

WORLD ARBITRATION & MEDIATION REVIEW

WEB SITE

The *World Arbitration and Mediation Review* (WAMR) is available on the internet at www.cailaw.org/ita-wamr and through its Publisher, Juris Publishing, at www.arbitrationlaw.com. WAMR's web sites are valuable resources that include information supplementary and complementary to the journal, as well as helpful links to other organizations and products.

SUBMISSION OF MANUSCRIPTS

The *World Arbitration and Mediation Review* actively seeks articles, comments and case notes of high quality addressing current issues in international arbitration and mediation. Manuscripts should be submitted to the Managing Editor, accompanied by an assurance that the article has not been previously published or accepted elsewhere, or an explanation as to how this submission differs from that previously published (e.g., entails an excerpt from a previous publication or includes material not previously included).

Authors are requested to submit all manuscripts by email correspondence to the Managing Editor at LHarhay@cailaw.org. No hard copy is required. Manuscripts should be in a recent version of Word for Windows and range from 15-30 pages in length, with 1.5 line spacing. For further specifications, authors are invited to contact the Managing Editor to request WAMR's style sheet, or can obtain this and other information at www.cailaw.org/ita-wamr.

SUBSCRIPTIONS

A subscription to the *World Arbitration and Mediation Review* comprises five (5) issues per year, including one (1) issue providing the transcripts and commentary from the Institute for Transnational Arbitration's Workshop held annually in Dallas. Subscription rates can be obtained and registration completed through Juris Publishing, at subscriptions@jurispub.com. Previous issues of WAMR can also be obtained through Juris Publishing.

PERMISSIONS

To request permission to reproduce any article or information contained in this journal, please contact JurisNet, LLC, 71 New Street, Huntington, NY 11743, Tel: (631) 350-2100, Fax: (631) 673-9117.

ISSN 1934-3310. For reference, this issue may be cited at World Arb. & Med. Rev., 2008, Volume 2:4.

Printed in the United States of America, by JurisNet, LLC, Huntington, New York.

© JurisNet LLC 2008. All rights reserved under the U.S. Copyright Act. No part of this publication may be reproduced, reprinted, stored in a retrieval system, transmitted in any form or by any means, including but not limited to digital, electronic, mechanical, recording, or photocopying without prior written permission or a license permitting restricted use from the Publisher.

INSTITUTE FOR
TRANSNATIONAL ARBITRATION



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

WORLD ARBITRATION & MEDIATION REVIEW

VOL. 2

2008

NO. 4

19TH ANNUAL WORKSHOP OF THE INSTITUTE FOR TRANSNATIONAL ARBITRATION

“DAMAGES IN INTERNATIONAL ARBITRATION: STRATEGIES, TECHNIQUES & PRESENTATION”

INTRODUCTION TO THE WORKSHOP	<i>Prof. David D. Caron, ITA Chair</i>	1
19 TH ANNUAL ITA WORKSHOP PROGRAM		7
FACULTY BIOGRAPHIES		13
INTRODUCTION TO ACT I	<i>Stephen Jagusch, Workshop Co-Chair</i>	27
ACT I: REACTIONS TO AWARD ON LIABILITY AND ENGAGING EXPERTS		29
SCENE I: UNITED AND PARAGONIA LEARN OF AWARD		29
SCENE II: UNITED’S EXPERT BEAUTY PARADE (PT I-II)		37
<i>Commentary and Discussion</i>		49
KEYNOTE ADDRESS:		
FRAMING THE CASE ON QUANTUM	<i>Prof. William W. (Rusty) Park</i>	59
INTRODUCTION TO ACT II	<i>Prof. Andrea K. Bjorklund, Workshop Co-Chair</i>	67
ACT II: PREPARING FOR THE QUANTUM HEARING		67
SCENE I: PROBLEMS WITH EVIDENCE IN VALUATION		67
SCENE II: PREPARING FOR THE HEARING WITH THE EXPERTS (PTS I & II)		81
<i>Commentary and Discussion</i>		94
LUNCHEON ADDRESS: LESS IS MORE, MORE OR LESS	<i>Lucy Reed</i>	101
INTRODUCTION TO ACT III	<i>Claudia T. Salomon Workshop Co-Chair</i>	115
ACT III: HEARING ON QUANTUM		115
SCENE I: THE HEARING ON QUANTUM (PART I)		115
SCENE II: THE HEARING ON QUANTUM (PART II)		129
INTRODUCTION TO ACT IV	<i>Claudia T. Salomon, Workshop Co-Chair</i>	149

WORLD ARBITRATION & MEDIATION REVIEW

ACT IV: COST SUBMISSIONS AND THE TRIBUNAL'S DELIBERATIONS	149
SCENE I: COST SUBMISSIONS	149
SCENE II: THE TRIBUNAL'S DELIBERATIONS	157
<i>Commentary and Discussion</i>	163
CLOSING REMARKS	179

BIBLIOGRAPHY – ITA WORKSHOP 2008

“DAMAGES IN INTERNATIONAL ARBITRATION: STRATEGIES, TECHNIQUES & PRESENTATION”	<i>Jeffrey Sullivan</i>	181
--	-------------------------	-----

GLOSSARY OF TERMS USED IN THE ASSESSMENT OF DAMAGES IN INTERNATIONAL ARBITRATION	<i>Dr. Manuel A. Abdala, LECG</i>	185
---	-----------------------------------	-----

ITA SERVICES AND EVENTS

SCOREBOARD OF ADHERENCE TO TRANSNATIONAL ARBITRATION TREATIES, AS OF JANUARY 1, 2009	<i>Seem Maleh Tracy Matlock</i>	193
ITA 2009 CALENDAR OF EVENTS		197
ITA MEMBERSHIP APPLICATION		199