_\_\_\_ First Name for Badge \_\_\_\_\_

Firm/Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State (Province) \_\_\_\_\_ Zip \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

E-mail \_\_\_\_\_  
(Please provide email address for registration confirmation and conference updates)

Special Needs: \_\_\_\_\_

**Registration Fees** (All registrations after the 6/8/12 deadline must register on site at the conference.)

General Registration (including all lunches and reception) .....	\$1,250 .....	\$ _____
ABA Dispute Resolution Section Members .....	\$1,100.....	\$ _____
ABA Members .....	\$1,170.....	\$ _____
Total Amount: .....		\$ _____

**Payment Information**

By Check (enclosed). Check # \_\_\_\_\_ Payable to "The American Bar Association" and return to: ABA Section of Dispute Resolution, 740 15th St. NW, Washington DC 20005

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**CANCELLATION POLICY:** Cancellations must be made in writing and received by **May 25, 2012** for a total refund less a \$50 processing fee. We regret that no refunds may be made after that date. Substitutions may be made at any time.

**Registration Submission Options:**

Fax: 202-662-1683 | Web: [www.americanbar.org.org/dispute](http://www.americanbar.org.org/dispute) | Mail: See above.

**For more information:**

Visit the ABA Section of Dispute Resolution website for updates and current information: [www.americanbar.org.org/dispute](http://www.americanbar.org.org/dispute).

