

ICC INSTITUTE TRAINING FOR TRIBUNAL SECRETARIES

Nairobi, Kenya – 17 September 2021 (09:00-18:15)

Venue

Hybrid

Objective

The ICC Institute Training for Tribunal Secretaries will provide participants with practical insights into the duties of this important player of an arbitration, towards the arbitral tribunal and the parties. Participants will be given the opportunity to discuss in depth the role of a tribunal secretary in arbitration proceedings, using a series of case scenarios and the ICC Rules of Arbitration.

Who should attend

- Young arbitration practitioners
- Counsel, arbitrators, corporate counsel, or academics
- Arbitration enthusiasts

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PROGRAMME

09:00-09:10 Welcome Remarks and presentation of the ICC Institute of World Business Law

09:10-09:20 Introductory remarks by Chair

- Introduction on the benefits a tribunal secretary can provide to the arbitration proceedings
- Introduction to the controversies regarding the role of tribunal secretaries
- Overview of the training programme

09:20-10:00 I. What is expected from a tribunal secretary?

- The perspective of arbitrators/parties/ICC on the role of the tribunal secretary and nature of his/her tasks
- How a tribunal secretary can be helpful/main advantages to the arbitration proceedings in their perspective

10:00-10:15 Q&A session

10:15-10:35 II. The appointment of tribunal secretaries

- In which type of cases would the appointment of a tribunal secretary be helpful? In all instances? Should this depend on the complexity of the case or the amount in dispute?
- Who should act as a tribunal secretary? (Junior lawyer/experienced lawyer/paralegal?)
- Statement of Independence and Impartiality (ICC Note on the Appointment, Duties and Remuneration of Administrative Secretaries/IBA Guidelines on Conflict of Interest in International Arbitration)
- Remuneration of the tribunal secretary (Comparison with other institutions and *ad hoc* arbitration)
- Objections by the parties to the appointment of tribunal secretaries and decision by the arbitral tribunal

10:35-10:45 Q&A session

10:45-11:10 Coffee break

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11:10-11:30 III. Overview of the tribunal secretary's tasks and role in the organization of the organization proceedings

- Nature of the tasks: administrative nature?
- Analysis of the main administrative tasks pertaining to the tribunal secretary
- Analysis of the main non-administrative tasks pertaining to the tribunal secretary
- The tasks in which the tribunal secretary should not be involved and reasons for such limitation
- The specificity of ICSID proceedings

11:30-11:45 Q&A session

11:45-12:30 IV. The support provided by tribunal secretaries from receipt of the case file until the signature of the Terms of Reference

- The first contacts with the parties
- Drafting the Terms of Reference (ToR) pursuant to Article 23 of the ICC Rules
- Drafting the Procedural Rules (usually Procedural Order No. 1, "PO 1")
- Preparation of the Case Management Conference (Art. 24 of the ICC Rules)

12:30-12:45 Q&A session

12:45-13:45 Lunch

13:45-14:45 Working Groups: Preparing and Drafting a Terms of Reference / Procedural order number 1

14:45-15:15 Discussion on the Terms of Reference / Procedural order number 1

15:15-15:35 Procedural aspects

- Issues relating to bifurcation, interim measures, provisional measures: inform arbitral tribunal and prepare procedural orders under the tribunal's direction and supervision
- Document production requests: provide copies of relevant documents to the president of the tribunal, attend/follow deliberations in this regard, and prepare draft decision in the Redfern Schedule under the tribunal's direction, control and supervision
- Preparation of pre-hearing conference
- Preparation for the evidentiary hearing
- Role during the hearing

15:35-15:45 Q&A session

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15:45-16:15 Technological aspects

- Creation, organization and transmission of electronic files in order to facilitate the organization of the proceedings
- Cyber-security
- Technical aspects of eDisclosure

16:15-16:30 Q&A session

16:30-17:00 Coffee break

17:00-17:45 VI. The award

- The role of the tribunal secretary in the deliberations
- The role of the tribunal secretary in the drafting of the award
- Requests for correction/interpretation: draft addendum/decision and liaise with ICC Secretariat

17:45-18:00 Q&A session

18:00-18:15 Closing remarks