

Center for Transnational Litigation, Arbitration and Commercial Law



New York University School of Law

## Interim Relief: What, Why, When, How?

Moderator: Prof. Franco Ferrari

October 7th, 2013

4.45pm - 8.00pm

Lester Pollack Room, Furman Hall 900  
245 Sullivan Street New York, NY 10012



# Program

**4.45 pm - 5.15 pm**

Pre-Arbitral Interim Relief: Different Models and the ICC Experience

*Andrea Carlevaris*

**5.15 pm - 5.45 pm**

Interim Measures Between Party Autonomy and State Powers

*Massimo Benedettelli*

**5.45 pm - 6.15 pm**

The Insecurity Surrounding Security for Costs Applications

*Brian King*

**6.30 pm - 7.00**

Interim Measures in International Arbitration: Practical Approaches

*Domenico Di Pietro*

**7.00 pm - 7.30 pm**

Arbitral Interim Measures as Arbitral Awards: Prospects and Problems

*George A. Bermann*

**7.30 pm - 8.00 pm**

The AAA and ICDR's Experiences with Parties Seeking Pre-Arbitral Relief

*Eric P. Tuchmann*

# Speakers

## *Massimo Benedettelli*

Professor Benedettelli is professor of international law at the University “Aldo Moro” in Bari, Italy. Prof. Benedettelli is also a partner of Freshfields Bruckhaus Deringer LLP, Milan, where he practices in the fields of international arbitration and corporate transactions. Prof. Benedettelli’s academic interests have recently focused on the impact of EU law on international arbitration and on forum and law shopping in the areas of corporate mobility and insolvency. He is a member of the editorial board of the *Rivista di diritto societario* as well as a member of the ICC Commission on International Arbitration, as well as a member of the board of trustees of the European Law Academy of Trier, Germany.

## *George A. Bermann*

Professor Bermann is the Walter Gelhorn Professor of Law, the Jean Monnet Professor of European Union Law, and the Director of the European Legal Studies Center at Columbia Law School, as well as a Visiting Professor of the Institut des Sciences Politiques (Sciences Po) in Paris, France. He is also the Chief Reporter of American Legal Institute’s Restatement of the Law of International Commercial Arbitration, the former President of the American Society of Comparative Law, the past editor-in-chief of the *American Journal of Comparative Law* and the current President of the International Academy of Comparative Law.

## *Andrea Carlevaris*

Dr. Carlevaris is Secretary General of the ICC International Court of Arbitration and Director of the ICC Dispute Resolution Services. Previously, he was a partner in the Rome office of Bonelli Erede Pappalardo and a member of the ICC International Court of Arbitration and of the ICC Commission on Arbitration. Dr. Carlevaris is also a member of the Steering Committee of the International Arbitration Commission of the Union internationale des Avocats (UIA), of the Board of Directors of the Italian Association for Arbitration (AIA) and one of the founders of the Italian Forum on International Arbitration and ADR (ArbIt).

## *Domenico Di Pietro*

Mr. Di Pietro practices international arbitration with Freshfields Bruckhaus Deringer in Rome and Milan. He has acted in numerous arbitrations under the rules of a great variety of arbitral institutions as well as in ad hoc proceedings. He is also active in investment arbitration, having advised and appeared in well-known ICSID cases, including annulment proceedings. Domenico has also acted in several sport disputes at the Athens and Beijing Olympics. Mr. Di Pietro lectures international arbitration at Roma Tre University and is a scholar-in-residence of the Center for Transnational Litigation and Commercial Law at New York University School of Law. He has published extensively on international arbitration. He is qualified to practice in Italy and in England and Wales.

# Speakers

## *Franco Ferrari*

Professor Ferrari, who joined NYU on a full-time basis in September 2010, is the Executive Director of the Center for Transnational Litigation and Commercial Law. Previously, he was chaired professor of comparative law at Tilburg University in the Netherlands and Bologna University in Italy. After serving as member of the Italian Delegation to various sessions of the United Nations Commission on International Trade Law (UNCITRAL) from 1995 to 2000, he served as Legal Officer at the United Nations Office of Legal Affairs, International Trade Law Branch (2000-2002). Professor Ferrari has extensively published in various languages in the areas of international commercial law, conflict of laws, comparative law and international commercial arbitration. Professor Ferrari, who is a member of the editorial board of various peer reviewed European law journals, also acts as arbitrator in international commercial arbitration and investment arbitration.

## *Brian King*

Mr. King is a partner in the international arbitration group at Freshfields Bruckhaus Deringer. Prior to returning to New York in 2007, he headed the arbitration group in the firm's Amsterdam office for seven years. Mr. King's practice centers on acting as counsel or arbitrator in investment treaty and international commercial disputes. He has represented both investors and States, as well as some of the largest European and U.S. corporations. A 1990 graduate of the NYU Law School, Mr. King, who will join NYU as a scholar-in-residence in November 2013, regularly speaks and publishes on arbitration-related topics.

## *Eric P. Tuchmann*

Mr. Tuchmann is General Counsel and Corporate Secretary for the American Arbitration Association. In that capacity, he is responsible for managing the Association's legal and governance affairs, and spearheads strategic initiatives directed at the use of alternative dispute resolution. His specific responsibilities include the management of litigation related matters involving the Association or its arbitrators. Mr. Tuchmann has also served as counsel of record for amicus curiae briefs filed in various courts, and cited by the Supreme Court of the United States. Mr. Tuchmann has also served as the Association's liaison to the committee to revise the Uniform Arbitration Act and to the committee revising the Model Standards of Conduct for Mediators.