University of Houston Law Center

Course Outline for “Advocacy in International Arbitration”

Fall Term 2016

INSTRUCTORS

Derrick Carson, FCIArb 713-226-1197 dcarson@lockelord.com
David Harrell, FCIArb 713-226-1138 dharrel@lockelord.com
Ann Ryan Robertson, FCIArb 713-226-1356 arobertson@lockelord.com
Locke Lord LLP
600 Travis, Suite 2800
Houston, Texas 77002

CLASS TIMES

Thursdays, August 25, 2016 through November 10, 2016, 9:00 AM – 11:00 AM.
Note that in lieu of a final the students will participate in an evidentiary hearing. The hearing will be from 9:00 AM to 5:00 PM on Saturday, November 12, 2016.

REQUIRED CLASS MATERIALS

Books

The Principles and Practices of International Commercial Arbitration
by Margaret Moses

Other References (available on Internet)

International Arbitration Rules of the International Centre for Dispute Resolution
UNCITRAL Model Law on International Commercial Arbitration
UNCITRAL Arbitration Rules
International Bar Association Rules on the Taking of Evidence in International Arbitration
International Bar Association Guidelines on Conflicts of Interest in International Arbitration

Class 1 – August 25, 2016

- Introduction and Overview of Course

- Lecture and in-class discussion: Legal structure of international arbitration (national arbitration statutes, treaties, and institutional rules); the arbitration agreement and the arbitral process; kompetenz-kompetenz; and the importance of the seat of arbitration.

Class 2 – September 1, 2016
• **Lecture and in-class discussion**: Preliminary issues in international arbitration (e.g., selection of the Tribunal and ethical conflicts involving arbitrators; dealing with pathological arbitration clauses).

• **Introduction to hypothetical case**

**Class 3 – September 8, 2016**

• **Lecture and in-class discussion**: Lecture on preliminary issues continued; issues relating to the procedural timetable and procedural order.

• **Introduction to Exercise #1—Negotiating the Procedural Timetable and Procedural Order**

• **Assignment**: The parties will exchange draft procedural timetables and procedural orders and prepare for oral argument on disputed points (one week to complete).

**Class 4 – September 15, 2016**

• **Lecture and in-class discussion**: Arbitral jurisdiction and choice-of-law issues.

• **Introduction to Exercise #2—Jurisdiction and Choice of Law**

• **Exercise # 1**: Counsel will hold a meet-and-confer session to negotiate the procedural timetable and the procedural order; they will present argument to the Tribunal on points of disagreement.

• **Assignment**: Prepare short briefs on jurisdictional issues in the arbitration and prepare for oral argument (all research materials will be provided) (2 weeks to complete).

**Class 5 – September 22, 2016**

• **Lecture and in-class discussion**: Arbitral jurisdiction and choice-of-law issues continued; introduction to document-exchange issues and IBA Rules on the Taking of Evidence in International Arbitration

• **Introduction to Exercise #3—Resolving Document Disclosure Issues in International Arbitration**

• **Assignment**: Preparation and exchange of Redfern schedules and preparation for oral argument.

**Class 6 – September 29, 2016**

• **Lecture and in-class discussion**: Pre-hearing submission, preparation of witness statements, hearing strategy
• Introduction to Exercise #4—Pre-Hearing Memorials

• Exercise #3—Resolving Document Disclosure Issues in International Arbitration: Oral argument on points of dispute and feedback on Redfern schedules.

• Assignment: Prepare pre-hearing memorials and witness statements (all research materials will be provided) (four weeks to complete).

Class 7 – October 6, 2016


Class 8 – October 13, 2016

• Lecture and in-class discussion: Cross-examination and presenting a damages case

• Introduction to Exercise # 5—The Evidentiary Hearing

• Assignment: Witness examination outlines, and preparation for opening and closing summations.

Class 9 – October 20, 2016

• Civil versus Common Law Approaches in International Arbitration

Class 10 – October 27, 2016

• Panel discussion—The Client’s Perspective: A panel of in-house counsel will give their perspective on effective advocacy and hot topics in international arbitration.

Class 11 – November 3, 2016

• Hearing Preparation

Class 12 -- SATURDAY, November 12, 2016 - 9 AM to 5 PM

• Exercise # 5—The Evidentiary Hearing

Class 13 – November 17, 2016

• Lecture and in-class discussion: Challenging and enforcing the arbitral award and considerations in drafting the award.

• Wrap-up