

Arbitration and ADR in Germany

Institutional Perspectives–Practical Insights–Academic Debates

Conference and Reception on the Occasion of the Visit of Students of ESSEC Paris

Humboldt Universität zu Berlin

Juristische Fakultät | Bebelplatz 2 | 10117 Berlin

13 January 2016

6:30 p.m. | Room 213

The “Kommode” at Bebelplatz

The building that hosts the Law Faculty of Humboldt-Universität was built as the Royal Library between 1775 and 1780. Lore has it that when architect Georg Christian Unger asked King Frederick II (the “Great”) of Prussia what he wanted his library to look like, Frederick, busy with more pressing matters, angrily pointed to a commode – a rectangular-shaped piece of furniture – sitting in the corner of the room, yelling at Unger: “Just make it like this thing and leave me be”. Although Unger did not follow the King’s instructions and instead took inspirational guidance from the Vienna Hofburg, the nickname “Kommode” is still in use today.

The Kommode’s neighbours at Bebelplatz are the State Opera building right opposite the Kommode (currently under renovation), St Hedwig’s Cathedral (the first Catholic church built in Prussia after the Reformation), and the stately building to the South of the square which was built as headquarters of Dresdner Bank, later hosted the State Bank of the German Democratic Republic, and is today the Hôtel de Rome.

Glass plates set in the cobblestone of Bebelplatz by artist Micha Ullman commemorate 10 May 1933, when Nazis burned roughly 20,000 books right in front of the Kommode, including the works of Nobel Prize winners Thomas Mann and Albert Einstein.

Programme

6:30 p.m. **Conference**

Words of Welcome and Presentation of ICC Germany

Oliver Wieck

Secretary General, ICC Germany e.V.

Faces and Facets of ICC Arbitration in Germany and Beyond:
A Practitioner's Perspective

Axel Benjamin Herzberg, LL.M. (London)

Keynote Speech:

Arbitration and ADR in Germany

Professor Dr Gerhard Wagner, LL.M. (Chicago)

Discussion

8:30 p.m. **Reception/Apéritif dinatoire**



Oliver Wieck

Oliver Wieck is Secretary General of ICC Germany, the German National Committee of the International Chamber of Commerce, the world business organisation that was founded in 1919 to foster global understanding through world trade.

Mr Wieck studied law at the universities of Bonn and Düsseldorf from 1982–1991. During the 1990s (1991–1999), Mr Wieck held multiple positions in the International Markets department of BDI, the umbrella association of German industry, where he was, among other things, responsible for North and Latin America, the Near and Middle East, and South Asia. From 2000 to 2008, Mr Wieck was managing director of the Ostausschuss der deutschen Wirtschaft, the Committee on Eastern European Economic Relations, a joint organisation of the leading associations representing German business. From 2008 until 2013, Mr Wieck was back at the BDI as Head of the Foreign Trade Policy Department. In this position, Mr Wieck represented the BDI in matters relating to globalisation, global governance, international trade, the economic relations with the United States and Canada, and the promotion of foreign trade and investment. Mr Wieck coordinated business initiatives related to the G 8 and G 20, several WTO issues, as well as the EU's bilateral trade policy, with a focus on the United States (TTIP) and Canada (CETA).

ICC and ICC Germany

The International Chamber of Commerce (ICC), the world business organisation, was incepted in 1919, when business representatives from various countries decided to jointly work towards peace and prosperity through world trade. Since its creation, ICC has contributed to this objective in multiple, unique ways. Thus, the ICC International Court of Arbitration, founded in 1923, was and is at the forefront of shaping today's international commercial arbitration system. With more than 800 new arbitrations filed each year, ICC is one of the busiest international arbitral institutions, but ICC also administers a large number of non-arbitral ADR proceedings, such as mediations, or expertise proceedings. In addition to its role as a dispute resolution provider, ICC is also the institution that is behind some of the most frequently sets of rules and clauses in international commercial transactions, such as the INCOTERMS®, or the Uniform Customs and Practice for Documentary Credits (UCP). Last but not least, ICC is the voice of the global business community, and is continuously involved in all major multilateral platforms and dialogues, such as the G20, the United Nations, or the WTO. ICC has its headquarters in Paris.

ICC Germany is the ICC National Committee for Germany. Based in Berlin, ICC brings together German businesses active in international trade and investment, articulates their concerns both inside and outside Germany, and provides many services of benefit to its members and the business community as a whole.



Axel Benjamin Herzberg, LL.M.

Axel Benjamin Herzberg, LL.M. is an international business lawyer based in Berlin, Germany. A former Deputy Counsel at the Secretariat of the ICC International Court of Arbitration, Mr Herzberg acts as both, party's counsel and arbitrator in international and domestic arbitrations. He also represents clients in legal proceedings before German, EU and international courts and tribunals.

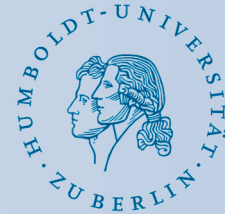
Mr Herzberg studied law at the universities of Passau, Geneva, Munich, and Freiburg (Breisgau), and passed the first state exam in law in 2006. Following a two-year research and teaching assignment at the University of Basel Law School, Mr Herzberg completed his Referendariat, the practical training period for junior lawyers in Germany, in Berlin, from 2008 to 2010. From 2010 to 2011, Mr Herzberg was Deputy Counsel at the Secretariat of the ICC International Court of Arbitration in Paris. In 2011, Mr Herzberg returned to Berlin where he joined the disputes team at Baker & McKenzie as an associate admitted to the Berlin bar. In 2014, Mr Herzberg founded his own firm HERZBERG LEGAL. Business fluent in both, English and French, Mr Herzberg also is one of the managing editors of Germany's leading commentary on the 2012 ICC Rules of Arbitration and the DIS Rules of Arbitration, Nedden/Herzberg, and an appointed member of the ICC Commission on Arbitration and ADR and its Task Force on Emergency Arbitrator Proceedings.



Professor Dr Gerhard Wagner, LL.M.

Professor Dr Gerhard Wagner, LL.M. holds the Chair for Private Law, Business Law and Law and Economics at the Law Faculty of the Humboldt-Universität zu Berlin.

Professor Wagner studied law in Göttingen and Munich and obtained his doctorate degree in 1989 in Göttingen. In 1995, Professor Wagner obtained a LL.M. from the University of Chicago, and in 1997, his habilitation treatise on party autonomy in procedural law was accepted by the University of Göttingen. In 1999, Professor Wagner was appointed professor at the University of Bonn, and director of its Institute for German and International Law of Civil Procedure and Conflict Management. Professor Wagner has been visiting professor at the University College, London (2003), and at the University of Chicago Law School (2010/11). Since 2013, Professor Wagner has been Professor for Private law, Business Law, and Law and Economics at the Law Faculty of the Humboldt-Universität zu Berlin. Professor Wagner is also, among other offices, member of the Board of Directors of the German Institution of Arbitration, and member of the Max-Planck-Institut for Foreign and International Private Law in Hamburg. Professor Wagner's research focuses on German and European private law, in particular contracts and torts, German and international civil procedure, comparative procedural law, arbitration, ADR, conflict and negotiation management, as well as law and economics.

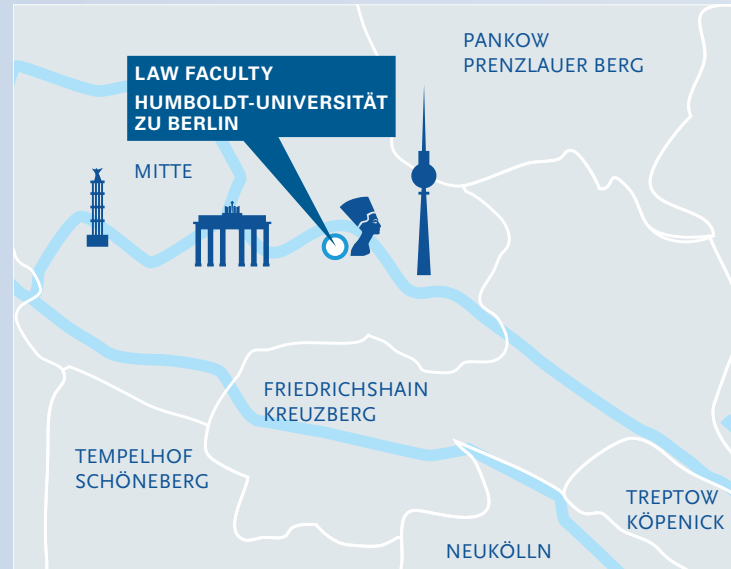


**International Dispute Resolution:
One-year, full time
Master Programme (LL.M.)
at Humboldt-Universität zu Berlin**

The Law Faculty at Humboldt-Universität zu Berlin is offering a new Master programme in International Dispute Resolution introduced in autumn 2015. The Law Faculty is breaking new ground in this respect – there is no comparable Master opportunity available in all of Germany.

The organization and academic management of the programme are in the hands of Professor Dr Wagner. The Master Programme International Dispute Resolution (IDR) will give up to thirty students from all around the world the opportunity to achieve a Masters degree (LL.M.), which especially qualifies them for careers in the area of international arbitration. In his speech on occasion of the Master programme's grand opening on 12 October 2015 at Humboldt University, Gary Born, Chairman of WilmerHale's International Arbitration Practice Group and one of the leading arbitration practitioners, emphasized the significance of arbitration for the resolution of international economic disputes. He formidably rebuffed the criticism, which arbitral dispute resolution of investment disputes has received within the controversy surrounding TTIP.

As out-of-court dispute resolution is firmly established in international transactions, the Law Faculty at Humboldt-Universität zu Berlin, by initiating the IDR Master Programme, is servicing the urgent demand for lawyers trained in the matter. As lawyers working in this field are expected to possess a high level of skills and expertise, these will be taught within the IDR Programme. The focus of the Master Programme is on commercial arbitration. Additionally, students will study international litigation as well as other ADR Tools such as mediation and adjudication. Certain areas of international arbitration and specific problems such as corruption within arbitration will also be covered. The participants will be trained in the skills needed to apply and implement their acquired knowledge in the professional realm.



The law school of Humboldt-Universität is located in the centre of Berlin, minutes away from the Brandenburg Gate to the West, and Alexanderplatz to the East. This is the place where the heart of historic Berlin and today's modern city become one.



All classes convene in the buildings of the law faculty at Unter den Linden, namely the Royal Library (Königliche Bibliothek), the Old Palace (Altes Palais) and the Governor's Mansion.

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The Master Programme commences annually in the winter term and consists of mandatory and lective components. All in all, the participants need to achieve a total of 60 credits. The classes take place over the course of two terms and are exclusively taught in English. The mandatory component consists of five modules with a total of 35 credits on the one hand, as well as a Master thesis and its oral defence, amounting to 15 credits, on the other hand. Four of the five mandatory modules are to be passed in the first term. This includes the classes Arbitration, IDR and International Litigation, Specific Areas of Arbitration and an introduction to Academic Writing. The second term only contains one mandatory module, ADR Methods. The term therefore provides ample space to pursue individual research interests. For the elective component, participants may choose two out of four available modules. The modules offered will include classes aimed at increasing language and writing skills

for lawyers and arbitrators as well as the possibility to do an internship corresponding with the topics of the Programme. Finally, the Master thesis is to be written in the second term. Furthermore, for the full duration of the Programme, a weekly Distinguished Lecture Series is held, in which specific aspects and problems of arbitration are explored with experienced expert practitioners in two to four hour workshops.

The lecturers of the IDR-Master Programme include the who-is-who of German arbitration lawyers, but also foreign European speakers. This enthusiastic reception is proof of the significance which the programme is seen to have for Germany as a forum for arbitration, but also a testament to the commitment of German arbitration lawyers.

The tuition for the Master Programme is 7,000 EUR (3,500 EUR/term). With the inception of the International Dispute Resolution Master Programme, the Law Faculty of Humboldt-Universität, which by now has been an elite-level institution for four years, has thus created an education opportunity which is in every respect appealing to interested arbitration scholars and practitioners alike.

Applications for the 2016/2017 term may be submitted until March 31, 2016. For further information on the International Dispute Resolution Master Programme, please go to <http://wagner.rewi.hu-berlin.de/idr/> or write to us at application@idrberlin.de

Professor Dr Gerhard Wagner and Giuliana Schreck, Research Assistant

The reception and this booklet courtesy of

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