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20th Annual I T A WORKSHOP

Confronting Ethical Issues in International Arbitration

June 18, 2009

Highlights:

- Mock Scenes and Expert Commentary
- Featured Luncheon Speaker
Carla Powers Herron, Group Counsel - Litigation
The Shell Group, Houston
- Featured Commentary
John Beechey, Chairman, ICC International Court of Arbitration, Paris
Prof. William W. (Rusty) Park, Boston University School of Law, Boston
- Workshop Co-Chairs
James E. Castello - King & Spalding LLP
Kenneth B. Reisenfeld - King & Spalding LLP, Washington, D.C.
Catherine A. Rogers - Università Commerciale Luigi Bocconi, Italy &
Pennsylvania State University, University Park
- 4th Annual Dallas Roundtable
For Young International Arbitrators
June 17, 2009
Free for registrants under 40

The Westin Galleria Hotel | Dallas, Texas

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James E. Castello



Kenneth B. Reisenfeld



Prof. Catherine A. Rogers



Carla Powers Herron

Workshop Co-Chairs

Luncheon Speaker



8:00 REGISTRATION

9:00 WELCOME REMARKS Prof. David D. Caron, ITA Chair

ACT I — ETHICAL ISSUES IN SELECTING THE ARBITRAL TRIBUNAL

9:05 INTRODUCTION TO THE WORKSHOP AND ACT I
Kenneth B. Reisenfeld, Workshop Co-Chair

9:10 ACT I, SCENE 1 — INTERVIEWING PROSPECTIVE ARBITRATORS

Counsel for Seller/Claimant and Buyer/Respondent adopt radically different approaches to interviewing their respective party-appointed arbitrators. What are the ethical constraints on *ex parte* communications during these interviews? To what extent should the Chartered Institute Guidelines be followed?

Stage Left – Claimant's Interview:

Arbitration Counsel for Claimant	James H. Carter
In-House Counsel for Claimant	Prof. Jack J. Coe, Jr.
Claimant's Prospective Arbitrator	J. Martin Hunter

Stage Right – Respondent's Interview:

Arbitration Counsel for Respondent	Eduardo Zuleta
In-House Counsel for Respondent	Tomasz J. Sikora
Respondent's Prospective Arbitrator	Henri C. Alvarez

9:25 ACT I, SCENE II — ARBITRATOR DISCLOSURES AND CHALLENGES

Following the arbitrator interviews, the parties assess their strategies for constituting and potentially challenging members of the panel. They also explore the arbitrators' and parties' respective duties of due diligence and disclosure as well as the potential applicability of the IBA Guidelines on Conflicts of Interest in International Arbitration.

Stage Left – Claimant's Counsel:

Arbitration Counsel for Claimant	James H. Carter
In-House Counsel for Claimant	Prof. Jack J. Coe, Jr.

Stage Right – Respondent's Counsel:

Arbitration Counsel for Respondent	Eduardo Zuleta
In-House Counsel for Respondent	Tomasz J. Sikora

9:40 AUDIENCE VOTING: INTERVIEW TECHNIQUES AND STRATEGIC CHOICES

9:45 PANEL DISCUSSION AND Q&A: INTERVIEW TECHNIQUES, DUTIES OF DUE DILIGENCE AND DISCLOSURE AND THE BENEFITS AND PITFALLS TO CHALLENGING ARBITRATORS
Moderator Kenneth B. Reisenfeld

- 10:15 COMMENTARY AND PANEL DISCUSSION: INSIDERS' PERSPECTIVES ON CHALLENGES BEFORE THE ICC INTERNATIONAL COURT OF ARBITRATION**
 Moderator **Kenneth B. Reisenfeld**
- Commentary: How the ICC Resolves Arbitrator Challenges **John Beechey**
 Commentary: The Role of the ICC Secretariat **Jennifer Kirby**
- 10:30 MODERATED AUDIENCE Q&A ON ACT I ISSUES**
- 10:40 BREAK**
- 11:00 COMMENTARY: ARBITRATOR INTEGRITY: THE TRANSIENT AND THE PERMANENT** **Prof. William W. (Rusty) Park**

ACT II — THE ARBITRATION: ETHICAL ISSUES IN PRESENTING THE CASE

- 11:20 INTRODUCTION TO ACT II**
James E. Castello, Workshop Co-Chair
- 11:25 ACT II, SCENE I — INFORMATION GATHERING**
 Buyer/Respondent's in-house counsel discusses with her outside lawyers the company's defense to the arbitration, including whether to seek information from Seller/Claimant's former in-house lawyer, who reportedly left on unhappy terms. Respondent's (European) counsel A and (U.S.) counsel B express different concerns about such an interview, based on the various possible ethical constraints that may apply.
- Respondent's counsel B interviews Claimant's former in-house lawyer and discusses with him his ethical obligations regarding confidential information and attorney communications with his former client.
- Stage Left – Discussion of Respondent's Defense and Ethical Obligations Regarding Witness Interviews*
- European Counsel for Respondent **Caline Mouawad**
 U.S. Counsel for Respondent **José I. Astigarraga**
 In-House Counsel for Respondent **Toni D. Hennike**
- Stage Right - Respondent's U.S. Lawyer Meets with Claimant's Former In-House Counsel*
- U.S. Counsel for Respondent **José I. Astigarraga**
 Former In-House Counsel for Claimant **Thomas R. Snider**
- 11:45 PANEL DISCUSSION AND Q&A: INFORMATION GATHERING**
 Moderator **James E. Castello**
- 12:00 ACT II, SCENE II — HEARING ON DOCUMENT DISCLOSURE REQUESTS**
 Claimant and Respondent have each sought disclosure of the other party's documents, including ones prepared by in-house counsel. The protections afforded such documents differ under the applicable legal regimes of Buyerland and Sellerville. The tribunal hears argument on motions to order disclosure.
- Counsel for Claimant **Dominique Brown-Berset**
 Counsel for Respondent **Florian Kremslehner**
 Arbitration Chairperson **Charles N. Brower**
 Arbitrator Appointed by Claimant **Ahmed Sadek El-Kosheri**
 Arbitrator Appointed by Respondent **Lucy F. Reed**
- 12:15 AUDIENCE VOTING: MOTIONS TO ORDER DISCLOSURE**
- 12:20 PANEL DISCUSSION AND Q&A: PROTECTING PRIVILEGES AND CONFIDENTIALITY**
 Moderator **James E. Castello**

12:35 HOSTED LUNCHEON

WHOSE ARBITRATION IS IT ANYWAY? A CORPORATE PERSPECTIVE ON THE DUTIES OF COUNSEL AND THE ARBITRAL TRIBUNAL

CARLA POWERS HERRON
 Group Counsel - Litigation
 The Shell Group
 Houston, Texas USA

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2:15 ACT II, SCENE III — ARBITRATOR DELIBERATION ON MOTIONS FOR DISCLOSURE AND POSSIBLE CORRUPTION ISSUES

The arbitrators deliberate on the motions to order disclosure. One arbitrator also queries what obligation the arbitrators may have to pursue concerns as to possible bribery.

Arbitration Chairperson **Charles N. Brower**
 Arbitrator Appointed by Claimant **Ahmed Sadek El-Kosheri**
 Arbitrator Appointed by Respondent **Lucy F. Reed**

2:30 AUDIENCE VOTING: MOTIONS FOR DISCLOSURE AND POSSIBLE CORRUPTION ISSUES**2:35 PANEL DISCUSSION AND Q&A: MOTIONS FOR DISCLOSURE & CORRUPTION ISSUES**

Moderator **James E. Castello**

ACT III — DECISIONS AND CHALLENGES AFTER THE ARBITRAL PROCEEDINGS**2:50 INTRODUCTION TO ACT III**

Prof. Catherine A. Rogers, Workshop Co-Chair

2:55 ACT III, SCENE I — ATTORNEY AND CLIENT STRATEGY SESSION

Counsel for the losing party -- Buyer/Respondent -- strategizes with client about potential bases for challenging the award, including on grounds of alleged bias and misconduct of the arbitrators. Discussion focuses on which jurisdictions the prevailing party might seek enforcement in, and whether to raise a challenge against the chairperson. Meanwhile, Seller/Claimant and its counsel discuss filing an ethics complaint with the DC Bar against Buyer's counsel for his alleged misconduct in the arbitration.

Stage Left – Claimant's Strategy Session:

Arbitration Counsel for Respondent **Matthew S. Dunne**
 In-House Counsel for Respondent **Tomasz J. Sikora**

Stage Right – Respondent's Strategy Session:

Arbitration Counsel for Claimant **Oswaldo Jorge Marzorati**
 In-House Counsel for Claimant **Timothy Martin**

3:10 AUDIENCE VOTING: STRATEGIES IN RAISING CHALLENGES FOR BIAS OR MISCONDUCT**3:15 PANEL DISCUSSION AND Q&A: CHALLENGES FOR BIAS OR MISCONDUCT**

Moderator **Prof. Catherine A. Rogers**

3:30 BREAK**3:50 ACT III, SCENE II — DISCIPLINARY HEARING**

Attorney is charged before a Hearing Committee of the D.C. Bar Association with professional misconduct. Arguments in the hearing focus on what ethical rules apply and the ambiguities raised by Rule 8.5.

Bar Association Counsel **Robert E. Lutz**
 Counsel for Attorney **Judith Gill**
 U.S. Counsel for Respondent **José I. Astigarraga**

4:05 AUDIENCE VOTING: HOW SHOULD THE HEARING COMMITTEE RULE?**4:10 PANEL DISCUSSION AND Q&A: DISCIPLINARY HEARINGS**

Moderator **Prof. Catherine A. Rogers**

4:25 ACT III, SCENE III — HEARING TO ENFORCE/CHALLENGE AWARD

In a U.S. District Court hearing, counsel for Seller/Claimant seeks to enforce the award and counsel for Respondent raises several grounds for challenging the award, including alleged misconduct of counsel, alleged illegal influence peddling, and the tribunal's evidentiary rulings.

Counsel for Claimant **Arif Hyder Ali**
 Counsel for Respondent **John M. Townsend**
 U.S. District Court Judge **Deborah G. Hankinson**

4:40 AUDIENCE VOTING: CHALLENGES TO THE AWARD**4:45 PANEL DISCUSSION AND Q&A: HEARINGS TO ENFORCE/CHALLENGE AWARD**

Moderator **Prof. Catherine A. Rogers**

5:00 MODERATED AUDIENCE Q&A**5:15 CLOSING REMARKS**

Prof. David D. Caron

FACULTY BIOGRAPHIES



ARIF HYDER ALI is Co-Chair of the Firm's International Dispute Resolution Group. His international dispute resolution experience and client representation spans continents and cultures, national political establishments and inter-governmental organizations, private companies and state-owned enterprises, sovereign governments and private individuals. Prior to entering private practice, Mr. Ali was Senior Counsel at the World Intellectual Property Organization's (WIPO) Arbitration and Mediation Center, a Section Chief at the UN Compensation Commission, and practiced international arbitration and public international law in Paris, France. He is also an Adjunct Professor of Law at Georgetown University, where he teaches international commercial and investment arbitration, and an Honorary Lecturer at the University of Dundee's Centre for Energy, Mining and Petroleum Law and Policy. He earned his B.A., *summa cum laude*, from Columbia University and his J.D. from the New York University School of Law. He is fluent in French, Spanish, Hindi and Urdu, and also speaks Portuguese and Bengali.



HENRI C. ALVAREZ is a partner of Fasken Martineau DuMoulin LLP at its Vancouver office and head of the firm's International Dispute Resolution Practice Group. He has broad experience in the fields of international commercial arbitration and dispute resolution as an arbitrator or as counsel in international arbitrations throughout the world, including disputes relating to international investment, joint venture agreements, technology disputes, long term commercial agreements and construction and distribution agreements under the auspices of the AAA, ICC, LCIA, and ICSID, amongst others. He has also appeared as counsel in Canadian courts in disputes over challenges to foreign and international arbitral awards and agreements and the enforcement of awards. Mr. Alvarez is active in many professional organizations including the Arbitration Committee of the International Bar Association, of which he is a former Co-Chair. He is also a member of the Court of the London Court of International Arbitration. Mr. Alvarez is also active in teaching and training in the area of international commercial arbitration in which he has taught at the Faculty of Law, University of British Columbia, since 1985. He has also served as the Chairman of the North American Branch of The Chartered Institute of Arbitrators and is a frequent author and lecturer on international commercial arbitration and dispute resolution.



JOSÉ I. ASTIGARRAGA is described as "a major figure for Latin American litigation and arbitration [who] represents large U.S., European and South American corporations" by Chambers Global Guide to the World's Leading Business Lawyers. Astigarraga has accumulated broad experience in international business disputes in his 30 years of practice. Recently given the "Lawyer of the Americas" award for distinguished contribution to the field of international law, Astigarraga has handled disputes emanating from most countries in Latin America for *Fortune* 500 companies, major banks, government-owned companies as well as Latin American enterprises. The U.S. Government appointed him as one of 10 representatives to the first tri-partite committee advising the NAFTA commission on international arbitration and alternative means of resolving private commercial disputes as well as an expert to the international law conference of the Organization of American States. His experience goes beyond Latin America - he serves as vice president of the 35-member London Court of International Arbitration. Most recently he was recognized as one of the year's "Most Effective Lawyers" for leading the team that won an arbitral award of U.S. \$52 Million plus attorneys' fees in a claim over international licensing rights in the Mercosur region that included parallel litigation proceedings in the U.S., Brazilian and Argentine courts. As Vice Chairman of the Board of the National Law Center for Interamerican Free Trade, he is active in efforts to promote commercial law reform and modernization in the Americas.



JOHN BEECHEY was elected Chairman of the International Court of Arbitration at the ICC World Council meeting in Stockholm, June 2008. He took up office on 1 January 2009. Mr. Beechey has many years of experience as both arbitrator and counsel in institutional and ad hoc arbitration proceedings. He became a Partner with Clifford Chance LLP in 1983, and was responsible for the development of that firm's international arbitration practice, giving it the global spread it now commands. Ahead of his appointment to the Chairmanship of the Court, he had longstanding connections with ICC, as a member of ICC UK's Arbitration Group, a member of the ICC Commission on Arbitration and a Council member of the ICC Institute of World Business Law. Mr. Beechey is a British citizen. He graduated in modern languages from the University of Oxford and was subsequently admitted as a Solicitor of the Supreme Court of England and Wales. He is also a Fellow of the Chartered Institute of Arbitrators. As a highly respected member of the international legal community, he has participated in IBA working groups on the taking of evidence and independence, impartiality and disclosure in international commercial arbitration. Mr. Beechey speaks English, French and German.



DR. PIETER H.F. BEKKER is a Partner and Head of Public International Law within the International Dispute Resolution Group of Crowell & Moring LLP in New York. He concentrates in public international law advice and international arbitration and litigation involving private and sovereign parties. He also sits as an arbitrator. He served as a staff lawyer in the Registry of the International Court of Justice (ICJ) between 1992 and 1994 and has been involved in some 20 cases before the ICJ. He chairs the Committee on Intergovernmental Settlement of Disputes of the International Law Association's American Branch and is an elected member of the Nominating Committee of the American Society of International Law. Dr. Bekker has basic and doctoral law degrees in International Law from Leiden University in The Netherlands and a Masters degree from Harvard Law School (on a Fulbright grant). The author of three books and over 100 articles on international dispute resolution, Dr. Bekker teaches International Investment Law and Arbitration at Columbia Law School as a member of Columbia's adjunct faculty. He has been voted a New York "Super Lawyer" in International and Alternative Dispute Resolution continuously since 2006.



CHARLES N. BROWER has been a Judge of the Iran-United States Claims Tribunal in The Hague since 1983. He has been Acting Legal Adviser of the US Department of State, Deputy Special Counsellor to the President of the United States, a member of the United States Secretary of State's Advisory Committee on Public International Law, and is a member (since 1991) of the Register of Experts of the UN Compensation Commission and a member (since 1998) of the Panels of Arbitrators and Conciliators of the International Centre for Settlement of Investment Disputes. He is a past President of the American Society of International Law and Chair of the Advisory Board of the Institute for Transnational Arbitration. He is a former partner and Special Counsel at White & Case LLP in both New York City and Washington, DC, where he has handled litigation in federal and state courts throughout the United States, including jury trials, bench trials and appeals, in a wide range of civil, administrative, and criminal proceedings, while specializing during the last 25 years in the handling of disputes involving States or State entities before international courts, tribunals, and commissions. He is also a member of 20 Essex Street Chambers in London. In 2009 Judge Brower has been awarded the American Society of International Law's prestigious Manley O. Hudson Medal for "pre-eminent scholarship and achievement in international law... without regard to nationality," which honor has been bestowed on 29 persons, including 10 non-American citizens, during the 53 years since it was created.



DOMINIQUE BROWN-BERSET is a founding partner of Brown&Page, a Vaud-based law firm with offices in Geneva and Nyon. She practices mainly in the field of international business transactions and international dispute resolution. She holds law degrees from Lausanne University Law School (Switzerland) Paris I, Panthéon-Sorbonne (France) and Harvard Law School (U.S.A.). She is a former International Vice-President of the Chartered Institute of Arbitrators (London 1996-2004) and a former Co-Chair of the Arbitration Committee of the International Bar Association (2004-2005). Dominique is a member of the Board of the *Association Suisse des Juristes*; and of the Editorial Boards of *Global Arbitration Review*, the *Journal of International Arbitration* and *Arbitration*. She is also a member of the Management Board and of the Supervisory Council of the Swiss Institute of Comparative Law. She was one of the first three foreign practitioners to be appointed on the Panels of Arbitrators of The Japan Commercial Arbitration Association (JCAA). She has been acting as counsel, co-counsel and arbitrator in over 137 international arbitration cases around the world, including in cases involving States and international organizations both at private and governmental levels, and in particular also in cases relating, *inter alia*, to transfer of technology, construction of turnkey factories and of other major projects, procurement contracts, license agreements, agency, joint venture and shareholders' agreements, distribution, sale and purchase contracts, telecom, post M&A disputes and the like. Her industry experience includes intellectual property rights, telecommunications, satellites, aviation, avionics, computers (soft and hardware), glass and paper production, steel, chemicals and petrochemicals, oil and gas (and other energy sectors), mining, food, catering, pharmaceuticals and biotechnology, shipping and shipbuilding, luxury goods, arts and textiles.



DAVID D. CARON is the C. William Maxiner Distinguished Professor of Law at the Boalt School of Law of the University of California at Berkeley. Following his graduation from the Boalt School of Law at the University of California at Berkeley, he served as legal assistant successively to Judges Richard M. Mosk and Charles N. Brower at the Iran-United States Claims Tribunal in The Hague. Professor Caron writes and teaches in the area of international dispute resolution. From 1996 to 2003, he also served as a member of the Precedent (E2) Panel of the United Nations Compensation Commission resolving claims arising out of the Gulf War. Professor Caron currently serves as an arbitrator in several ICSID and NAFTA arbitrations, and is a member of the U.S. Department of State Advisory Committee on Public International Law. In 2006, Oxford University Press published a Commentary on the UNCITRAL Arbitration Rules authored by Professor Caron, Judge Matti Pellonpää of the European Court of Human Rights and Lee Caplan of the U.S. Department of State. Professor Caron is Chair of the Advisory Board of the Institute for Transnational Arbitration.



JAMES H. CARTER is a partner in the New York office of Sullivan & Cromwell LLP and co-coordinator of its international arbitration practice, in which he is active as counsel and as an arbitrator. He is a graduate of Yale College and Yale Law School and attended Cambridge University as a Fulbright Scholar. Mr. Carter is a former Chairman of the Board of Directors of the American Arbitration Association and a Past President of the American Society of International Law. He has served as a member of the London Court of International Arbitration and Vice President of its North American Council and is a member of the Court of Arbitration for Sport.



JAMES E. CASTELLO is a partner in the international arbitration group at King & Spalding, based in Europe. As a lawyer for more than 20 years, James has advised and represented clients in a wide range of legal disputes, particularly institutional and ad hoc arbitrations. He is a member of the Court of the London Court of International Arbitration and, for the past seven years, has also served on the United States' delegation to the Arbitration Working Group at UNCITRAL. At the beginning of his legal career, James served as law clerk to Justice William J. Brennan, Jr. on the U.S. Supreme Court and as legal assistant to Judge Howard Holtzmann on the Iran-U.S. Claims Tribunal at The Hague; from early 1995 to January 2001, James left private practice to serve in senior legal positions in the U.S. government, including as Deputy Counsel to the President, at the White House, and Associate Deputy Attorney General, in the Justice Department.

FACULTY BIOGRAPHIES



ALAN R. CRAIN is S.V.P. & General Counsel of Baker Hughes Inc. (technology & services – USA / operations in 90+ countries). He has been General Counsel of two other multinationals and is a member of the Board of Mariner Energy (NYSE listed). He has more than 25 years experience as an arbitrator in a broad range of cases involving international commercial matters. He has been appointed chair in over 50 tribunals for the A.A.A., I.C.D.R., NYSE, NASD, I.C.C. and for arbitration under the UNCITRAL Rules. He was an adjunct Professor of International Law at the University of Houston for 10 years, Chairman of the Houston World Affairs Council as well as the Houston Committee on Foreign Relations and served on the Executive Board of the Philadelphia Committee on Foreign Relations.



MATTHEW S. DUNNE is a senior associate in the International Trade Group at King & Spalding LLP in Washington, DC. Mr. Dunne specializes in international trade litigation, intellectual property litigation, and international arbitration. Mr. Dunne has particular experience enforcing his clients' intellectual property rights through Section 337 of the Tariff Act of 1930, and defending his clients against claims of patent infringement. Mr. Dunne also protects his clients and their business interests through international arbitrations under bilateral and multilateral investment treaties. In addition, Mr. Dunne advises his clients on compliance with import, export, and investment laws and regulations. Mr. Dunne represents clients in a variety of industries, including semiconductors, medical devices, pharmaceuticals, construction equipment, energy, and telecommunications. Mr. Dunne served as a law clerk to the Honorable Edith Brown Clement of the U.S. Court of Appeals for the Fifth Circuit and as a Fellow with the Institute for International Economic Law. In addition, Mr. Dunne held internships with the World Trade Organization's Appellate Body and the U.S. Trade Representative's Office of General Counsel in Geneva, Switzerland and Office of Intellectual Property in Washington, D.C. Mr. Dunne is a graduate of Emory University (M.A., B.A. *summa cum laude*) and Georgetown University (J.D., M.S.).



DR. AHMED SADEK EL-KOSHERI is Senior Partner of Kosheri, Rashed and Riad Law Firm Cairo, Egypt; participated in around one hundred arbitration cases over the last four decades, including Aminoil case against Kuwait, SPP Middle East/Egypt, Taba case against Israel, the sovereignty over the Islands and the delimitation of the maritime boundary between Eritrea and Yemen; Former Judge ad hoc at the ICJ (1992 – 2003); Former Professor of Law and President of Senghor University at Alexandria (1997 to 2003); Member of the UN "Redesign Panel" for the Reform of the internal judicial system (2006); Vice Chairman of the ICC International Court of Arbitration (1998 to present); Member of the International Law Institut (since 1987); Member of the World Bank's Presidential list of ICSID Arbitrators (since 2002).



DEBORAH G. HANKINSON practices civil appellate law and conducts arbitration and mediation services at Hankinson Levinger LLP in Dallas, Texas. She is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. Ms. Hankinson is a member of the American Law Institute. She is also a member of the American Arbitration Association's National Roster of Neutrals. She earned a Bachelor of Arts degree with distinction from Purdue University in 1973 and a Master of Science degree from The University of Texas at Dallas in 1978. She received her Juris Doctor degree *cum laude* from the Southern Methodist University School of Law in 1983, where she served as Editor-in-Chief of the *Southwestern Law Journal*. She currently serves as a member of the Executive Board for the SMU Dedman School of Law. Before earning her law degree, Ms. Hankinson taught special education for seven years in Plano, Texas. She practiced civil trial and appellate law at the Dallas law firm of Thompson & Knight, L.L.P., from 1983-1995. She was then appointed and later elected to the Texas judiciary, serving first from 1995-1997 as a Justice on the Fifth District Court of Appeals in Dallas, and from 1997-2002, as a Justice on the Supreme Court of Texas.



TONI D. HENNIKE is Coordinator International Investments & Arbitration for ExxonMobil Corporation and is responsible for investor-state arbitrations and matters related to foreign investment and trade (WTO). Prior to her current assignment, she held the following positions within ExxonMobil: Assistant Chief Attorney, Production Company Law Department, responsible for legal matters related to production activities in North & South America; Assistant Chief Attorney, Exploration & Development Law Department, responsible for legal matters related to exploration and development activities in Mexico, South America, Italy, Russia, and Asia/Pacific; General Counsel of Mobil Exploration & Producing Australia Pty Ltd. (Perth, Australia); General Counsel of Mobil Exploration & Producing US Inc. (MEPUS); and, Counsel for MEPUS beginning in 1992. Ms. Hennike's experience in the oil and gas industry began in 1981 with Atlantic Richfield Company (ARCO) in Lafayette, Louisiana. In 1987, Ms. Hennike joined the law department of Hunt Oil Company where she worked until 1992. Ms. Hennike received her Juris Doctorate from The University of Tulsa where she was a member of the Tulsa Law Journal.



CARLA POWERS HERRON - Before joining Shell in 2000, Carla was a trial lawyer for twenty-two years and an equity partner in Shook, Hardy & Bacon, L.L.P. She specialized in complex commercial and product liability cases, representing such clients as Philip Morris, Inc. (tobacco litigation), Koch Industries (royalty and shareholder litigation), Bristol-Myers Squibb (pharmaceutical and medical device litigation) and the City of Houston Municipal Employees' Pension System (securities litigation). In addition to maintaining a full-time practice, Carla was adjunct professor of law at the University of Houston Law Center for fourteen years, teaching trial advocacy, mass tort litigation and pre-trial procedure. She is currently worldwide head of litigation for the Shell Group, responsible for overseeing the Group's most significant litigation around the world and maintaining systems for litigation/dispute resolution identification, logging, reporting and risk assessment.



J. MARTIN HUNTER was a partner in the firm formerly known as Freshfields for 27 years. He retired from the firm in 1994 and became a barrister at Essex Court Chambers, where he continues to practise in the field of international arbitration. He has served as counsel or arbitrator in cases held under the rules of most of the world's principal arbitral institutions and arbitration centres. In 1995 he was appointed to the newly-established chair of International Dispute Resolution at Nottingham Trent University. He is also a visiting professor at King's College London. He is a member of the Council of ICCA, and has participated in the work of a number of organisations including the AAA, the IBA, the ICC's Court, the LCIA's Court and UNCITRAL. He is chairman of the Board of Trustees of the DIAC, and was deputy-chairman of the UK Government's committee on arbitration law reform, which prepared the English Arbitration Act 1996. His books include *Law and Practice of International Commercial Arbitration* (with Alan Redfern).



JENNIFER KIRBY is a partner in Herbert Smith's international arbitration group, having joined the firm directly from her position as Deputy Secretary General of the ICC International Court of Arbitration, where she supervised international arbitrations taking place across the globe in a wide variety of sectors, including construction, energy, hotel management, mergers and acquisitions, sales and distributions contracts and telecommunications. Recognized by *Global Arbitration Review* as one of the 45 top arbitration lawyers under the age of 45, Jennifer began her career in private practice in 1995 in New York, where she represented clients in both international arbitrations and complex commercial litigations. Jennifer studied History at Cambridge and Columbia Universities, and obtained her law degree at the University of Virginia School of Law in 1995. Jennifer is admitted to the New York Bar and is fluent in English and French.



DR. FLORIAN KREAMSLEHNER has been a partner at DORDA BRUGGER JORDIS since 1992 and heads the firm's arbitration and litigation department. He is a graduate of the University of Vienna and was admitted to the Austrian Bar in 1990. Florian Kreamslehner has 20 years of experience in dispute resolution, advising clients in civil and criminal litigations as well as in international arbitrations. He also has extensive experience as arbitrator (ICC Rules) and counsel in institutional and ad-hoc arbitrations (ICC, UNCITRAL, Vienna Rules). Mr. Kreamslehner's present practice as an arbitrator and party counsel covers all areas of commercial law, with a focus on construction, telecom and investment disputes. His advocacy skills are complemented by many years of experience in banking and finance transactions. Florian Kreamslehner has a reputation for investigating asset recovery and corporate liability cases. He advises a wide range of banking and industry clients, governments and international organisations and insurance companies. Florian Kreamslehner is recommended for dispute resolution in "The European Legal 500" (2005) and "European Legal Experts" (2005); he is also recommended in "Euromoney's Guide to the World's Leading Experts in Commercial Arbitration" (2004) and "Euromoney's Guide to the World's Leading Litigation Lawyers" (2005). He is member of the AAA and ICDR roster of arbitrators, LCIA, Austrian Arbitration Association, International Bar Association, Union Internationale d'Avocats, Associazione Internazionale Giuristi di Lingua Italiana. Florian Kreamslehner is fluent in German, English and Italian. He holds seminars and publishes articles on money-laundering, cash-pooling, and directors' and officers' liability.



ROBERT E. LUTZ is a Professor of Law at Southwestern Law School in Los Angeles, teaches courses on private and public international law subjects, has published numerous legal articles and books on a broad range of international subjects (latest: "A Lawyer's Handbook for Enforcing Foreign Judgments in the U.S. and Abroad", published by Cambridge University Press), and serves as a consultant to law firms and organizations. He was the Chair of the ABA Section of International Law (2001-02), and arbitrates NAFTA disputes, as well as other private and public domestic and international arbitrations. He is a member of the U.S. Department of States' Advisory Committee on International Law and the NAFTA Advisory Committee on Private Commercial Dispute Resolution. Currently, he is serving his third year as the ABA President's appointed Chair of the ABA Task Force on Legal Services (ITILS), and is a member of the India-U.S. Trade Policy Forum's Working Group on Legal Services. Previously, he was the Founding Chairman of the Board of the Center for International Commercial Arbitration (in Los Angeles) and a Board Member of Dispute Resolution Services, Inc. Prof. Lutz is a graduate of the University of Southern California (B.A., 1968) and U.C. Berkeley Law School (J.D., 1971).



TIM MARTIN has over 30 years of experience in the international petroleum industry in senior management positions, including General Counsel, Special Counsel, Country General Manager, Finance Director, Commercial Manager and an economist. He has worked in more than 50 countries around the world and has established & managed international operations, handled the acquisition and divestment of oil & gas properties, secured project financing and managed international banking & financial systems. Tim has extensive experience as an arbitrator, mediator, expert and counsel, including the ICC, AAA/ICDR and ICSID. He is a Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators, and is a member of the International Arbitration Institute and the London Court of International Arbitration. He is on the Board of Directors of the American Arbitration Association and on the International Panel of the International Centre of Dispute Resolution. Tim is a member of the ICC Canadian National Committee and is on their Panel of International Commercial Arbitrators. Tim was the President of the Association of International Petroleum Negotiators (AIPN) where he was twice voted Member of the Year and also received its President's Award and Legacy Award for his outstanding work for the organization and the energy industry. He is a global faculty member at CEPMLP at the University of Dundee, Scotland and has acted as an advisor to governments and industry organizations on governance and ADR matters.

FACULTY BIOGRAPHIES



OSVALDO JORGE MARZORATI was born in Buenos Aires, Argentina, on June 7, 1941. Admitted to the bar in Argentina in 1964. Legal Education: University of Buenos Aires (L.L.B., *magna cum laude*, 1964); Recipient, Fulbright Fellowship, 1966; Princeton University and Columbia Law School (*Master on Comparative Law, cum laude*, 1967). Books: "The International Sales Agreement" (*Fundación Bolsa de Comercio*, 1989, p.p. 60); "Systems of Commercial Distribution" (*Astrea*, 1989; p.p. 580); "International Business Transactions" (*Astrea*, 1st. ed. 1993; 2nd. ed. 1997; 3rd. ed. 2003 (2 volumes)); "Joint Ventures and Strategic Alliances" (*Astrea*, 1996, p.p. 330); "Franchising" (*Astrea*, 2001, p.p. 459). Since 2001 his focus has been primarily on arbitration as an arbitrator in international matters, having served as ICC sole arbitrator or as a party arbitrator in different uncitral cases. He has also served as co arbitrator under specific ad hoc or Procedural Codes. He has written various articles on ICSID cases and participated as local counsel on some of them.



CALINE MOUAWAD is Counsel in the New York office of Salans, where she is a member of the firm's international arbitration practice group. She has been counsel in numerous international commercial arbitrations and investment treaty arbitrations, involving a variety of sectors including oil and gas, telecommunications, and insurance, and has worked under the arbitration rules of several institutions, including the ICC, ICSID, LCIA, ICAC and AAA, as well as in *ad hoc* cases under the UNCITRAL Rules. She is a graduate of Rice University (B.A., 1997) and Harvard Law School (J.D., 2001) and is a dual-qualified lawyer in New York and in Paris.



LUCY F. REED, a partner in the New York office of Freshfields Bruckhaus Deringer, is co-head of the firm's global international arbitration group. She represents clients and sits as arbitrator in cases conducted under the ICSID, ICC, AAA and other major institutional and *ad hoc* rules. She is a Member of the Ethiopia-Eritrea Claims Commission, and served as co-director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland. While with the U.S. Department of State, Lucy served as U.S. Agent to the Iran-United States Claims Tribunal and Deputy Assistant Legal Adviser for International Claims and Investment Disputes. She is the co-author (with Jan Paulsson and Nigel Blackaby) of the *Guide to ICSID Arbitration* (Kluwer 2004) and *The Freshfields Guide to Arbitration and ADR* (Paulsson, Rawding, Reed and Schwartz, Kluwer 1999), and has published her 2001 Hague Academy lectures. Lucy is a Vice-Chair of the ITA, the President of the American Society of International Law and a member of the Council on Foreign Relations.



KENNETH B. REISENFELD is a Partner in the Washington, D.C. office of King & Spalding LLP, where he is a member of its International Arbitration and International Trade Practice Groups. A 1978 graduate of Harvard Law School, Mr. Reisenfeld has over 30 years' experience representing U.S. and foreign corporations and government entities in litigation and arbitration of international commercial, pharmaceutical, technology, investment, construction, M&A, energy, trade and public international law disputes in U.S. courts and before international arbitral tribunals throughout the world. Mr. Reisenfeld is named in "Chambers Global," "The International Who's Who of Commercial Arbitration Lawyers," and Euromoney's "Guide to the World's Leading Experts in Commercial Arbitration." He is on panel rosters for a number of arbitral institutions and has been appointed by the U.S. Trade Representative to serve on Binational Panels under NAFTA. Mr. Reisenfeld is a Past Chairman of the American Bar Association's 20,000 member Section of International Law and a former Chairman of the ABA International Commercial Arbitration Committee. He currently serves on the Executive Committee of the Institute for Transnational Arbitration, the IBA Task Force on Counsel Ethics and represents the ABA on the Council of the International Bar Association. He is a co-author of the ABA/AAA Code of Ethics for Arbitrators (2004). Prior to joining private practice, Mr. Reisenfeld was a judicial law clerk to U.S. District Court Chief Judge Frank J. Battisti, and served in the Attorney General's Office at the U.S. Department of Justice, where he provided advice leading to the establishment of the Iran-United States Claims Tribunal.



W. MICHAEL REISMAN is Myres S. McDougal Professor of International Law at the Yale Law School where he has been on the Faculty since 1965. He has been a visiting professor in Tokyo, Hong Kong, Berlin, Basel, Paris and Geneva. He is a Fellow of the World Academy of Art and Science and a former member of its Executive Council, the President of the Arbitration Tribunal of the Bank for International Settlements, a member of the Advisory Committee on International Law of the Department of State, Vice-Chairman of the Policy Sciences Center, Inc., and a member of the Board of The Foreign Policy Association. He has been elected to the *Institut de Droit International* and is Honorary Professor in City University of Hong Kong. He has published widely in the area of international law and served as arbitrator and counsel in many international cases. He was also President of the Inter-American Commission on Human Rights of the Organization of American States, Vice-President and Honorary Vice-President of the American Society of International Law and Editor-in-Chief of the American Journal of International Law. His most recent books are *Foreign Investment Disputes: Cases, Materials and Commentary* (with Bishop and Crawford) (Kluwer Law International, 2005); *International Law in Contemporary Perspective* (with Arsanjani, Wiessner & Westerman) (Foundation Press, 2004); *Jurisdiction in International Law* (Ashgate, 1999); *Law in Brief Encounters* (Yale University Press, 1999), Chinese Translation, *Shenghuozhongde Weiguan Falu* [Microscopic Laws in Life] (Shangzhou Chubanshe, Taipei, 2001); and *The Reasons Requirement in International Investment Arbitration: Critical Case Studies* (with Aguilar Alvarez, eds.) (Martinus Nijhoff Publishers, 2008). A Chinese edition of his selected writings, *Understanding and Shaping International Law: Essays of W. Michael Reisman* was published by Law Press of China in 2007.



CATHERINE A. ROGERS international arbitration and professional ethics scholar, was welcome as a professor of law by Penn State Dickinson in July 2008. Professor Rogers holds a joint appointment as a professor of law at Università Commerciale Luigi Bocconi in Milan, Italy, and is the former Richard C. Cadwallader Professor of Law at the Louisiana State University Law Center. Professor Rogers' scholarship focuses on the convergence of the public and private in international dispute resolution, specifically as manifest in the professional obligations of the various participants in those processes. Her scholarship is due to be published by *Oxford University Press* and *Juris Publishing*, and has been published by the international law journals of Stanford, Michigan, and Berkeley, as well as by several other national and foreign law reviews. She has been an invited speaker at dozens of national and international conferences, symposia, and forums, including two Stanford-Yale Junior Faculty forums. Professor Rogers is an associate reporter for the American Law Institute's *Restatement of the Law of International Commercial Arbitration* and the recipient of the CPR Professional Article Award. She is a member of the American Society of International Law Task Force on Global Legal Ethics, the Academic Council of the Institute for Transnational Arbitration, and the International Bar Association Task Force on Attorney Ethics in International Arbitration. Before entering academia, Professor Rogers practiced international litigation and arbitration in New York, Hong Kong, and San Francisco. At Penn State Dickinson, Professor Rogers teaches International Arbitration and Professional Responsibility.



TOM J. SIKORA is Senior Counsel at El Paso Corporation with responsibility for international commercial and investment arbitration at El Paso Corporation. He also directs El Paso's E-Discovery practice. In addition, he co-heads El Paso's Enterprise Content Management Project tasked with selecting and implementing a corporate document management system. Tom currently serves as Vice Chair of the Corporate E-Discovery Forum, and is the former President of the Houston International Arbitration Club. Tom was previously a lawyer with Vinson & Elkins LLP in Houston, Texas, specializing in the international arbitration of energy industry disputes. He graduated from the University of Virginia School of Law in 1995 where he was an Articles Review Board editor of the Virginia Law Review. He has a Bachelor of Arts Degree in History and Literature from Harvard College.



THOMAS R. SNIDER is an attorney in the Washington, DC office of Dewey & LeBoeuf LLP where he practices international arbitration and litigation. For the past eight years, he has served as counsel to a party before the Eritrea-Ethiopia Claims Commission, a state-to-state tribunal established to adjudicate claims for loss, damage, and injury arising from a two-year international armed conflict, and was a resident attorney in Addis Ababa, Ethiopia, from 2002 to 2004. His experience also includes international commercial arbitration, investment disputes, and litigation in U.S. courts involving the Foreign Sovereign Immunities Act and other matters. In addition, he has written on international anti-corruption law. Mr. Snider is a graduate of the University of Notre Dame and Harvard Law School.



JOHN M. TOWNSEND is a partner in the Washington, DC office of Hughes Hubbard & Reed LLP and chairs that firm's Arbitration and ADR Group. Mr. Townsend was appointed by President Bush to the ICSID Panel of Arbitrators. He is the Chairman of the Board of Directors of the American Arbitration Association, and served on the committees that revised the AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes and that drafted the AAA/ICDR International Arbitration Rules and the AAA's Supplementary Rules for Class Arbitrations. Mr. Townsend is a Trustee as well as a member of the Arbitration and Competition Law Committees of the U.S. Council for International Business and chairs the U.S. Council's European Privilege Task Force. He is a member of the Arbitration Committee and the Challenge Review Board of CPR, of the American Law Institute, and of the College of Commercial Arbitrators. He was the 2005-2006 Chair of the Mediation Committee of the International Bar Association. Mr. Townsend is a graduate of Yale University (B.A., 1968) and Yale Law School (J.D., 1971).



EDUARDO ZULETA specializes in international dispute resolution through arbitration. Mr. Zuleta has particular experience in matters involving disputes between private parties and with State entities and in matters related to M&A, project finance, construction contracts, and distribution agreements. He has represented private and State parties in international arbitration and has acted sole arbitrator and chairman in international arbitration. Mr. Zuleta is professor in international arbitration and commercial law, a member of LCIA, member of the advisory board of ITA and ACI Arb and Secretary of the Arbitration Committee of IBA. He is the author of several articles on international arbitration.

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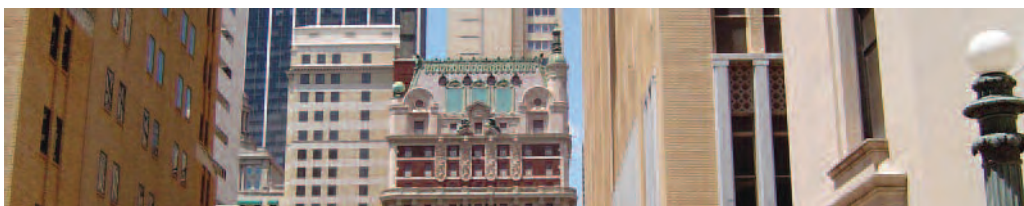
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Founded in 1986 as a division of The Center for American and International Law, the Institute was created to promote global adherence to the world's principal arbitration treaties and to educate business executives, government officials and lawyers about arbitration as a means of resolving transnational business disputes.

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The primary public program of the Institute is its annual one-day *ITA Workshop*, presented each year in June in Dallas, which customarily combines mock scenes with expert commentaries performed and presented by leading arbitrators and arbitration practitioners from around the world to illuminate procedures and issues commonly encountered in international commercial arbitration. Other annual programs include the *ITA Americas Workshop and Americas Roundtable*, held at different venues in Latin America and the *ITA-ASIL Spring Conference*, held in Washington, D.C. For a complete calendar of ITA programs in 2009, please visit our website at www.cailaw.org/ita. The Institute for Transnational Arbitration is also proud to publish its *World Arbitration and Mediation Review* and acclaimed *Scoreboard of Adherence to Transnational Arbitration Treaties*, a comprehensive, regularly-updated report on the status of every country's adherence to the primary international arbitration treaties. The Scoreboard is published in ITA's quarterly journal/newsletter, *News and Notes*. All ITA members also receive a free subscription to ITA's newest publication is *World Arbitration and Mediation Review*, a law journal edited by ITA's *Board of Editors*. ITA's educational videos and DVDs are produced through its *Academic Council* to aid professors, students and practitioners of international arbitration. Since 2002, ITA has co-sponsored *KluwerArbitration.com*, the most comprehensive, up-to-date portal for international arbitration resources on the Internet, in which current developments around the world are reported monthly by ITA's *Board of Reporters* and published in five issues per year.

Please join us. For more information, visit ITA online at www.cailaw.org/ita.

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4th Annual

DALLAS ROUNDTABLE

A Meeting for Young International Arbitrators

June 17, 2009

5:00-8:45 p.m.

Westin Galleria Hotel - Dallas, Texas

Presented by

**The Institute for Transnational Arbitration
ICC Young Arbitrators Forum
ICDR Young & International
LCIA Young International Arbitration Group**

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4:30 REGISTRATION

5:00 WELCOME

Anibal Sabater, Fulbright & Jaworski L.L.P., Houston
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Victoria Shannon, Deputy Director, Arbitration and ADR, North America,
ICC International Court of Arbitration
Representative, ICC Young Arbitrators Forum

James H. Boykin, Hughes Hubbard & Reed LLP, Washington, D.C.
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Rachael D. Kent, WilmerHale, Washington, D.C.
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5:15 PANEL: ARBITRATOR DISCLOSURES AND CHALLENGES

Moderator **Rachael D. Kent**, WilmerHale, Washington, D.C.

Panelists **Nigel Blackaby**, Freshfields Bruckhaus Deringer, Washington, D.C.
James H. Carter, Sullivan & Cromwell LLP, New York
Peter J.W. Sherwin, Proskauer Rose, New York

6:10 BREAK

6:25 PANEL: ARBITRATION RULES AND GUIDELINES ON THE MOVE: CHANGES IN THE IBA RULES, UNCITRAL RULES, ICSID RULES AND THE RECENTLY ISSUED ICDR GUIDELINES

Moderator **James H. Boykin**, Hughes Hubbard & Reed LLP, Washington, D.C.

Panelists **Ank A. Santens**, White & Case LLP, New York
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7:15 - 8:45 ROUNDTABLE RECEPTION FOR FACULTY AND REGISTRANTS

Registration is free and includes the meeting materials and the reception.

MCLE CREDIT: This program has been approved by the State Bar of Texas for 1.75, including 0 hours of ethics. Course ID Number: 901180349. Sign-in sheets and/or certificates of attendance will be available for ALL states.

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by June 5, 2009. Email cburkel@cailaw.org. After these dates, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in the course registration fee. However, rooms have been reserved at The Westin Galleria Hotel, 13340 Dallas Parkway, Dallas, TX 75240. Registrants should call 972-934-9494 or 1-888-627-8536 and mention the ITA Workshop to get the special rate of \$209 per night + 15% occupancy tax. The last day to obtain this special rate is May 18, 2009.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

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To learn more about the Institute for Transnational Arbitration and the benefits of membership, which includes free tuition to the 20th Annual ITA Workshop and related membership events, please visit the ITA website: www.cailaw.org/ita/join.html.



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 8:30am-5:00pm CST

Registration includes the Workshop, luncheon and course materials. Payment must accompany registration.

ITA Advisory Board Representatives, members of the Academic Council and members of the Board of Reporters will be contacted separately to RSVP for the additional activities on Thursday and Friday.

20th Annual ITA Workshop - June 18, 2009

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