



CENTER FOR TRANSNATIONAL LITIGATION,
ARBITRATION AND COMMERCIAL LAW

DUE PROCESS

in International Arbitration



October 18, 2019
Lester Pollack Colloquium Room

Due Process in International Arbitration

This event will discuss the topics addressed in the national reports drafted on the basis of a questionnaire prepared by Professors Franco Ferrari, Dietmar Czernich, and Friedrich Rosenfeld. The ultimate goal behind the national reports and the discussion that will take place at the conference is to provide the necessary background information for the preparation of a set of guidelines on due process in international arbitration. The purpose of these guidelines is twofold. On the one hand, they will identify the appropriate standard of due process that arbitrators should apply in international arbitration proceedings. On the other hand, they will contain recommendations on how arbitrators can respond to misuses of due process by recalcitrant parties. To this end, they will identify appropriate case management techniques that help to ensure the efficiency of the proceedings.

For further information, please contact franco.ferrari@nyu.edu

Schedule

8:30–9:15 a.m.	Breakfast
9:00–9:15 a.m.	Opening Remarks Franco Ferrari
9:15–10:00 a.m.	The Normative Framework on Due Process and Its Interpretation Andrea Bjorklund and Julio Riveira
10:00–10:45 a.m.	Due Process and Party Autonomy (Including Waivers) Francesca Ragno and Caroline Kleiner
10:45–11:15 a.m.	The Standard of Review on Due Process Issues (Including Threshold Issues) Hattie Middleditch
11:15–11:45 a.m.	Coffee Break
11:45 a.m.–12:15 p.m.	Due Process and the Right to Comment (Including Administration of Deadlines) Zheng Tang
12:15–1:00 p.m.	Due Process and the Taking of Evidence Duncan Pickard and Jonathan Lim

The Center for Transnational Litigation, Arbitration, and Commercial Law

The Center for Transnational Litigation, Arbitration, and Commercial Law has been established to advance the study and practice of international business transactions and the way to solve related disputes, either through litigation or arbitration. As commercial transactions become increasingly international, it is vital to the legal and business communities to understand and analyze the practices and legal principles that govern relationships between firms and between firms and consumers in the international arena. Subjects such as the appropriate degree of harmonization of domestic laws, sovereign and private lending to developing nations, choice of law in commercial transactions, the proper scope of international arbitration and litigation, and the role of private groups in promulgating principles that have international application will inevitably increase in importance in the immediate future. Both attorneys and their clients who are involved in projects that transcend national boundaries must have an increased understanding and appreciation of the implications of these areas.

1:00–2:30 p.m.	Lunch Break
2:30–3:15 p.m.	Due Process and Surprising Decisions/Directions by the Tribunal Giuditta Cordero-Moss
3:15–3:45 p.m.	Due Process and Other Case Management Decisions (Language, Cost Decisions, Etc.) Aditya Singh
3:45–4:15 p.m.	Coffee Break
4:15–5:00 p.m.	Due Process and Non-Participating Parties/Issues of Proper Notice Rafael Alves and Mikhail Batsura
5:00–5:45 p.m.	Due Process and Arbitrators: When Does Procedural Conduct Give Rise to Concerns as to the Independence and Impartiality of Arbitrators? Nayla Comair-Obeid and Soterios Loizou
5:45–6:15 p.m.	Concluding Remarks Dietmar Czernich and Friedrich Rosenfeld