



**2 DIFC
Accredited
CLPD points**

9 September 2019
9:00-11:00 AM | Gate Village 2

Expert Evidence in Arbitration:

Making it truly effective, helpful and efficient for the arbitral tribunal

This course looks at one of the most significant issues in the taking of evidence in investment arbitration proceedings: the role of experts and expert evidence. Leading legal practitioners will debate the topic and will provide insights from their own experience and share best practices.

The first panel will focus on damages experts and expert evidence relating to the quantification of damages in investment arbitration proceedings. Damages have been attracting significant attention in the past 20 years and a significant level of global expertise has been developed. The particular point of reflection is current trends and best practices.

The second panel will explore the role of legal experts and the pleading, and proof of applicable law. While this is a pervasive issue in international arbitration, the role of domestic law in investment proceedings presents a challenge for counsel and arbitrators. Law experts have a significant role to play and the panel will debate current practices.



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Level 1- Lecture Room 2
DIFC Academy, Gate Village 2
Dubai International Financial Centre

Learning Objectives:

- Exploring approaches in determining the issues upon which expert evidence will be helpful to the arbitral tribunal
- Highlighting approaches to select, engage and prepare experts
- Presenting direct expert evidence (whether orally, in writing or in a combination) that the tribunal will find compelling, helpful and impartial
- Identifying approaches in preparing a good expert for cross examination
- Discussing methods in getting into the heart of the expert issues critical to the outcome
- Exploring how to use innovative methods of presenting expert evidence including panels of experts (and CIArb's draft guidelines)
- Discussing why an arbitral tribunal may favour the evidence of a particular expert
- Assessing when tribunal expert make sense

**Course Fee:**

Regular price
AED500

DIFC Registered
Practitioner
20% discount
AED400

All prices are subject to +5% VAT

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Moderator:

Dr. Tariq Mahmood FCI Arb, a British national, is qualified in England and Pakistan. A member of London based *Arbitrators@33BedfordRow* he works as a barrister, arbitrator, mediator and tribunal secretary with a focus on the UK and Ireland, Pakistan, the Gulf and the Asia-Pacific region.

Dr. Mahmood, was called to the bar in 2002. His practice as a neutral, and party representative, has a wide focus but he has a particular interest in energy and commodities arbitrations. He has assisted the attorney general of the Pakistan administered jurisdiction of Azad Jammu and Kashmir in drafting amendments to its constitution.

He is a member of the committee of the *Asia-Pacific Forum for International Arbitration* and has lectured widely in ADR recently working as a consultant to the Council of Europe on their arbitration training. Dr. Mahmood has co-written a chapter on Guerrilla Tactics in International Arbitration to be published later in 2019.

**DR. TARIQ MAHMOOD
FCI Arb**

Barrister
33 Bedford Row Chambers

**Speaker:****ARRAN DOWLING- HUSSEY
FCI Arb**

Barrister
33 Bedford Row Chambers



Arran Dowling-Hussey FCI Arb is a member of *Arbitrators@33BedfordRow* also based at the Law Library, Dublin. He has been in practice since 2003 as a barrister, arbitrator, mediator and adjudicator. Whilst he has a diverse professional background in a range of commercial and civil disputes his work often focuses on construction disputes.

Mr. Dowling-Hussey is a former full-time member of Dublin City University's School of Law who has lectured in several jurisdictions on ADR. He is the co-author of 3 editions of *Arbitration Law* (2008, 2014 and 2018) a leading textbook in the Republic of Ireland.

Mr. Dowling-Hussey is a recent contributor to the *MENA Business Law Review*. He is listed by *Global Arbitration Review* in their *Arbitrator Research Tool*. Mr. Dowling-Hussey has been a member of the Board of Trustees of the Chartered Institute of Arbitrators since 2017 and was a member of their Board of Management from 2013-2015.

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Speakers:

Victor Leginsky FCIArb is a Chartered Arbitrator who is certified as a mediator through the Centre for Effective Dispute Resolution (London) [CEDR] and works frequently in respect of mediation with the Royal Institution of Chartered Surveyors (London) [RICS] and the Chartered Institute of Arbitrators.

He holds a JD (*Juris Doctor*) degree and a B.Ed. (Bachelor of Education). He has served as Arbitrator in over 90 cases, conducting both institutional and *ad hoc* arbitrations, and has conducted construction-related mediation. He confines his practice to that of a neutral, largely in construction and energy-related disputes. He is currently MENA Chapter Director of the Association of International Petroleum Negotiators (AIPN).

Victor is a Dubai resident who has worked in the Middle East for 12 years. He is Regional Pathway Leader for the CIArb and teaches Award Writing. He lectures frequently on dispute resolution in construction, oil and gas and general dispute resolution matters.

**Victor Leginsky
FCIArb**Arbitrator, Mediator
Arbitralis ADR**The Honourable Barry Leon
FCIArb**Arbitrator, Mediator
33 Bedford Row Chambers

The Honourable Barry Leon FCIArb, a Canadian, is an independent arbitrator and mediator with *Arbitrators@33BedfordRow* (London), Arbitration Place (Canada), and Caribbean Arbitrators. He is an International Mediation Institute Certified Mediator and on AAA's National Roster of Arbitrators.

As Presiding Judge, British Virgin Islands Commercial Court (2015–2018), Barry presided over international commercial and corporate disputes involving parties from around the world. He was a Partner and International Arbitration Group Head at Perley-Robertson, Hill & McDougall (2009–2015) and until 2009, a Litigation and Dispute Resolution Partner with Torys.

Barry was Chair, ICC Canada Arbitration Committee and is an International Academy of Trial Lawyers Fellow. Involvements include Canadian Bar Association's ICSID Working Group (Chair); IBA's Toronto Arbitration and Litigation Conferences (Co-Chair); RMMLF's "International Energy and Minerals Arbitration" Conference (Program Committee); and Member of CEDR's Settlement in International Arbitration Commission, IBA's Investor-State Mediation Rules Committee, and ILA's International Commercial Arbitration Committee.

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