



Developed by:

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Programme

Co-Chaired by:

Pierre Bienvenu, Ad. E., IMK Avocats Advocates, Montreal, Quebec, Canada
Mélida Hodgson, Partner, Arnold & Porter, New York, United States; Vice Chair, ICC Institute of World Business Law

Thursday, 18 September 2025

08.30-09.00 *Registration and welcome coffee*

09.00 – 09.05 **Welcoming address**

- **Ank Santens**, Partner, White & Case LLP, New York, NY, United States; Member, ICC International Court of Arbitration

09.05 – 09.15 **Introduction and presentation of the ICC Institute of World Business Law**

- **Pierre Bienvenu, Ad. E.**, IMK Avocats Advocates, Montreal, Quebec, Canada
- **Mélida Hodgson**, Partner, Arnold & Porter, New York, United States; Vice Chair, ICC Institute of World Business Law

09.15 – 10.00 **Strategic considerations and procedures: When, how and to whom to request interim measures?**

- Concept: must be temporary
 - Powers of the ICC arbitral tribunals
 - Role of the *lex arbitri*
 - When can/should request for interim measures be made?
 - To whom can/should interim measures be requested: emergency arbitrator, arbitral tribunal, national courts (concurrent jurisdiction)
 - ICC procedure and statistics: Art. 28 ICC Rules
 - Specific measures: security for costs, escrow accounts, stop payment orders relating to first demand bank guarantees, and counter-guarantees
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- **Jennifer Glasser**, Partner, White & Case LLP, New York, NY, United States
 - **Paul Di Pietro**, Counsel, ICC International Court of Arbitration, New York

10.00 – 10.45 **Mock Case**

10.45 – 11.00 *Coffee break*

11.00 – 11.45 **Practical considerations: The counsel's perspective**

- Burden of proof
 - Types of measures that can be requested: a very broad range, but with limitations
 - Ex-parte requests
 - Discovery requests before national courts in aid of international arbitration (e.g., 28 USC 1782 requests)
 - Most common defenses against requests for interim measures
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- **Mélida Hodgson**, Partner, Arnold & Porter, New York, United States; Vice Chair, ICC Institute of World Business Law
 - **Sara Nadeau Séguin**, Partner, Teynier Pic, France

11.45 – 12.30 **Mock Case**

12.30 - 14.00 *Lunch*

14.00 – 14.45 **Practical considerations: The arbitrator's perspective**

- Information with the parties (especially at the outset of the case)
 - Urgency and due process (can an arbitrator award ex parte measures?)
 - Risks: prejudgment, awarding or denying measures may have a permanent effect (e.g., where one of the parties risks liquidation, where assets may disappear, etc.)
 - Can/should arbitrators Asymmetric take a more active role (e.g., escrow accounts managed by tribunals; order counter-security)
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- **John Fellas**, International Arbitrator, Fellas Arbitration, New York, N.Y., United States
 - **Patricia Shaughnessy**, Associate Professor, Stockholm University, Law Department, Sweden; Alternate Member, ICC International Court of Arbitration

14.45 – 15.30 **Q&A**

15.30 – 15.45 *Coffee break*

15.45 – 16:30 **Compliance, enforcement and other issues arising after interim measures are ordered/awarded**

- “Order” v. “Award” of interim measures
 - Enforcement considerations: what can the parties do?
 - What can arbitrators do faced with a party’s refusal to comply with interim measures?
 - Relevance of civil v. common law jurisdictions.
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- **Pierre Bienvenu, Ad. E.**, IMK Avocats Advocates, Montreal, Quebec, Canada
 - **Allison Stowell**, Senior Counsel, Mitsubishi Corporation (Americas), New York, N.Y., United States

16:30 – 17:15 **Q&A**

17:15 – 17:30 **Concluding remarks**

- **Pierre Bienvenu, Ad. E.**, IMK Avocats Advocates, Montreal, Quebec, Canada
- **Mélida Hodgson**, Partner, Arnold & Porter, New York, United States; Vice Chair, ICC Institute of World Business Law