

ICC Comprehensive Training on Arbitration Practice

at the Jagiellonian University in Krakow, Poland
2024/2025

Application period
1 September 2024 – 11 October 2024

Working language
English

Organised by



Introduction

In today's fast-paced and ever-evolving global business landscape, arbitration and ADR offer an alternative to traditional national court systems. These methods have become the go-to solutions for resolving commercial disputes between parties from different jurisdictions.

To aptly respond to clients' needs and provide bespoke services in a highly competitive global environment, counsel must possess extensive knowledge, combined with a specific set of skills. Navigating diverse legal systems and cultures presents many challenges for practitioners, due to their divergent business practices and dynamic decision-making demands. We believe that international arbitration and ADR should be taught based on internationally accepted best practices. Delivered by prominent practitioners and reputable scholars, with whom future commercial dispute resolution experts, and in particular arbitration and mediation counsels, can personally interact.

The ICC Comprehensive Training on Arbitration Practice offers a unique opportunity to gain such knowledge and skillset. This joint educational project on arbitration is prepared and conducted in cooperation with the Polish National Committee of the International Chamber of Commerce (ICC Poland) and the Faculty of Law and Administration of the Jagiellonian University in Krakow, under the patronage of the International Chamber of Commerce in Paris (ICC). The initiative provides a comprehensive and practice-oriented professional training programme tailored for junior arbitration lawyers, senior students, and general practitioners aspiring to become outstanding arbitration lawyers.

Objectives

The ICC Comprehensive Training on Arbitration Practice aims to:

- Provide in-depth knowledge of arbitration as a method of resolving disputes in commercial and other matters (including investment) in international business, with particular emphasis on arbitration proceedings under the ICC Arbitration Rules of 2021;
- Develop and refine practical skills related to the function of a counsel representing parties in international arbitration proceedings, especially those conducted in accordance with the ICC Arbitration Rules of 2021.

Learning Outcomes

Participants who successfully complete the course will gain in-depth knowledge of arbitration procedures and techniques concerning effective legal assistance in matters related to international arbitration proceedings, especially those conducted under the ICC Arbitration Rules.

This course also offers a unique networking opportunity to establish and develop contacts with leading professionals in the field and individuals aspiring to a career in international commercial arbitration.

Scope of the Course and Working Methods

The course is a comprehensive, practice-oriented professional training programme designed for individuals interested in arbitration, particularly those starting or developing their careers as counsel in representing parties in arbitration cases.

The intensive course is conducted over one semester through four two-day meetings held on Saturdays and Sundays at the Faculty of Law and Administration of the Jagiellonian University in Krakow, totalling 54 contact hours. It covers key issues regarding the organisation, functioning, and role of the ICC International Court of Arbitration—a leading global arbitration institution—as well as individual stages of arbitration proceedings.

Topics include the preparation and negotiation of arbitration agreements (clauses), dispute management strategies and tactics, and the arbitration procedure itself based on the ICC Arbitration Rules of 2021. This includes preparing request for arbitration, responses to such arbitration request, other procedural documents, provisional protection measures (including proceedings before an emergency arbitrator), selection and appointment of arbitrators and the challenge and replacement of arbitrators, activities within the case management conference, terms of reference, collection and submission evidence, hearing, awards and post-arbitration proceedings.

These topics are presented primarily from the perspective of the counsel and in-house lawyer representing entities involved in arbitration. The course focuses on practical classes, including workshops based on document preparation, simulations of procedural activities, group work, and analysis and resolution of practical procedural problems, all conducted through a mock arbitration case.

The course methodology and materials, including working documentation and assignments, are developed and regularly updated by experts from ICC Dispute Resolution Services. This ensures the highest standard of knowledge and skills, aligned with best practices in the field, and adaptation to changing trends, conditions, new phenomena (e.g., conflicts of interests, the impact of international conflicts and sanctions on arbitration proceedings), and the resulting market challenges and needs.

Who Is It For?

The ICC Comprehensive Training on Arbitration Practice in Poland is particularly beneficial for:

- Junior and intermediate lawyers, including those aspiring to specialise as arbitration and litigation counsels, corporate counsels, and in-house lawyers;
- Senior law students (PhD and Master's) seeking to enhance their practical knowledge and skills in international arbitration.

This course is tailored for individuals with some theoretical understanding of arbitration but with little or no experience in it. A basic understanding of arbitration and ADR is desirable, along with a strong willingness to further develop skills in these areas.

Course participants must have sufficient English communication skills (minimum B2 level) and demonstrate commitment and active engagement during practical sessions.

Trainers

The course will be taught by widely recognised, top-tier arbitration practitioners from various jurisdictions. These experts, carefully selected by the Polish National Committee of the ICC and approved by ICC, have extensive international experience in arbitration both as representatives of parties and as arbitrators. In selecting the pool of trainers for the course, the Organisers ensure that they possess the necessary teaching skills and experience to effectively train lawyers in this field.

A list of the trainers, along with their professional bios, will be published in due course.

Schedule

Opening Ceremony, Inauguration Lecture (Online) | October 2024

Opening Ceremony delivered by:

- Co-Directors of the Course: Maciej Jamka and Prof. Andrzej Olaś
- Dean of the Law School of the Jagiellonian University
- President of ICC Polska Cezary Wiśniewski

Inauguration lecture delivered by:

- Alexander G. Fessas, Secretary General, ICC International Court of Arbitration
- Małgorzata Surdek-Janicka, Vice-President, ICC International Court of Arbitration

Workshop 1 | 26-27 October 2024

- Day 1: Introduction, Arbitration Agreement, Request for Arbitration
- Day 2: Answer to the Request for Arbitration and Jurisdiction of the Arbitral Tribunal

Workshop 2 | 16-17 November 2024

- Day 3: Appointment of Arbitrators and Case Management
- Day 4: ADR and Settlement

Workshop 3 | 7-8 December 2024

- Day 5: Conservatory and Interim Measures
- Day 6: Evidence

Workshop 4 | 11-12 January 2025

- Day 7: Hearing
- Day 8: Award

All workshops are conducted in person, with a total in-person session time of 54,5 hours. Each workshop will generally last from 9:00 am to 6:00 pm, with a one-hour lunch break and two short breaks.

Programme

Workshop 1

Day 1

Introduction, Arbitration Agreement, Request for Arbitration

26 October 2024

| | |
|-------------|--|
| 09.00-09.10 | Welcome address |
| 09.10-09.35 | Opening and introduction: arbitration and ADR in the world today |
| 09.35-10.05 | Structure of the ICC Court and its positioning in the region |
| 10.05-10.20 | Organisation of the training and summary of the Mock Case |
| 10.20-11.00 | Life cycle of a typical arbitration case |
| 11.00-10.20 | Break |
| 11.20-11.50 | Arbitration agreement and dispute resolution clause |
| 11.50-12.15 | Working Groups: Drafting a dispute resolution clause |
| 12.15-13.00 | Plenary Session: Discussion on drafting a dispute resolution clause |
| 13.00-14.00 | Lunch |
| 14.00-14.40 | Discussion on common mistakes in dispute resolution clauses |
| 14.40-15.10 | Drafting a Request for Arbitration and developing a case strategy |
| 15.10-16.10 | Working Groups: Preparing and drafting the Request for Arbitration |
| 16.10-16.30 | Break |
| 16.30-17.30 | Plenary Session: Discussion on the case strategy and the Request for Arbitration |
| 17.30-17.50 | Questions and discussion |

Workshop 1 (cont'd)

Day 2

Answer to the Request for Arbitration and Jurisdiction of the Arbitral Tribunal

27 October 2024

| | |
|-------------|---|
| 09.00-09.20 | Recap of the first day |
| 09.20-09.35 | Questions and answers |
| 09.35-10.10 | How to draft an Answer to the Request for Arbitration |
| 10.10-11.10 | Working Groups: Drafting the Answer to the Request for Arbitration and developing a defence strategy |
| 11.10-11.30 | Break |
| 11.30-12.30 | Plenary Session: Discussion on the Answer to the Request for Arbitration |
| 12.30-13.30 | Lunch |
| 13.30-14.15 | Enforcing arbitration agreements before national courts and ICC practice of prima facie jurisdiction of the arbitral tribunal |
| 14.15-14.55 | Jurisdiction of arbitral tribunal and jurisdictional challenges |
| 14.55-15.15 | Break |
| 15.15-16.20 | Working group: Drafting objections to the jurisdiction and an answer thereto |
| 16.20-17.00 | Plenary session: Discussion on the jurisdictional challenges |
| 17.00-17.30 | Award on jurisdiction |
| 17.30-17.50 | Questions and discussion |

Workshop 2

Day 3

Appointment of Arbitrators and Case Management

16 November 2024

| | |
|-------------|--|
| 09.00-09.30 | Recap of the previous workshop |
| 09.30-09.45 | Questions and answers |
| 09.45-10.05 | Selection of arbitrators and initial contact |
| 10.05-10.25 | Nomination or appointment of arbitrators and conflicts of interests |
| 10.25-11.00 | Working Group: Practical situations |
| 11.00-11.20 | Break |
| 11.20-12.10 | Plenary Session: Discussion on practical situations |
| 12.10-13.00 | Case management, terms of reference, procedural timetable and procedural approaches |
| 13.00-14.00 | Lunch |
| 14.00-14.40 | How to increase efficiency in international arbitration by effective case management |
| 14.40-15.40 | Simulation: Case management conference |
| 15.40-16.00 | Break |
| 16.00-17.00 | Plenary Session: Discussion on the simulation on case management conference and terms of reference |
| 17.00-17.30 | Questions and answers |

Workshop 2 (cont'd)

Day 4 **ADR and Settlement**

17 November 2024

| | |
|-------------|--|
| 09.00-09.20 | Recap of the previous day |
| 09.20-09.35 | Questions and answers |
| 09.35-10.10 | Introduction to ADR tools |
| 10.10-10.40 | Preparation for settlement negotiations |
| 10.40-11.00 | Break |
| 11.00-12.00 | Simulation: Negotiations |
| 12.00-13.00 | Simulation: Mediation |
| 13.00-14.00 | Lunch |
| 14.00-15.00 | Plenary session: Discussion on the negotiation and mediation simulations |
| 15.00-15.30 | Incorporating ADR into arbitration process |
| 15.30-15.50 | Break |
| 15.50-16.30 | Drafting settlement agreements |
| 16.30-17.00 | Consent award |
| 17.00-17.30 | Questions and answers |

Workshop 3

Day 5

Conservatory and Interim Measures

7 December 2024

| | |
|-------------|--|
| 09.00-09.20 | Recap of the previous workshop |
| 09.20-09.50 | The authority to grant interim measures: Emergency arbitrator, arbitral tribunal and/or national courts (concurrent jurisdiction) |
| 09.50-10.20 | Standards and burden of proof |
| 10.20-10.50 | Types of measures |
| 10.50-11.10 | Break |
| 11.10-11.40 | Specific measures: security for costs, escrow accounts, stop payment orders relating to first demand bank guarantees, and counter-guarantees |
| 11.40-12.00 | Most common defences against requests for interim measures |
| 12.00-12.20 | Ex parte requests |
| 12.20-13.20 | Lunch |
| 13.20-14.00 | Emergency Arbitrator and Emergency Measures under the 2012 ICC Rules |
| 14.00-14.50 | Enforcement of interim measures and consequences of a breach of interim measures by the parties |
| 14.50-15.50 | Simulation: Requesting an interim measure in arbitration proceedings |
| 15.50-16:20 | Break |
| 16.20-17.20 | Plenary Session: Discussion on requesting an interim measure |
| 17.20-17.50 | Questions and answers |

Workshop 3 (cont'd)

Day 6 Evidence

8 December 2024

| | |
|-------------|---|
| 09.00-09.30 | Recap of the previous days |
| 09.30-09.45 | Questions and answers |
| 09.45-10.10 | Legal authorities in international arbitration, their role and how to present them |
| 10.10-11.00 | Cultural differences (common Law vs. civil Law) in the admissibility, requirements and evaluation of different types of evidence |
| 11.00-11.20 | Break |
| 11.20-11.50 | Types of evidence in arbitration |
| 11.50-13.00 | Documentary evidence |
| 13.00-14.00 | Lunch |
| 14.00-14.30 | Document production |
| 14.30-15.20 | Factual witnesses: identifying witnesses, receiving the statements, examination in chief and cross-examination |
| 15.20-15.40 | Break |
| 16.40-17.10 | Expert witnesses: types of experts, identification of experts, interactions with the experts and identification of issues to be put before the expert, instructions, examination in chief and cross-examination |
| 17.10-17.40 | Questions and answers |

Workshop 4

Day 7 Hearing

11 January 2025

| | |
|-------------|--|
| 09.00-09.30 | Recap of the previous days |
| 09.30-09.45 | Questions and answers |
| 09.45-10.00 | Preparation for the hearing |
| 10.00-10.30 | Hearing format |
| 10.30-11.00 | Hearing sequence |
| 11.00-11.20 | Break |
| 11.20-12.00 | Preparation of documents |
| 12.00-12.20 | Hearing set-up |
| 12.20-13.00 | Preparation of witnesses |
| 13.00-14.00 | Lunch |
| 14.00-15.20 | Simulation of an arbitral hearing |
| 15.20-15.50 | Break |
| 15.50-17.00 | Plenary Session: Discussion on the simulation of arbitral hearings |
| 17.00-17.30 | Questions and answers |

Workshop 4 (cont'd)

Day 8 Award

12 January 2025

| | |
|-------------|---|
| 09.00-09.20 | Recap of the previous day |
| 09.20-09.30 | Questions and answers |
| 09.30-10.00 | Closing submissions and post hearing briefs |
| 10.00-11.00 | Award (interim, partial and final awards, ICC Award Checklist, and requirements of national legislations) |
| 11.00-11.20 | Break |
| 11.20-12.20 | Scrutiny of awards |
| 12.20-12.40 | Correction and interpretation of awards |
| 12.40-13.40 | Lunch |
| 13.40-15.00 | Costs (types of costs, interest, allocation of costs) |
| 15.00-15.20 | Break |
| 15.20-16.30 | Recognition and enforcement of awards |
| 16.30-17.00 | Questions and answers |
| 17.00-17.30 | Closing ceremony |

Course Fees

The regular course fee for participants is PLN 4 500.

The discounted course fee is PLN 3 600, which is offered to the following participants:

- Students
- In-house counsels
- Government officers
- Members of the Polish National Committee of the ICC and their staff

Application Process

To ensure effective practical teaching methods and encourage active participation and networking, the course is limited to 40 participants. The minimum number of participants required to commence the course is 20.

The application process consists of two stages:

1. Submit an online form

Interested applicants should complete and submit an electronic registration form, which will be available on the programme's website in due course. Registration will start on 1 September 2024 and will remain open until 11 October 2024.

2. Complete the course payment

Upon submitting the application form, applicants will receive instructions on how to complete the course payment. The course fee must be paid no later than 15 November 2024.

The admission process will occur on a rolling basis, thus early application is recommended.

Certificate of completion

Participants who actively participate in the course (with attendance above 80%) will be eligible to receive a Certificate of Completion jointly signed by the Jagiellonian University, ICC, and the Polish National Committee of the ICC.

Contact

All questions should be addressed to the Co-Directors of the Course:

- Prof. Dr. Hab. Andrzej Olaś, Jagiellonian University at andrzej.olas@uj.edu.pl; and
- Adv. Maciej Jamka, ICC Poland at maciej.jamka@dwf.law