



AMERICAN ARBITRATION ASSOCIATION®



Jointly Present

# ARBITRATION FROM A TO Z – FOR BOTH ADVOCATES AND ARBITRATORS

Thursday, October 20, 2016  
8:30 a.m. – 2:50 p.m.  
Orlando, FL

## **Program Location:**

Wyndham Grand Orlando Resort Bonnet Creek  
14651 Chelonia Parkway  
Orlando, FL 32821

## **CLE Credit:**

**Florida Bar CLE Course Number: 1605907N**

West LegalEdcenter is procuring continuing legal education (CLE) credits on behalf of American Arbitration Association®.

This program is available for CLE credits in California, Florida, New York, Texas, and Pennsylvania. Credit amounts vary by attendance verification and jurisdictional rules.

## **ACE Credit:**

AAA® Panelists will receive arbitrator continuing education (ACE) credit for calendar year 2016.

**Please email AAA Panel Relations at [ecenter@adr.org](mailto:ecenter@adr.org) to report your attendance.**

## **Registration Information**

**General Registration:** \$250 USD

**Register Online:** Go to [www.aaau.org](http://www.aaau.org).

**Questions?** Contact John Holsinger by email at [johnh@jrholsinger.com](mailto:johnh@jrholsinger.com) or by phone at (201) 487-9000.

**Cancellation Policy:** Refunds (less a \$25 processing fee) are available if a written cancellation request is received no later than 10 business days before the start of the program. Substitution of attendees can be made at any time.

# PROGRAM AGENDA

## Arbitration from A to Z – For Both Advocates and Arbitrators

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### OCTOBER 20, 2016

8:30-9:00	<b>Registration and Breakfast</b>
9:00-9:15	<b>Welcome and Introduction to the CCA</b> <b>John F. Byrne, Esq.</b> , President-Elect, College of Commercial Arbitrators
9:15-10:05	<b>Choosing and Designing the Process</b> <b>Larry Leiby, Esq.</b> and <b>Deborah Mastin, Esq.</b> , Fellows, College of Commercial Arbitrators <ul style="list-style-type: none"><li>• Assessing form contract clauses related to the dispute resolution process</li><li>• Comparisons and distinctions within various elements of the AAA, JAMS, and CPR Construction Rules that can impact case resolution</li><li>• Problems with ad hoc non-administered arbitration that can be avoided</li><li>• Private trial resolution judges and special masters - alternatives to arbitration</li><li>• Suggested provisions that can help tailor a client's contract arbitration clause</li><li>• Presentation tips and best practices for arbitration advocacy</li><li>• When to use appellate arbitration</li></ul>
10:05-10:20	<b>Break</b>
10:20-11:10	<b>Differences between Domestic and International Arbitration</b> <b>Elliot E. Polebaum, Esq.</b> and <b>Edna R. Sussman, Esq.</b> , Fellow and President, College of Commercial Arbitrators <ul style="list-style-type: none"><li>• Tribunal selection; are international arbitrators chosen differently than domestic arbitrators?</li><li>• How does the role of an international tribunal in the pre-hearing phase differ from the role of an international tribunal in a domestic arbitration?</li><li>• The preliminary conference, how important is it?</li><li>• The unique role of Witness Statements in international arbitration</li><li>• The international hearing</li><li>• IBA Representation Guidelines</li><li>• IBA Rules of Evidence</li></ul>

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11:10-12:00	<p><b>Effectively Managing the Process – The Preliminary Conference Call and Presenting the Case at the Hearing</b> <b>Herbert H. (Hal) Gray, III, Esq.</b> and <b>Gilbert K. Squires, Esq.</b>, Treasurer and Fellow, College of Commercial Arbitrators</p> <ul style="list-style-type: none"><li>• The arbitrator's role</li><li>• Preliminary hearing and scheduling order</li><li>• Pre-hearing exchange of witness and exhibit lists</li><li>• Pre-hearing briefs</li><li>• Hearing logistics, including scheduling matters</li><li>• Subpoena requests</li><li>• Daily schedule and length of hearing; hearing procedures</li><li>• Evidentiary considerations</li><li>• Testimonial matters</li><li>• Examination of witnesses; use of Witness Statements</li><li>• Closing arguments; post-hearing briefs</li><li>• Closing the hearing</li></ul>
12:00-12:30	<b>Lunch</b>
12:30-1:00	<p><b>Newest Developments in Arbitration Procedure</b> <b>Eric Tuchmann, Esq.</b>, Senior Vice President and General Counsel, American Arbitration Association</p>
1:00-1:50	<p><b>Arbitrator Ethics</b> <b>Eugene I. Farber, Esq.</b>, Past President, College of Commercial Arbitrators</p> <ul style="list-style-type: none"><li>• The myth of confidentiality</li><li>• Differing obligations for counsel, parties and arbitrators</li><li>• The tension between counsel handling the case as a litigation and keeping arbitration simple</li><li>• Party-appointed arbitrators</li></ul>
1:50-2:00	<b>Break</b>
2:00-2:50	<p><b>Dealing with Strident Counsel and Avoiding Being One, Panel Discussion with all speakers</b> <b>John R. Holsinger, Esq.</b>, <i>Moderator</i>, Fellow, College of Commercial Arbitrators</p> <ul style="list-style-type: none"><li>• Scheduling issues</li><li>• Redundancy in the presentation</li><li>• Presentation of issues outside of scope</li><li>• Criticism of arbitrators</li><li>• Possible sanctions</li></ul>