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International ADR India 2008



Exploring the commercial practicalities of ADR within India

Conference: 9th – 10th Dec 2008

Workshop: 11th Dec 2008 | Venue: Intercontinental Grand Hotel, Mumbai
www.adr-india.com

Our speaker panel includes:

Rafique Dada
Senior Advocate
Supreme Court of India

Justice Sam Variava
Judge (ret'd)

Justice DR Dhanuka
Judge (ret'd)
Bombay High Court

Aloke Ray
Partner
White & Case

Nitin Thakker
Senior Advocate
Supreme Court of India

Fredun De Vitre
Senior Advocate
Bombay High Court

Dushyant Dave
Senior Advocate
Supreme Court of India

Hiroo Advani
Chairman – ADR Committee
Society for Indian Law Firms (SILF)

Philipp Habegger
Partner
Walder Wyss & Partners Ltd.

John Ellison
Global Head of Dispute Advisory Services
KPMG

Marezban P. Bharucha
Founding Partner
Bharucha & Co

Rohit Kapadia
President
Bombay Bar Association

Christopher To
Secretary General
APRAG

Mukesh Bhavnani
Group President Legal
Essar Group

Ajay Thomas
Assistant Counsel and Head - India Desk
Singapore International Arbitration
Centre (SIAC)

Matthew Gearing
Co-Chair
(YIAG), London Court of International
Arbitration

India's most important international dispute resolution event

- Bringing together key international and domestic experts to debate the future of ADR within India
- Radical industry shaping content – overcoming the challenging issues holding India's ADR sector back
- Delivering practical strategies from across the globe to improve your commercial success
- Supported by the industry's leading associations including: AAA-ICDR, SIAC, APRAG, ACR, SMC, SILF, BAI...

Keynote Speakers:



**Hon'ble
Dr. Justice AR. Lakshmanan**
Chairman
Law Commission of India



Dr. Sudarsana Natchiappan
MP - Tamil Nadu
Parliament of India



Lalit Bhasin
President
Society for Indian Law Firms (SILF)



Mysore Prasanna
Group Executive President &
General Counsel
Aditya Birla Group

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For more information

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www.adr-india.com



Exploring the commercial practicalities of ADR within India

NEGOTIATING THE CHOPPY WATERS OF INDIAN ADR

An inevitable reality within any business operation is that disputes will arise and within today's globalised environment disputes are a fact of life. Alongside that reality is the growth in the use and importance of Alternative Dispute Resolution (ADR) as a means of solving those business disputes.

INDIA WAKES UP TO THE POTENTIAL OF ADR

India enacted the Arbitration and Conciliation Act of 1996 in response to the infamous bureaucracy and procrastination of the Indian court system. It was hoped that this would mark India's arrival as a mature economic powerhouse. Whilst largely successful in attracting foreign direct investment, and establishing India as a potential forum for international commercial arbitration, the harsh reality has been to the contrary.

The recent Venture Global Engineering v Satyam Computer Services case embodied all the key struggles that corporations go through when conducting business with an Indian twist. And the extensive involvement of the Indian judiciary ironically threatens the very principles that the 1996 Act sought to develop, leaving India's ADR aspirations left to sink in the high seas of international trade.

"INTERNATIONAL ADR INDIA" – THE LIFEJACKET FOR INDIA ORIENTED BUSINESS

In association with a number of renowned international and Indian associations, "INTERNATIONAL ADR INDIA" will be addressing those key issues that have not only been holding India back but also frightening companies from operating within it.

Drawing upon the experience of renowned legal experts and associations such as the AAA, SIAC, APRAG, SMC, SILF, and BAI the conference will meet the practical and commercial needs of those involved in international trade.

Event partners:



Supporting organizations:



KEY TOPICS

- Assessing why an efficient ADR system is paramount for the successful development of any modern international economy
- Dissecting ADR: examining the pros and cons of the various mechanisms
- How international arbitrations are conducted and decisions made
- Understanding how arbitration awards are given
- The role of the Court and the Bar in promoting effective mediation in India
- Practical demonstrations of international arbitration in India – learning from the majors
- Assessing the costs of being involved in dispute resolution cases

REASONS TO ATTEND

- Practical tips and strategies for incorporating ADR effectively into your commercial practice
- Radical industry shaping content – overcoming the challenging issues holding India's ADR sector back
- Exclusive networking with key decision makers from across the world
- Learn the ins and outs of international dispute resolution from some of today's most well-informed experts including top arbitrators, judges and lawyers

Heads of Legal - attendees of Informedia's recent Corporate Legal Counsel conference

- British Telecom India Pvt Ltd
- Cairn India Limited
- Calyon Bank
- Citi Bank N A
- Dewan Housing Finance Corporation Limited
- Essar Group
- Godrej & Boyce Mfg Co. Limited
- Gujarat State Petroleum Corporation Ltd
- Hindustan Motors Limited
- HSBC Limited
- Inorbit Malls India Pvt Ltd
- Johnson & Johnson
- Kotak Mahindra Bank Ltd
- Procter & Gamble Hygiene & Healthcare Ltd
- Rodyk & Davidson LLP
- Star India Pvt Ltd
- Suzlon Energy Ltd
- Tata Steel Limited
- Vodafone Essar Ltd
- Yash Birla Group



International ADR India 2008

Day 1: Tuesday 9th December 2008

08:20 Registration and refreshments

09:20 Chairman's opening remarks

Justice Sam Variava
Judge (ret'd)

09:25 UNDERSTANDING THE VARIOUS MODES OF ADR – GETTING GROUNDED IN THE PROCESS

Assessing why an efficient ADR system is paramount for the successful development of any modern international economy

CHIEF GUEST

Hon'ble Dr. Justice AR. Lakshmanan
Chairman
Law Commission of India

09:45 Examining the commercial practicalities and growing importance of ADR

GUEST OF HONOUR:

Dr. E.M. Sudarsana Natchiappan
MP, Chairman
Parliamentary Standing Committee on Personnel, Public Grievances and Law and Justice
Parliament of India

10:05 Dissecting ADR: examining the pros and cons of the various mechanisms

- What are the various techniques at the disposal of corporates?
- ADR vs. litigation: knowing when to choose which option
- How does each method work in practice in terms of applicability and documentation?
- Understanding the role of the court in each process

Dushyant Dave

Senior Advocate
Supreme Court of India

11:00 Morning refreshments and networking

ADR FROM AN INTERNATIONAL PERSPECTIVE - THE GLOBAL BENCHMARK

11:30 The changing face of dispute resolution - examining key trends across the globe

- Emerging issues in international ADR: major talking points from around the world
- Examining which ADR mechanisms are most commonly used across the world
- Which venues are becoming increasingly popular for corporates, and why?
- Assessing what processes and techniques Indian companies could be learning from international counterparts

Ajay Thomas, *Assistant Counsel and Head - India Desk*
Singapore International Arbitration Centre (SIAC)

Philipp Habegger, *Partner*
Walder Wyss & Partners Ltd.

Dr Ibrahim Hassan Al Mulla, *General Manager*
Emirates International Law Centre

12:30 Networking luncheon

EXAMINING THE REALITIES OF DISPUTE RESOLUTION IN INDIA

13:45

The role of the Court and the Bar in promoting effective mediation in India

- Advantages of mediation over arbitration as an ADR mechanism
- Choosing when to adopt mediation as a tool for your business
- What are the costs, processes and decisions that need to be made with mediation?
- Enforcement of mediation results throughout the world

Moderator:

Rafique Dada, *Senior Advocate*

Nitin Thakker, *Senior Advocate*

Carol Liew, *Associate Director*
Singapore Mediation Centre

14:45

Afternoon refreshments and networking

15:05

Institutionalizing the role of independent expert in commercial arbitration

- Lawyers & accountants - winning together
- Benefits of using expert accountants in arbitrations
- Best practices - quantification of damages and claims in commercial disputes
- Impact of accounting practices and standards on arbitration disputes

John Ellison

Global Head of Dispute Advisory Services
KPMG

15:35

Venture Global Engineering v. Satyam Computer Services case study

- Does the Indian Supreme Court actually have the right to stop the award?
- What does this landmark case mean for India and her trading partners?
- What does this mean for awards ordered abroad? The response from international MNCs
- Does this result not undermine the basis of arbitration and effectively kill it off in India?

Marezban P. Bharucha, *Founding Partner*
Bharucha & Co

Girish Gokhale, *Head of Legal*, **Larsen & Toubro**
Fredun De Vitre, *Senior Advocate*

Debate on Enforcement of Awards in India:

16:45 "This House supports the attitudes of the Indian Courts to Arbitration Awards"

Chair

Hiroo Advani, *Chairman - ADR Committee, SILF*

For Debate:

Justice DR Dhanuka, *Judge (ret'd)*, **Bombay High Court**

Against Debate:

Rohit Kapadia, *President*, **Bombay Bar Association**

17:45

Chairman's closing remarks and end of Day 1

17:50



Informedia Cocktail Reception

Panel session

Panel session

Panel session

Debate



International ADR India 2008

Day 2: Wednesday 10th December 2008

Panel session

Panel session

08:30 Registration, breakfast and networking session

09:15 Chairwoman's opening remarks
Dr. Shashikala Gurpur, President
Symbiosis Law School

DISPUTE RESOLUTION IN INDIA – CHALLENGES & OPPORTUNITIES

09:20 Examining how ADR in India has ended up as an abject failure

- Understanding why ad hoc arbitration is India's preferred ADR tool
- What has the 1996 Act achieved for domestic and international players?
- To what extent has the Indian Court system made ADR and arbitration simply unworkable within India
- What is required to boost ADR adoption in India and confidence in arbitrations as an ADR mechanism?
- Examining why effective arbitration institutions are the key for India

Moderator:

Lalit Bhasin, President, Society of Indian Law Firms (SILF) & Chairman, CI Arb (India Chapter)

Aloke Ray, Partner, White & Case

Justice Vikramajit Sen, Judge, Delhi High Court

JLN Murthy, Head of Legal, Marico

Pallavi Shroff, Partner, Amarchands & Mangaldas

10:30 Practical demonstrations of international arbitration in India – learning from the majors

- In what situations are commercial arbitrations currently being utilised in India?
- How Indian and international companies work within the current structure?
- Analysing what companies currently include in their contracts regarding dispute resolution
- Examples of current issues faced within merger and acquisition transactions in the region

Moderator:

Deepankar Sanwalka, Executive Director, KPMG

Mysore Prasanna, Group Executive President & General Counsel, Aditya Birla Group

Mukesh Bhavnani, Group President Legal, Essar Group

Sumant Nayak, Associate Vice-President Legal Delhi International Airport

N. R. Narayanan, Executive Director

Hindustan Petroleum Corporation Ltd

11:30 Morning refreshments and networking

UNDERSTANDING THE PRACTICALITIES OF SUCCESSFUL ARBITRATION

12:00 Opportunities for young practitioners in the growing arbitration market - how to get experience and develop your practice

- Where to begin?
- Identifying how to get the right experience
- What are the particular roles available?
- Being a force for change, how young practitioners can shape and develop the arbitration process

Matthew Gearing, Co-Chair

(YIAG), London Court of International Arbitration

Dipen Sabharwal, Associate, White & Case

12:45 Networking lunch

14:00 Assessing the costs of being involved in dispute resolution cases

- Examining the costs of arbitration across LCIA, SIAC and the ICC
- Examining the cost differentials between domestic and international lawyers
- Third party funding or dispute resolution – impact on sector and who will provide it
- How are costs awarded? And what do they cover?

INTERNATIONAL ARBITRATION – EXAMINING DIFFERENT LEGISLATIVE APPROACHES

14:45 England – understanding the practicalities and procedures of operating under English arbitration

- The nuts and bolts of working under LCIA governance
- The procedures and conventions of English orientated arbitration
- Examining the costs of using English arbitration
- How are domestic and foreign awards viewed and enforced?

15:30 Morning refreshments and networking

15:50 USA – assessing the role and conventions of US orientated arbitration

- Pros and cons of utilizing the AAA as your arbitration centre
- Understanding the procedures
- Examining the costs of using US arbitration
- How are domestic and foreign awards viewed and enforced?

Jun Bautista

Director

**International Centre for Dispute Resolution
AAA-ICDR**

16:35 Best practice guidelines for operating across the Asian market

- Deciding which centre suits you most
- Challenges and opportunities of conducting arbitration proceedings in Asia
- To what extent is Hong Kong's proposed abolition of the foreign / domestic award distinction the way forward for international arbitration centres?

Christopher To

Secretary General

APRAG

17:20 Chairwoman's closing remarks and end of conference

For more information

Contact: **Swati Naik**

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Email: swati.naik@informedia-india.com

Workshop
09:30 - 16:00



Justin D'Agostino
Partner
Herbert Smith



Maurice Burke
Partner
Herbert Smith

Herbert Smith



Herbert Smith in association with
Glentworth and Stibbe

Effective arbitration for India-related disputes

- How to draft effective dispute resolution clauses and arbitration agreements
- Choice of law considerations for Indian arbitration
- Court challenges to arbitration procedures and awards before Indian and international courts

The arbitration process

- An overview of the arbitration process
- Ensuring the successful conduct of an arbitration
 - Understanding the role of the arbitrator
 - Considerations when choosing an arbitrator
 - Document disclosure and privilege
 - Confidentiality

Online disputes

- Understanding online ADR
- The legal context of electronic arbitration
- How Indian companies can benefit from online ADR

An alternative option: mediation

- An overview of the mediation process
- Advantages of mediation as an ADR mechanism
- Choosing when to adopt mediation as a tool for your business
- Enforcement of mediation results in an international context

5 simple questions to demonstrate the value from sponsoring

- Q.1 Do you face difficulties in developing the right business and legal contacts within the Indian market?
- Q.2 Can you provide a solution to the complex regulatory and legislative hurdles that domestic and international corporates face when interacting with India?
- Q.3 Do you want to do business with In-house Counsel and Heads of Legal from across the Indian corporate market?
- Q.4 Do you want to promote your services and expertise to the legal sector?
- Q.5 Are you interested in raising your profile to the largest commercial corporations within India?

If your answer is yes to any of these questions then International ADR India 2008 is the forum which will enable your business opportunities to take off.

Raise your companies' profile

Increase your chances of being chosen as the industry's preferred choice. Don't pass business opportunities by, whilst your competitors get ahead of you.

Find your all year round marketing solution

There are a limited number of opportunities for you to get your message effectively across as ADR and arbitration experts involved in the Indian sector, so act now to avoid disappointment.

Put simply, you can't afford to miss out!

With an invitation list restricted to 200 senior decision makers and hours built around dedicated and effective networking, International ADR India will put you face to face with the people that matter in this industry.

Industry leaders contact Vikas Vij on vikas.vij@expomediagroup.com or call +44 7956 341 375 to discuss these opportunities further

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contact

Vikas Vij
Tel: 0044 7956 341 375
vikas.vij@expomediagroup.com

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