

# THE TAKING OF EVIDENCE IN INTERNATIONAL ARBITRATION

SEMINAR ROME FEBRUARY 5 2010



I.S.S.A. ISTITUTO  
SUPERIORE DI STUDI  
SULL'ARBITRATO

## CHAIR'S INTRODUCTION

9.00 - 9.15

### **Carmine Punzi**

Chairman I.S.S.A.  
Professor Emeritus of Civil Procedure  
University of Rome "La Sapienza"

## OPENING ADDRESS

9.15 - 9.50

### **Guido Alpa**

President of the Italian Bar Association

### **Simon Greenberg**

Deputy Secretary General of the ICC

### **Mauro Ferrante**

Secretary General of the Italian Arbitration  
Association (AIA)

### **Giorgio Santacroce**

President of the Court of Appeals of Rome

1)

## HARMONIZATION OF THE RULES OF EVIDENCE

9.50 - 10.20

### **Piero Bernardini**

Vice-President of the Italian Arbitration Association  
(AIA); former Vice-President of the ICC International  
Court of Arbitration

2)

## CHOICE OF RULES APPLICABLE TO THE TAKING OF EVIDENCE

10.20 - 11.00

- Ad hoc rules and rules of administered arbitration.
- Procedural law of the country of the seat of arbitration.
- IBA Rules on the taking of evidence.

### **Andrea Giardina**

Full Professor of International Law  
University of Rome "La Sapienza"

### **Andrea Carlevaris**

Alternate Member of the ICC International  
Court of Arbitration

## COFFEE BREAK

11.00 - 11.20

3)

## ARBITRATOR'S DISCRETION AND POWERS WITH RESPECT TO EVIDENCE

11.20 - 12.00

- Admissibility, relevance, materiality and weight of evidence.
- Timing of requests for evidence or the submission of evidence.
- Value of evidence taken outside of the arbitral proceedings.

### **Jonathan Blackman**

Cleary Gottlieb Steen & Hamilton LLP - Partner

### **Valentine Chessa**

Deputy Counsel of the ICC International  
Court of Arbitration

## DISCUSSION

12.00 - 12.40

## LUNCH

12.40 - 13.40

4)

## DOCUMENT PRODUCTION

13.40 - 14.20

- Scope of and procedures for document production.

- Production of electronic documents (e-disclosure).
- Production and use of confidential documents or documents containing business secrets.

**Francesca Mazza**

Counsel of the ICC International Court of Arbitration

**Loretta Malintoppi**

Vice-President of the ICC International Court of Arbitration

**5) WITNESS TESTIMONY AND EXPERT DEPOSITIONS**

14.20 - 15.00

- Techniques for examining witnesses/experts (direct, cross- and re-direct examination, conferencing and confrontation).
- Limitations on examining witnesses/experts who have already filed written statements.
- Legal assistance in drafting witness/expert statements and in preparing witnesses/experts for the hearing.
- The absence of witnesses/experts required to testify at the hearing.

**Alexis Mourre**

Vice-President of the ICC International Court of Arbitration

**Yves Derains**

Vice-President of the ICC Institute of World Business Law

**DISCUSSION**

15.00 - 15.30

THE SEMINAR WILL TAKE PLACE AT THE CENTRO CONVEGNI MATTEO RICCI, PIAZZA DELLA PILOTTA 4, ROME.

**COFFEE BREAK**

15.30 - 15.50

**6) APPLICABLE SUBSTANTIVE LAW: EVIDENCE OF A FACT OR IURA NOVIT CURIA?**

15.50 - 16.30

**Diego Corapi**

Full Professor of Private Comparative Law University of Rome "La Sapienza"

**Sergio Carbone**

Full Professor of International Law University of Genoa

**7) THE ASSISTANCE OF JUDICIAL AUTHORITIES IN THE TAKING OF EVIDENCE**

16.30 - 17.10

**Ferdinando Emanuele**

Cleary Gottlieb Steen & Hamilton LLP - Partner

**Teresa Giovannini**

Vice-President of the London Court of International Arbitration

**DISCUSSION**

17.10 - 17.45

To register for the seminar, please complete the attached registration form and send it to the organizational department by 22 January 2010.

**ORGANIZATIONAL DEPARTMENT**

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**R E G I S T R A T I O N   F O R M**

Yes I will attend

First Name: .....

Last Name: .....

Firm/Company: .....

E-mail: .....

Telephone:.....Fax:.....