

2008 Remedies in Commercial, Investment, and Energy Arbitrations

April 16*, 17-18, 2008 • St. Regis Hotel • Houston, TX

Wednesday Afternoon, Apr. 16, 2008

5:30 pm 1.00 hr	Opening Cocktail Reception St. Regis Hotel-The Plaza Hosted by LECG and the Houston International Arbitration Club
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Thursday Morning, Apr. 17, 2008

Presiding Officer:

Paul W. Wright, ExxonMobil Corporation - Houston, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 1.50 hrs	Remedies: Principles and Practice in International Arbitration What discretion do arbitrators find they have within the bounds of the applicable law? How do arbitrators decide remedies issues? What gets balanced? What are problematic issues for arbitrators, and for advocates? What flexibility do arbitrators have in making awards? Moderator: Gerald Aksent, Thelen Reid Brown Raysman & Steiner LLP - New York, NY Guillermo Aguilar-Alvarez, Weil, Gotshal & Manges LLP - New York, NY Jan Paulsson, Freshfields Bruckhaus Deringer - Paris, France
10:30 am	Break
10:45 am 1.75 hrs	Part I: Economic Principles of Damages A panel of leading economic and valuation experts discuss key conceptual and empirical issues in the construction and calculation of damages and restitution, including common mistakes, pitfalls, and best practices. Moderator: Timothy J. Tyler, Vinson & Elkins L.L.P. - Houston, TX Scott T. Jones, FTI Consulting, Inc. - Cambridge, MA Brent C. Kaczmarek, Navigant Consulting, Inc. - Washington, DC Stewart C. Myers, MIT Sloan Management - Cambridge, MA Pablo T. Spiller, LECG, LLC - Emeryville, CA

Thursday Afternoon, Apr. 17, 2008

12:30 pm	Lunch
1:00 pm 0.67 hr	Luncheon Presentation: The New Dawn: New Wine in New Bottles Addressing new solutions and new opportunities for investment arbitration. Jan Paulsson, Freshfields Bruckhaus Deringer - Paris, France
1:45 pm 1.25 hrs	Part II: Expropriation Damages and Methodologies, Fair Market Value and Discrete Damage Problems A discussion of general principles, methodologies, and special problems in conceptualizing, analyzing, and determining compensation and damages in international arbitration. Moderator: Craig S. Miles, King & Spalding LLP - Houston, TX Charles A. Beach, Exxon Mobil Corporation - Irving, TX Irmgard Marboe, University of Vienna - Vienna Andrea Menaker, White & Case LLP - Washington, DC
3:00 pm	Break
3:15 pm 1.50 hrs	Part III: Unpacking Lost Profits This panel will discuss issues affecting the award of the net present value of lost revenues in commercial and investor-state arbitrations from the perspectives of claimants and respondents, including questions such as the conditions for the award of lost revenues; purposes of awarding lost revenues and implications for their calculation; the nature or risks relevant to value based on projections of future revenues; obligation to mitigate; treatment of individual losses in the context of general crises; avoiding double counting; and the potential for moral hazard resulting from excessive or inadequate compensation. Moderator: William H. Knull III, Mayer Brown LLP - Houston, TX Ignacio Gomez-Palacio, Gomez-Palacio y Asociados - 11930 Mexico, DF Edward G. Kehoe, King & Spalding - New York, NY Louis T. Wells, Harvard Business School - Boston, MA
4:45 pm 1.00 hr	Declaratory Relief and Injunctions To what extent is declaratory relief available in investor-state arbitrations, what effect can it have, and how would it be enforced? What are the prudential considerations a tribunal considers in deciding to enjoin national court proceedings? What is the role of comity in deciding these questions and how should panels with different mandates make way for each other? Moderator: Alan S. Rau, The University of Texas School of Law - Austin, TX David R. Haigh Q.C., Burnet, Duckworth & Palmer LLP - Calgary, AB Loukas Mistelis, Centre for Commercial Law Studies, Queen Mary, University of London - London, United Kingdom Francisco Orrego Vicuna, 20 Essex St. Barristers - London , United Kingdom
5:45 pm	Adjourn to Reception

Friday Morning, Apr. 18, 2008

Presiding Officer:

R. Doak Bishop, King & Spalding LLP - Houston, TX

8:30 am 1.00 hr	<p>Interest, Currency and Tax Issues</p> <p>Interest in investor-state arbitration. What trend is detectable from current cases on prejudgment interest? How do taxation principles figure in the law and amounts of awards? At what time and what rate should currencies be converted, or should that matter be left to enforcing courts?</p> <p>Moderator: Tomasz J. Sikora, El Paso Corporation - Houston, TX John Gotanda, Villanova University - Villanova, PA Thierry Senechal, Banking Commission, International Chamber of Commerce (ICC) - Paris, France Richard E. "Rory" Walck, Global Financial Analytics, LLC - Washington, DC</p>
9:30 am 0.75 hr	<p>Attorney Fees and Costs</p> <p>This session addresses the latest developments with attorney fees and costs in international arbitrations. Are contingency fees available in international arbitration and what is the likelihood of a tribunal awarding them?</p> <p>Moderator: C. Mark Baker, Fulbright & Jaworski, L.L.P. - Houston, TX William W. Russell, Schirrmeister Diaz-Arrastia Brem - Houston, TX Audley Sheppard, Clifford Chance - London, United Kingdom</p>
10:15 am	<p>Break</p>
10:30 am 1.00 hr	<p>Enforcement Options Against Sovereigns</p> <p>In investor state arbitration, what practical recourse is available under the ICSID Convention if a state party refuses to pay an award? Enforcement options in US courts. Availability of post award execution and discovery under 28 USC § 1782.</p> <p>Alexander B. Blumrosen, Bernard-Hertz-Béjot - Paris, France James L. Loftis, Vinson & Elkins L.L.P. - Houston, TX Kevin M. O'Gorman, Fulbright & Jaworski L.L.P. - Houston, TX</p>
11:30 am 1.00 hr	<p>Non-Expropriation Damages in Investment Cases</p> <p>Treaty claims and the methodologies used in calculating damages in these claims will be explored in this segment.</p> <p>Moderator: R. Doak Bishop, King & Spalding LLP - Houston, TX Stephen Jagusch, Allen & Overy LLP - London, United Kingdom Pierre-Yves Tschanz, Tavernier Tschanz - Geneve, Switzerland</p>

Friday Afternoon, Apr. 18, 2008

12:30 pm	<p>Lunch</p>
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1:00 pm 0.50 hr	<p>Luncheon Presentation: International Energy Disputes: Past, Present and Future</p> <p>The dynamic interaction between the transformation of an industry and the resolution of its disputes.</p> <p>Ewell E. Murphy Jr., Attorney at Law - Houston, TX</p>
1:45 pm 2.00 hrs	<p>General Counsel Panel Discussion</p> <p>General Counsel from leading international energy industry companies will review and analyze remedies and their relative importance in the context of international commercial and investor-state arbitrations, as well as how counsel develop damage models and view the ability to collect under various arbitration regimes.</p> <p>Moderator: Alan R. Crain Jr., Baker Hughes, Inc. - Houston, TX Theodore M. Frois, ExxonMobil Corporation - Houston, TX Kristin Furnish, Grupo ICA - Mexico City, DF Clyde W. Lea, ConocoPhillips - Houston, TX</p>
3:45 pm	<p>Adjourn</p>