

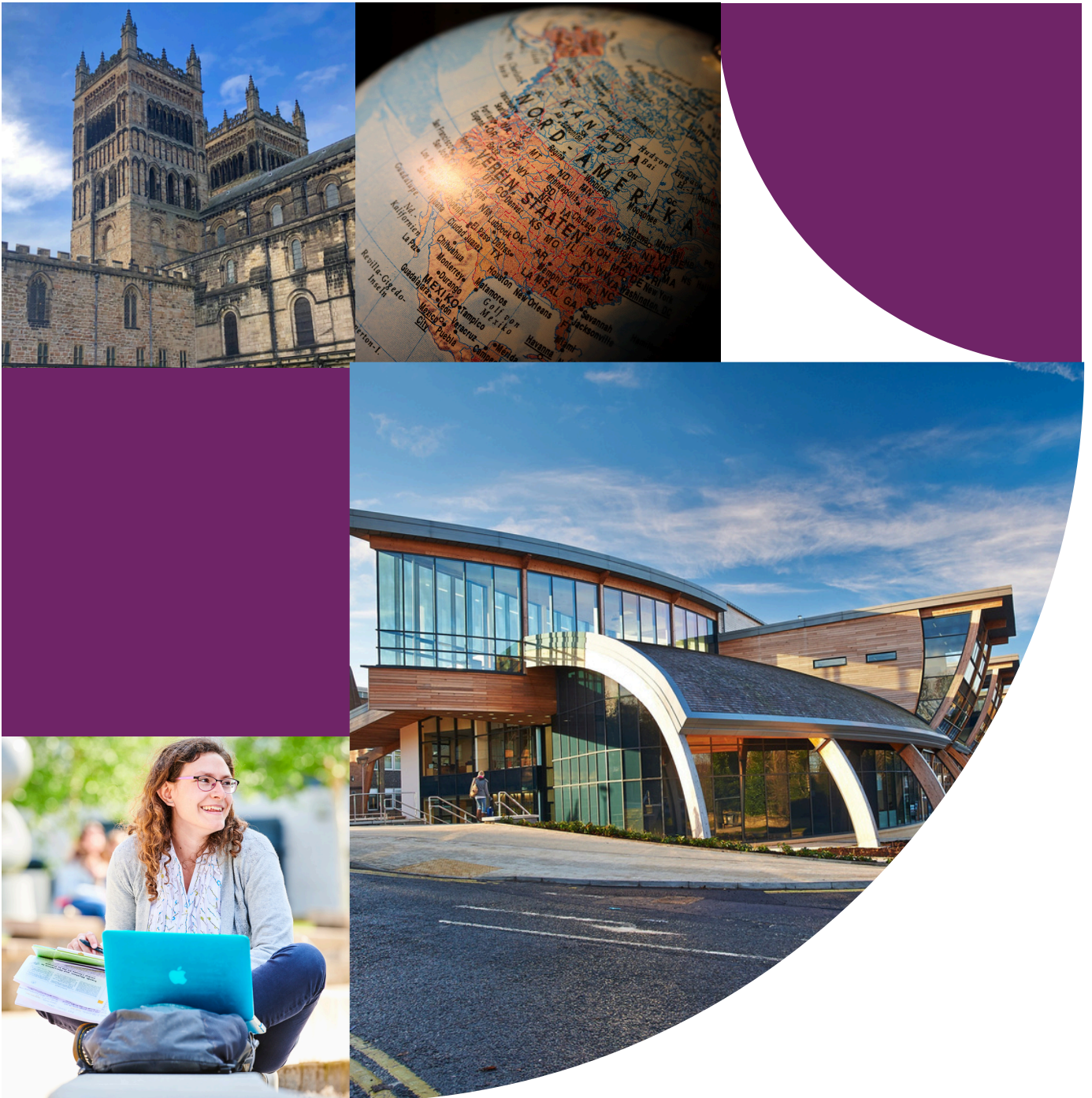


**Durham**  
University

Durham Law School

# 2026 Durham Summer Program on International Arbitration

## 20-24 July 2026





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**MONDAY 20 JULY**  
**FUNDAMENTALS OF COMMERCIAL**  
**ARBITRATION**

**9:30am – 10:00am**

**Introduction to the Program**

***Instructor(s): John Fellas***

**10:15am – 11:30am:**

**Why Parties Select International Arbitration**

This session will focus on explaining what international arbitration is and explaining why parties may choose arbitration for their international commercial contracts.

***Instructor(s): John Fellas & Michelangelo Cicogna***

***ASSIGNED READING***

Gary B. Born, *INTERNATIONAL ARBITRATION: LAW AND PRACTICE*, Chapters 1-5 (Kluwer Law International 2012); Jan Paulsson, *International Arbitration is Not Arbitration*, 2 *Stockholm Int'l Arb. Rev.* 1 (2008).

**BREAK**

**11:45am – 12:45pm**

**What is International Arbitration?**

This session will focus on what an international arbitration looks like, how the process is run by the tribunal and parties, and what specifically occurs during the proceedings.

We will share videos and photographs so you have a very real sense of this otherwise confidential process. We will also share examples of pleadings and the written documents exchanged during the proceeding, including arbitral awards.

***Instructor(s): Christian Leathley & Anna Masser***

## LUNCH

2:30pm – 3:45pm

### The Legal Basis and Rules That Govern International Commercial Arbitration

This session will focus on the law and rules that govern international arbitration: the New York Convention, domestic law, arbitration rules, and soft law instruments governing the arbitral process.

***Instructor(s):* John Fellas & Can Eken**

#### ***ASSIGNED READING***

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958); UNCITRAL Model Law on International Commercial Arbitration (2006); IBA Rules on the Taking of Evidence (2010); ICC Arbitration Rules (2021); LCIA Arbitration Rules (2020); ICDR Arbitration Rules (2021); Arbitration Act of 1996 (Eng.); IBA Guidelines on Party Representation in International Arbitration (2013); IBA Guidelines on Conflict of Interest in International Arbitration (2014); Sample Procedural Order No. 1.

## BREAK

4:00pm – 5:00pm

### How to Draft an Arbitration Clause

***Instructor(s):* John Fellas, Michelangelo Cicogna and Anna Masser**

#### ***ASSIGNED READING***

Model Arbitration Clauses.



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**TUESDAY 21 JULY**  
**FUNDAMENTALS OF COMMERCIAL**  
**ARBITRATION**

**9:30am – 10:30am**

**Enforcement of Arbitration Agreements**

This session will focus on the enforcement of arbitration agreements and in the courts, including the allocation of responsibility between courts and arbitrators, kompetenz-kompetenz and separability in leading arbitration jurisdictions around the world.

***Instructor(s):* Dr Ronán Feehily**

***ASSIGNED READING***

Gary B. Born, *INTERNATIONAL ARBITRATION: LAW AND PRACTICE* 1-5 (Kluwer Law International 2012); Jan Paulsson, *International Arbitration is Not Arbitration*, 2 *Stockholm Int'l Arb. Rev.* 1 (2008), Ronán Feehily, *Separability in International Commercial Arbitration: Confluence, Conflict and the Appropriate Limitations in the Development and Application of the Doctrine*, *Arbitration International* (Volume 34, Issue 3, 2018, 355-383); Ronán Feehily, *International Commercial Mediation: Law and Regulation in Comparative Context*, Cambridge University Press, Cambridge, United Kingdom (2022), chapters 3 & 8.

**BREAK**

**10:45am – 12:15pm**

**The Arbitration Process – PART 1**

This session will discuss in more detail than that visited on Day 1, how a dispute unfolds from the beginning of the dispute to the issuance of an award.

It will include a discussion of preliminary relief, the commencement of arbitration proceeding, emergency arbitrators, the preliminary conference, the submission of memorials, witness statements and expert reports, the taking of evidence, and the hearings.

***Instructor(s): John Fellas, Michelangelo Cicogna and Anna Masser***

***ASSIGNED READING***

United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958); UNCITRAL Model Law on International Commercial Arbitration (2006); IBA Rules on the Taking of Evidence (2010); ICC Arbitration Rules (2021); LCIA Arbitration Rules (2020); ICDR Arbitration Rules (2021); Arbitration Act of 1996 (Eng.); IBA Guidelines on Party Representation in International Arbitration (2013); IBA Guidelines on Conflict of Interest in International Arbitration (2014); Sample Procedural Order No. 1.

**LUNCH**

**2:00pm – 3:00pm**

**The Arbitration Process – PART 2**

***Instructor(s):* Dominic Spenser Underhill,  
Michelangelo Cicogna and Anna Masser**

**BREAK**

**3:15pm – 4:30pm**

**Enforcement of Arbitration Awards**

This session will focus on the enforcement of arbitration awards including the distinction between enforcement and set aside, the various defenses to enforcement and the standards for set aside.

***Instructor(s):* Dominic Spenser Underhill and  
Ylli Dautaj**



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**WEDNESDAY 22 JULY**  
**FUNDAMENTALS OF TREATY-BASED**  
**ARBITRATION**

**9:30am – 10.30am**

**Introduction to Treaty-Based Arbitration**

This session will introduce the theoretical basis of treaty-based arbitration, the various institutions, and mechanisms for dispute settlement

***Instructor(s):* Charles T. Kotuby Jr.; Christian Leathley**

**ASSIGNED READING**

Jan Paulsson, *The Power of States to Make Meaningful Promises to Foreigners*, 1 J. INT'L DISP. SETTLEMENT. 341 (2010); Kenneth J. Vandeveld, *A Brief History of International Investment Agreements*, 12 U.C. DAVIS J.INT'L L. & POL'Y 157 (2005); U.S. Model BIT

**BREAK**

**10:45am – 12:30pm**

**Jurisdictional Issues in Treaty-Based Arbitration**

This session will cover the definition of "investment," issues of temporal jurisdiction, treaty structuring and issues of corruption as a matter of jurisdiction and admissibility.

***Instructor(s):* Charles T. Kotuby Jr. & Ylli Dautaj**

**ASSIGNED READING**

*Empresas Lucchetti, SA and Lucchetti Peru, SA v. Peru*, ICSID Case No. ARB/03/4, Award, 7 Feb. 2005; *World Duty Free v. Kenya*, ICSID Case No. Arb/00/7.

## LUNCH

2:30pm – 4:30pm

### Substantive Protection in Treaty-Based Arbitration

This session will address the primary substantive protections of investment treaties and their jurisprudential development over the past few years.

**Instructor(s): Charles T. Kotuby Jr.**

#### ASSIGNED READING

Kenneth J. Vandavelde, *A Unified Theory of Fair and Equitable Treatment*, 43 N.Y.U. J. Int'l L. & Politics 43 (2010); *Técnicas Medioambientales Tecmed, S.A. v. United Mexican States*, ICSID Case No. ARB(AF)/00/2; Kotuby & Sobota, *Practical Suggestions to Improve the Legitimacy and Vitality of Investment Arbitration*, ICSID Review, Vol. 28, No. 2 (2013).



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**THURSDAY 23 JULY**  
**DAMAGES AND WRITTEN ADVOCACY**

**9:30am – 10.30am**

**Damages in Commercial and Investment Arbitration**

With the assistance of leading forensic economists, this session will address issues of reparation and compensation, strategic considerations of valuation dates and how various breaches and businesses implicate different quantum models.

**Instructor(s): Wendy Miles**

**ASSIGNED READING**

Mark W. Friedman and Floriane Lavaud, *Damages Principles in Investment Arbitration*, in THE GUIDE TO DAMAGES IN INVESTMENT ARBITRATION (Global Arbitration Review 2018).

**BREAK**

**10:45am – 12.30pm**

**Introduction to Advocacy Skills Day**

**Instructor(s): Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby**

This will involve the introduction of a fact pattern that will guide instruction for the remaining two days. We will introduce a simple fact pattern that will be the basis for some exercises on written advocacy and oral advocacy on Friday. The focus on written advocacy will include some practical and interactive exercises.

## LUNCH

2:30pm – 4:00pm

### Best Practices in Written Advocacy: Pleadings, Witness Statements and Expert Reports

This session will highlight best practice in written advocacy, seeking to bridge the divide between different legal traditions

**Instructor(s): Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby**

#### ASSIGNED READING

John Fellas, *Cross-Examination in International Arbitration*, *NYLJ* (2015); John Fellas, *Preparing Witness Statements in International Arbitration*, *NYLJ* (2017).

4:00pm – 4:45pm

### KEYNOTE and QUESTIONS

**Gary Born (Virtual)**



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**FRIDAY 24 JULY**  
**ADVOCACY SKILLS DAY**

**9:30am – 10.45pm**

**Best Practices in Oral Advocacy: Opening and Closing Statements, Cross-Examination (Part 1)**

This session will address best practices in cross examination statements and include participant discussion and hands-on workshops. Instructors will reflect also on the performances of students in the previous group session.

To the extent time did not permit, those students who have not yet undertaken their advocacy will do so during this session.

***Instructor(s):* Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby, and Sandra Kaznova AND OTHERS**

***ASSIGNED READING***

John Fellas, *Cross-Examination in International Arbitration*, NYLJ (2015); John Fellas, *Preparing Witness Statements in International Arbitration*, NYLJ (2017).

**BREAK**

**12:15pm – 1:15pm**

**A Fireside Chat with TBD**

## LUNCH

2:30pm – 5:00pm

### Practical Advocacy Workshop Session

This will involve a practical exercise whereby students will have an opportunity to practice their own advocacy by asking questions in the form of a direct examination and cross examination. This will build on the previous day's fact pattern.

***Instructor(s):* Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby, Sandra Kaznova AND OTHERS**