

*Jointly Present*

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

Thursday, March 9, 2017 | 8:30AM – 3:40PM | Miami, FL



### Key practice tips and management principles for an effective arbitration experience

Join an exceptional group of arbitrators, many Fellows of the College of Commercial Arbitrators, for a day of practical insights into managing the arbitration process. Litigators, arbitrators, corporate counsel and business professionals will learn from leading experts in the field of commercial arbitration a variety of tips and techniques for the major phases of the arbitration process.

**CLE Credit:**

The AAA is in the process of arranging for CLE for this program.

**ACE Credit:**

AAA® Panelists will receive arbitrator continuing education (ACE) credit for calendar year 2017.

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

**Questions?**

Contact Larry Leiby by email at [leiby@FlaConstructionADR.com](mailto:leiby@FlaConstructionADR.com) or by phone at 954-895-9198.

### PROGRAM INFORMATION

**Program Date:**

Thursday, March 9, 2017

**Program Location:**

Rafael Diaz Balart Hall  
Florida International University College of Law  
11200 SW 8<sup>th</sup> Street  
Miami, FL 33199

**Registration Fee:**

General: \$250 USD

Members of Co-Sponsoring Organizations:  
\$225 USD

*Registration Closes March 6, 2017.*

**To register, go to [www.aaau.org](http://www.aaau.org).**



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# PROGRAM AGENDA

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## MARCH 9, 2017

8:30-8:50	<b>Registration</b>
8:50-9:20	<p><b>Welcome and Introduction to CCA, AAA, and FIU Law</b>  <b>John F. Byrne, Esq.</b>, President, College of Commercial Arbitrators  <b>Rebecca Storrow</b>, Vice President, AAA  <b>Dean R. Alexander Acosta</b>, FIU Law</p>
9:20-10:10	<p><b>Choosing and Designing the Process</b>  <b>Larry Leiby, Esq.</b>, Fellow and Co-Chair of the Education Committee, College of Commercial Arbitrators and <b>John Barkett</b>, Fellow, College of Commercial Arbitrators</p> <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>
10:10-10:20	<b>Break</b>
10:20-11:10	<p><b>Differences between Domestic and International Arbitration</b>  <b>Deborah Mastin, Esq.</b> and <b>Joe Matthews</b>, Fellows, College of Commercial Arbitrators</p> <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>
11:10-11:20	<b>Break</b>



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## MARCH 9, 2017

11:20- 12:10

### **Effectively Managing the Process: Preliminary Hearing**

**Hal Gray**, Vice President, College of Commercial Arbitrators and **Gilbert K. Squires, Esq.**, Fellow, College of Commercial Arbitrators

- The arbitrator’s role
- Preliminary hearing and scheduling order
- Pre-hearing exchange of witness and exhibit lists
- Pre-hearing briefs
- Hearing logistics, including scheduling matters
- Subpoena requests

12:10-12:50

### **Lunch (bag lunch to be provided)**

12:50-1:40

### **Arbitrator Ethics**

**John F. Byrne, Esq.**, President, College of Commercial Arbitrators

- The myth of confidentiality
- Differing obligations for counsel, parties and arbitrators
- The tension between counsel handling the case as a litigation and keeping arbitration simple
- Party-appointed arbitrators

1:40-1:50

### **Break**

1:50-2:40

### **Effectively Managing the Process: Hearing Tips**

**Gerald Wald** and **Bob Wax**, Fellows, College of Commercial Arbitrators

- Daily schedule and length of hearing; hearing procedures
- Evidentiary considerations
- Testimonial matters
- Examination of witnesses; use of Witness Statements
- Closing arguments; post-hearing briefs
- Closing the hearing

2:40-2:50

### **Break**

2:50-3:40

### **Panel Discussion: Dealing with Difficult Counsel**

- Scheduling issues
- Redundancy in the presentation
- Presentation of issues outside of scope
- Criticism of arbitrators
- Possible sanctions



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### Key by Colleges and Schools

College of Architecture + The Arts	PCA
School of Music Theatre	WPAC
College of Arts & Sciences	ECS
School of International and Public Affairs (SIPA)	SIPA
School of Integrated Science and Humanity (SISH)	AHC4
School of Environment, Arts and Society (SEAS)	AHC5, DM, OE
College of Business	
Undergraduate	RB
Graduate	CBC
College of Education	ZEB
College of Law	RDB
Honors College	DM
Herbert Wertheim College of Medicine	AHC1,2
Nicole Wertheim College of Nursing & Health Sciences	AHC3
Robert Stempel College of Public Health and Social Work	AHC5
School of Computing and Information Sciences	ECS

### Important Locations

Admissions	PC
Bookstore	GC
Financial Aid	PC
Recreation Complex	RC
Library	GL
Museum	PPFAM
OneStop Enrollment Services	PC
Student Center	GC
Veteran and Military Affairs	TWR

**KEY** Buildings Sidewalks Roadways Grassy Areas Athletic Fields Water Parking Lots Parking Garages Under Construction

**FIU** FLORIDA INTERNATIONAL UNIVERSITY  
**Modesto A. Maidique Campus**  
 11200 S.W. 8th Street  
 Miami, Florida 33199  
 p. 305.348.2000  
 www.fiu.edu

### Key by Buildings

ACC	Ambulatory Care Center	DM	Deuxieme Maison	PC	Charles E. Perry Bldg. (Primera Casa)	SAAC	Student Athletic Academic Center	W10A	ROTC - Reserve Officer Training Corps
AHC1	Academic Health Center 1	ECS	Engineering & Computer Science	PCA	Paul L. Cejas School of Architecture	SASC	Student Academic Support Center	W10C	Trailer
AHC2	Academic Health Center 2	EH	Everglades Hall	PC1	Cold Parking Garage	SH	Solar House	WC	Wertheim Conservatory
AHC3	Academic Health Center 3	FIUS	FIU Community Stadium	PG2	Blue Parking Garage	SHC	School Health Center	WPAC	Herbert and Nicole Wertheim Performing Arts Center
AHC4	Academic Health Center 4	GC	Ernest R. Graham Center	PG3	Panther Parking Garage	SIPA	School of International and Public Affairs	WS/TC	Women's Softball/Tennis Center
AHC5	Academic Health Center 5	GH	Greek Housing	PG4	Red Parking Garage	TWR	Tower/Veteran and Military Affairs	ZEB	Sanford L. Ziff Family Education Building
ARE	FIU Arena	GL	Steven and Dorothea Green Library	PG5	PG5 Market Station	UA	University Apartments		
AS	Art Studio	LC	Labor Center	PG6	Parking Garage 6	UT	University Towers		
ASTRO	Stocker Astroscience Center	LVN/LVS	Lakeview Halls	PH	Panther Hall	VH	Viertes Haus		
BBS	Baseball Stadium	MANG/LS	Management and New Growth Opportunities Building	PVH	Parkview Hall	WFC	Wellness & Fitness Center		
CBC	College of Business Complex	MARC	Management and Advanced Research Center	PPFAM	Patricia & Phillip Frost Art Museum	W01C	Ceramics		
CCLC	Children's Creative Learning Center	NOAA	National Hurricane Center	RB	Ryder Business Building	W03	Key Control		
CFES	Carlos Finlay Elementary School	OE	Owa Ehan	RDB	Rafael Diaz-Batist Hall	W06	Training Lab		
CP	Chemistry & Physics			RH	Ronald W. Reagan Presidential House	W09	West 9		
CSC	Campus Support Complex					W10	Graduate Studios - Visual Arts		
DC	Duplicating Center								

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