AGENDA

9:00AM: Welcome & Introduction
9:15AM: Pre-Preliminary Hearing Issues
10:00AM: Preliminary Hearing Part 1
11:00AM: Break
11:15AM: Preliminary Hearing Part 2
12:00PM: Distinctive Features of International Arbitration
12:30PM: Lunch (included)
1:30PM: Discovery, including Electronic Discovery
2:45PM: Break
3:00PM: Substantive Motions
3:20PM: The Hearing
4:15PM: Award Writing
4:55PM: Post Award Applications and Proceedings
5:10PM: Ethics
6:00PM: Adjourn

This course is appropriate for experienced attorneys and will offer 8.5 NY CLE Credits (7.5 Skills and 1 Ethics). The CPR Institute has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York. CPR is a nonprofit organization. Under financial hardship guidelines, at its discretion, CPR may waive the fee for attorneys who demonstrate that they are not currently employed (not retirees). CPR may also provide a special discounted price to attorneys, full-time judges and administrative law judges practicing in the nonprofit and public sectors full time.

Please note we reserve the right to cancel for low enrollment.

Email info@cpradr.org for more information.

This training is designed to address advanced issues in arbitration from the perspectives of arbitrators and counsel, including litigators and in-house counsel. We will examine in depth some of the most challenging issues that come up on a recurrent basis. This training should be helpful to neutrals and counsel who have had some experience in conducting arbitrations but would like to take their expertise to the next level.

The distinguished panel of professionals for this training include members with thousands of hours of experience as arbitrators and counsel — who will be available to brainstorm all arbitration issues of concern to arbitration practitioners.

CHARLES J MOXLEY JR | Independent Arbitrator and Mediator | BIO
EDNA SUSSMAN | Independent Arbitrator and Mediator | BIO
JAMES H CARTER | Senior Counsel, WilmerHale | BIO
LAWRENCE W NEWMAN | Of Counsel, Baker & McKenzie LLP | BIO
NANCY M THEVENIN | General Counsel, USCBIB | BIO
NOAH J HANFT | President & CEO, CPR; Prior General Counsel, MasterCard | BIO

(Pictured above – Row 1 to 2, left to right)

Arbitration can be an extraordinarily effective and beneficial alternative to court-based litigation, but only to the extent the participants avail themselves of contemporary arbitration Best Practices. This training will facilitate participants’ access to and facility with such Practices.

For litigators and in-house counsel, the premise of this training is that representing clients in arbitrations is fundamentally different from doing so in court-based cases. For arbitrators, understanding these differences is fundamental to delivering a process that delivers on the promise of arbitrations and attracts counsel and arbitrator back to the arbitrators in further cases.
In addition to reviewing the basics as to the effective conducting of arbitrations as counsel and arbitrators, this advanced training will focus in depth on such recurrent and challenging topics as the following:

**BIG QUESTIONS**
- Controlling ESI;
- Maintaining proportionality;
- Early Case Assessment in arbitration;
- The balance between efficiency and fair process, where to draw the line;
  - Determining the appropriate level of process for each case: the advantages of flexibility versus sticking to the tried and true processes;
  - When and to what extent arbitrators should set limits on the length and scope of hearings;
- Perennial issues as to who owns the process; and
- What, if any, constraints arbitrators may/should impose when counsel agree to litigation-style discovery and motion practice.

**SPECIALIZED QUESTIONS THAT CAN MAKE A DIFFERENCE**
- The appropriate role of arbitrators in settlement: what to do and when;
- Arbitrators’ authority over disqualification of counsel;
- Administering, determining, and papering issues as to arbitrability;
- Administering non-party discovery – when to issue and how to avoid delays from non-party subpoenas;
- The withdrawal of claims by parties on the eve of hearing: with or without prejudice;
- Intra-panel relations, authority;
- Handling of requests for attorneys’ fees; and
- The potential persuasiveness of testimony versus documents for individual arbitrators.

**KEY ADMINISTRATIVE ISSUES**
- Whether to direct/encourage counsel to agree to process and deadlines in advance of the preliminary hearing;
- The appropriate scope at the preliminary hearing;
- Advantages and disadvantages of using the chair as discovery master versus having the entire panel involved;
- When and to what extent witness statements are helpful;
- Appropriate limitations on direct and redirect testimony when witness statements are used;
- How to handle requests for continuances;
- The fine art of setting the appropriate number of hearing days;
- Respective advantages of post-hearing briefs versus closing statements and circumstances in which both may be helpful;
- The scope of awards – and related questions;
- For whom is the award written, the parties, counsel, the reviewing court? and
- Cyber security.

**PARTICULARLY TRICKY SITUATIONS**
- The administration of cases involving multiple parties or individual claims;
- Complicated small cases;
- Issues as to deposits/arbitrator compensation;
- Administering documentary cases; and
- Pro bono.

**SOFT LAW**
- What it is;
- Where to find it; and
- What its significance is.

**COST $995 US**

TO REGISTER, EMAIL CHRIS SILVA AT CSILVA@CPRADR.ORG