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ICC Arbitration conference

Damages in arbitration and their quantification

What are the legal principles governing the determination and quantification of damages? What is the Arbitral Tribunal's scope of review? What is the role of quantum experts?

14 September 2023 | 2.00 pm - 8.00 pm

Hotel President Wilson, 47 Quai Wilson, Geneva

ICC
International
Court of Arbitration®
100 years

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Switzerland

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Damages in arbitration and their quantification

Geneva, 14 September 2023

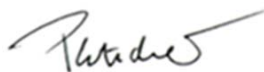
Venue: Hotel President Wilson, 47 Quai Wilson, Geneva

Dear Sir or Madam,

We are pleased to invite you to our ICC Arbitration Conference which will take place in Geneva on 14 September 2023 at 2.00 pm until 8.00 pm including a cocktail reception. Please find the programme below.

We look forward to seeing you in September. Feel free to forward this invitation to colleagues. Please register [online](#) on our website.

Kind regards,



Thomas Pletscher
Secretary General

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PROGRAMME

2 p.m.

Arrival and reception

2:00

Introduction

- Homayoon Arfazadeh, Python
- Prof. Pierre Tercier, Honorary Chairman of the ICC International Court of Arbitration

2:30

Categories of monetary damages and related issues

Moderator: Carole Malinvaud, Gide Loyrette Nouel

Panelists:

- Philippe Baertsch, Schellenberg Wittmer
- Zeldia Hunter, White & Case
- Vanessa Liborio, Orrick, Herrington & Sutcliffe

Among others, this panel will discuss the following issues:

- Monetary damages (direct, indirect, consequential, positive, negative damages). How categories defined by national laws fit (or do not fit) descriptions of damages included by parties in their contracts?
- To what extent the decision made by the party victim of a contractual breach to continue / terminate the contract may influence the damages sought?
- Lumpsum damages. Which Parties has the burden to prove what? Is there a shift of the burden of proof? If yes, to what extent?
- Causation / foreseeability. A breach of contract often, but not always, causes a damage. To what extent should the party victim of a breach demonstrate that it actually caused a damage?

4:00

Coffee break

4:30

Quantification of damages: legal, accounting/financial aspects

Moderator: Anne Véronique Schlaepfer, White & Case

Panelists:

- Thomas Voisin, Quinn Emanuel Urquhart & Sullivan
- Prof. Zachary Douglas, 3 Verulam Building Barristers
- Ryan Shalabi, Turner & Townsend

Among others, this panel will address the following questions:

- What are the legal principles (if any) governing the question of damage quantification? Is there a distinction between investment and commercial arbitration?
- The role of the quantum expert. Methods of calculation and scope of the review of the party's damage allegations and underlying evidence. Is the expert expected to calculate the damages or merely to confirm the party's calculation?
- The tribunal's decision on damages. What is the review expected from a tribunal?

6:00

Closing remarks

- Anne Véronique Schlaepfer, White & Case
- Homayoon Arfazadeh, Python

6:15

Cocktail

8 p.m.

End

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REGISTRATION

Please register [online](#) with ICC Switzerland until 7th September 2023 at the latest.

Registration fee:

- CHF 150 for ICC members

- CHF 200 for non-members

Payable by bank transfer to Credit Suisse, Zurich
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Please indicate the title of the conference and the participant's name clearly.