



## USCIB/ICC USA Arbitration Fall Series

### Update on Committee Activities and Tribunal Secretaries: Uses and Misuses

September 8, 2020  
12:30pm – 2:00pm ET

#### AGENDA

12:30 pm– 1:00 pm

#### USCIB Arbitration Update



**Peter Sherwin**, Chair, USCIB/ICC USA Arbitration Committee, Partner, Proskauer Rose LLP. See [bio](#).



**Nancy Thevenin**, General Counsel, USCIB. See [bio](#).

1:00 pm – 2:00 pm

#### Tribunal Secretaries: Uses and Misuses

Organizer:



**Matthew E. Draper FCIArb**, Chair of the USCIB/ICC Sole Practitioner’s Group, will introduce the discussion. Mr. Draper serves as counsel and arbitrator in international disputes. See [bio](#).

Moderator:



**Niuscha Bassiri**, Partner, Hanotiau & van den Berg, Brussels. Ms. Bassiri was an author of the Young ICCA Guide on Arbitral Secretaries, and is a member of the ICC National Committee for Belgium. See [bio](#).

Speakers:



**Jeremy Bloomenthal MCIArb**, is a Boston-based international arbitration lawyer who regularly acts as tribunal secretary. See [bio](#).



**Katherine Simpson FCIArb**, is a U.S. and U.K. based arbitrator. She has extensive experience acting as tribunal secretary for European and American arbitrators, including in prominent investor-state arbitrations. See [bio](#).

## **Draft Provisions for Tribunal Secretary Tasks in ICC Cases**

Niuscha Bassiri

To assist in the overall cost and time efficiency of the proceedings, the Tribunal would like to propose the appointment of an Arbitral Secretary, as contemplated by item [XXX] of the Draft Agenda for the Case Management Conference. The Tribunal proposes to appoint [XXX], a lawyer from the President's firm, for this purpose. Please find attached [XXX]'s CV for the Parties' consideration.

[XXX] has confirmed to the Tribunal her independence and impartiality in this matter, and undertakes to act in accordance with section XIX of the ICC Note to Parties and Arbitral Tribunals on the Conduct of Arbitration, as per her attached declaration. The Tribunal also undertakes to ensure that [XXX] will act in accordance with that Note.

The Arbitral Secretary will undertake to facilitate the arbitral process and complete such tasks as are placed under her purview or specifically assigned to her by the Tribunal or the President, including:

- i. assisting the Tribunal in the review of the evidence and of the issues in dispute, including through the review of submissions and evidence, preparation of summaries and/or memoranda, and research on specific factual or legal issues;
- ii. assisting the Tribunal in the preparation and communication of its decisions to the Parties on issues of procedure and substance, including by preparing initial drafts of procedural orders and awards, under the direction and supervision of the Tribunal or the President; and
- iii. providing other support to the Tribunal or its members, especially the President, at any time, especially during hearings and deliberations, which the Arbitral Secretary may attend.

Under no circumstances shall the Tribunal delegate any decision-making functions to the Arbitral Secretary. The Arbitral Secretary will work at all times under the specific instructions and continuous control and supervision of the Tribunal.

The Arbitral Secretary's remuneration will be subsumed in the fees of the President, save for reasonable expenses incurred in connection with meetings and hearings.

The Arbitral Secretary shall be bound by the same duties of confidentiality and privacy as the Tribunal, and shall be accorded the same immunities as the Tribunal.

The Tribunal kindly requests the Parties' approval of [XXX]'s appointment, or any comments thereon, by [XXX].