

INSTITUTE FOR
TRANSNATIONAL ARBITRATION



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“The topics are timely and important. The ability to “vote” was a useful innovation”

“The Workshop provided a lot of insightful information”

-- 2009 Participants

21st Annual ITA Workshop

*Commencing an International Commercial
Arbitration: Fundamentals and Strategy
and featuring
Corporate Perspectives on the Arbitral Process*

June 17, 2010
The Adolphus Hotel
Dallas, Texas

Highlights:

- **Mock Scenes and Expert Commentary**
- **Featured Luncheon Speaker**
MORAL HAZARDS AND WISHFUL THINKING
Jan Paulsson, Freshfields Bruckhaus Deringer, Paris
- **Featured In-House Panel on Corporate Perspectives on the Arbitral Process**
Moderated by Stephen Jagusch - Allen & Overy, London
- **Workshop Co-Chairs**
Prof. Christopher Gibson - Suffolk University Law School, Boston
Jean E. Kalicki - Arnold & Porter, Washington, D.C.
Klaus Reichert - Bar Council of Ireland / Brick Court Chambers, Dublin
- **5th Annual Dallas Roundtable for Young International Arbitrators**
June 16, 2010 (Free for registrants under 40)

6.5 hours of MCLE credit available.

1.75 Hours of MCLE credit available for the Roundtable.

Become an ITA Member today and attend cost free the Annual ITA Advisory Board Dinner on June 16 and the Friday Discussion Forum on June 18 as well as the Workshop (separate member registration required).

Every international arbitration has a lifecycle of its own: a beginning, middle and end. This year's Workshop will commence a special three-year series in which all stages of an arbitration are explored in detail, commencing with the drafting of the arbitration clause and moving through each step of the arbitral procedures until issues of enforcement are finally addressed in year three. Coming at a time when there are new calls for reform in arbitration, this series will provide an opportunity to consider fundamentals and strategy, while reassessing the mechanism of arbitration. The mock arbitration dispute introduced this year – a complex energy dispute – is intended to serve as the factual underpinning for the three-year exercise.

The Workshop in this first year includes three acts, each of which takes place at a different point in the planning and initial stages of an international arbitration: drafting and negotiating the arbitration clause; the initiation of the arbitration, including the request for arbitration and answer/response, with consideration of appointment of arbitrators and arbitrator challenge; and the preliminary hearing to organize the arbitration procedure and address a request for preliminary relief. Top arbitrators and practitioners will take us through these scenes and comment on the practical and strategic issues.

The mock dispute arises from the discovery of significant oil and natural gas reserves in the northern province of the Republic of Torvia. TorGas, a locally incorporated entity, is responsible for all exploration and production activities and bears the mineral and financial risks associated with the initiative. TorGas enters into a Turnkey Contract with Drill-BD, Inc., a leader in drilling technology. As the parties move to finalize the Turnkey Contract, the mock begins with consideration of the contract's dispute resolution clause. Drill-BD is concerned about the risks of having the arbitration located in Torvia under Torvian law, while TorGas, on the other hand, is recovering from a frustrating experience in a previous interminable arbitration and therefore concerned about costs and potential foot-dragging.

Later, after the TorGas and Drill-BD have been operating under the Turnkey Contract for 13 months, things start to go wrong. A dispute arises concerning Drill-BD's delay in completing milestones for drilling operations. TorGas, facing potential sanctions from the Torvian Ministry of Energy for any delays, seeks to recover significant damages against Drill-BD. Drill-BD, however, blames the delays on TorGas' failure to have completed on time the necessary preparations for drill sites, including construction of roads and obtaining governmental approvals. Acts 2 and 3 focus on the planning for and initial stages of the arbitration.

Our luncheon speaker will be Jan Paulsson of Freshfields Bruckhaus Deringer LLP, who will speak to the current critiques of arbitration in a talk titled: "Moral Hazards and Wishful Thinking." The day will end with a special panel of leading in-house counsel providing corporate perspectives on the arbitral process.



Prof. Christopher Gibson



Jean Kalicki



Klaus Reichert



Jan Paulsson

Workshop Co-Chairs

Luncheon Speaker

21st ANNUAL ITA WORKSHOP

Commencing an International Commercial Arbitration: Fundamentals and Strategy
and featuring
Corporate Perspectives on the Arbitral Process

8:00 REGISTRATION

9:00 WELCOME REMARKS **Lucy Reed, ITA Chair**

ACT I — DRAFTING AND NEGOTIATING THE ARBITRATION CLAUSE

9:05 INTRODUCTION TO THE WORKSHOP AND ACT I
Prof. Christopher Gibson, Workshop Co-Chair

9:15 ACT I, SCENE I — WHAT SHOULD BE IN THE DISPUTE RESOLUTION CLAUSE?

Counsel for TorGas and Drill-BD in separate conversations discuss the provisions they want to include in the dispute resolution clause of the Turnkey Contract being negotiated between the parties. What are the relevant components of a dispute resolution clause that the parties might consider? How may the parties' respective civil law and common law traditions influence their views as to what provisions the clause should contain? TorGas has been disappointed by a prior interminable arbitration and is concerned about costs and potential foot-dragging in arbitral deadlines and procedures. To what extent does the designation of a certain governing law and rules of arbitration affect the content of the clause?

Stage Left — Drill-BD's Discussion:

First, Drill-BD's in-house lawyer and external counsel (who is not a litigator but rather a commercial lawyer specializing in the field) are in Torvia in the midst of tortuous negotiations on the contract. They still need to discuss the dispute resolution provisions and ring an arbitration partner at home in the USL to get some headline points. A sleepy lawyer in the USL answers the phone and recites a series of things to look for – widest possible discovery, extension of grounds of appeal (notwithstanding Mattel), NY seat, avoid Torvian law and courts, and so on and so forth.

- In-House Counsel for Drill-BD, Inc. **Thomas Sprange**
- Outside Counsel for Drill-BD, Inc. **Abby Cohen Smutny**
- Arbitration Counsel for Drill-BD, Inc. **Audley Sheppard**

Stage Right — TorGas's Discussion:

Next, the in-house lawyer and external counsel for TorGas discuss their position on the conclusion of the Turnkey Contract. On the dispute resolution clause, as is traditional in civil law countries, these lawyers engage in a wider practice than one sees in common law countries where specialism kicks in early in practice. They are therefore well versed in arbitration and know what they want to achieve – a relatively quick and efficient procedure. They want an ICC arbitration in Torvia, which they believe will reflect traditional civil law litigation.

- In-House Counsel for TorGas **Marc Veit**
- Outside Counsel for TorGas **Philippe Pinsolle**

9:40 ACT I, SCENE II — CAN WE GET WHAT WE WANT: NEGOTIATING THE DISPUTE RESOLUTION CLAUSE

All of the counsel for the TorGas and Drill-BD meet to negotiate the dispute resolution clause. How might the parties' conflicting positions be reconciled, including how may arbitration rules be modified to accommodate the parties' interests?

- In-House Counsel for Drill-BD, Inc. **Thomas Sprange**
- Outside Counsel for Drill-BD, Inc. **Abby Cohen Smutny**
- Arbitration Counsel for Drill-BD, Inc. **Audley Sheppard**
- In-House Counsel for TorGas **Marc Veit**
- Outside Counsel for TorGas **Philippe Pinsolle**
- Ministry of Energy Official..... **Eduardo Zuleta**

10:00 PANEL DISCUSSION: DRAFTING AND NEGOTIATING THE DISPUTE RESOLUTION CLAUSE

Moderator.....**Prof. Christopher Gibson**

10:20 MODERATED AUDIENCE Q&A

10:35 BREAK

ACT II — REQUEST FOR ARBITRATION, RESPONSE AND COUNTERCLAIM, AND ARBITRATOR APPOINTMENT ISSUES

10:55 INTRODUCTION TO ACT II
Klaus Reichert, Workshop Co-Chair

11:00 ACT II, SCENE I — PUTTING THE SHOW ON THE ROAD – TOR GAS STARTS THE ARBITRATION

The arbitration counsel for TorGas (based in Francophonia) meets with a Torvian in-house counsel for TorGas and a Francophonian TorGas executive to discuss strategy.

TorGas’s arbitration counsel encourages TorGas to provide her with all relevant documentation and witnesses knowledgeable about the dispute. TorGas’s in-house counsel and executive immediately push back on subjecting their personnel to cross-examination and to the notion of providing any documentation to Drill-BD, or, for that matter, to arbitration counsel. Arbitration counsel assures TorGas that she will convince the tribunal that only minimal - and delayed - disclosure to Drill-BD is warranted, if any

Arbitration counsel recommends nominating an experienced arbitrator with some familiarity with Torvian law. TorGas, instead, favors nominating someone with a penchant for ruling with Torvian entities.

Arbitration Counsel for TorGas **Wendy Miles**
In-House Counsel for TorGas **Arif Hyder Ali**
TorGas Executive **David Brynmor Thomas**

11:20 ACT II, SCENE II — DRILL-BD RISES TO MEET THE CHALLENGE

Drill-BD’s in-house counsel, who views international arbitration very much through the prism of USL-litigation, meets with its USL arbitration counsel (a USL-trained litigation partner) and an executive of the company.

Arbitration counsel advises Drill-BD’s internal counsel and executive that they should expect: much less “discovery” of documents than they would get in USL-style litigation; a more substantive Response and Counterclaim; and expedited evidence-gathering for both the defense and the counterclaim. They agree a strategy to push hard for document disclosure before any substantive merits briefing and to delay the proceedings by filing several preliminary motions, including a request for interim relief to preserve evidence covering communications with Torvian officials. They also discuss the merits of nominating a “hired gun” as arbitrator, and whether to challenge the TorGas-nominee.

Arbitration Counsel for Drill-BD, Inc. **John Fellas**
In-House Counsel for Drill-BD, Inc. **John L. Gardiner**
Drill-BD, Inc. Executive..... **Carla Powers Herron**

11:40 PANEL DISCUSSION: HOW IMPORTANT ARE THE INITIAL FILINGS? REALITY V. PERCEPTIONS

Moderator..... **Klaus Reichert**

12:00 AUDIENCE POLLING AND MODERATED AUDIENCE Q&A

12:15 HOSTED LUNCHEON

MORAL HAZARDS AND WISHFUL THINKING

JAN PAULSSON
Freshfields Bruckhaus Deringer
Paris, France

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47TH ANNUAL SYMPOSIUM ON GLOBAL MARKETS

June 15-16, 2010
The Center for American and International Law
Plano, Texas

The New Danger

International Civil Liability and Criminal Responsibility for Directors, Officers, In-House and Outside Counsel for Violating Corporate Governance Rules and Compliance

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How different are the rules and their enforcement abroad?

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Insolvency at Home and Abroad

How Can You Protect Your Company’s Interests?

Resolving International Disputes if you cannot do so in U.S. Federal Court

Problems and Solutions

What Went Wrong with the Idea of Inexpensive and Speedy Dispute Resolution by Arbitration?

Ways and Means to Fix it

ITA Advisory Board members are entitled to a 50% tuition discount to attend the 47th Annual Symposium in Dallas on June 15-16, 2010, immediately preceding the ITA Workshop. The Symposium is presented by our sister Institute within The Center, The Institute for International and Comparative Law.

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.



DAVID BRYNMORTHOMAS is a partner in Herbert Smith specialising in international commercial arbitration, both as Counsel and arbitrator. He was recently described as having a "particularly sophisticated understanding of the international arena". He has been identified as one of the leading arbitration lawyers of his generation, as one of the group of 45 leading international arbitration lawyers aged under 45 in the World. As well as writing and lecturing on international arbitration, David participates in wider international arbitration related affairs. He is a member, nominated by the United Kingdom Committee, of the International Chamber of Commerce's Commission on Arbitration. He has also represented the Chartered Institute of Arbitrators at the UNCITRAL Working Group on international commercial arbitration since the early part of the Century, participating in the Working Group's deliberations on amendments to the UNCITRAL Model Law and its recent work on amendments to the UNCITRAL Arbitration Rules.



PEDRO ALBERTO COSTA BRAGA DE OLIVEIRA, a national of Brazil, is the General Counsel of Enel Brasil Participações, a company dedicated to generation of renewable energy. Prior to that, Pedro practiced with law firms based in São Paulo and Madrid. He earned his J.D. from the Universidade Cândido Mendes and his LL.M. from the University of Houston Law Center. Besides Portuguese, Pedro Costa Braga speaks English and Spanish, and has a working knowledge of Italian.



ALAN R. CRAIN has advised Fortune 500 companies in legal and business matters throughout the world for 30 years. At Baker Hughes, he has global responsibility for all Legal Affairs and Government Relations. He has over 25 years experience serving as an arbitrator in a broad range of domestic and international cases. He was an adjunct Professor of Law at the Law Center of University of Houston for 10 years. He currently serves on the Board of Directors of Mariner Energy, Inc., the University of Houston Law Foundation, the Institute of International Education (Southern Region), the Asia Society of Houston, the World Affairs Council of Houston and the Institute for Transnational Arbitration. He has received many honors and awards; during 2009 he received both the Best General Counsel Award from the Houston Business Journal and the Lifetime Achievement Award from the Texas General Counsel Forum. Mr. Crain received his J.D. and M.B.A. degrees from Syracuse University and M.S. and B.S. degrees in Management Engineering from Rensselaer Polytechnic Institute.



JOHN FELLAS is a partner in the New York office of Hughes Hubbard & Reed LLP, practicing in the fields of international litigation and arbitration. He has practiced in both the U.S. and England, and as well as being a member of the New York Bar, he is also a Solicitor of the Supreme Court of England and Wales. He has served as counsel, and as chair, sole arbitrator and co-arbitrator in international arbitration proceedings around the world, in arbitrations under the ICDR, ICC, UNCITRAL and other rules. He is on the arbitration panels of the Singapore International Arbitration Commission and the International Centre for Dispute Resolution. He also serves on the Mediation Panel of the District Court for the Southern District of New York. He is co-editor of the book, *International Commercial Arbitration in New York* (Oxford University Press, 2010). He received a B.A. (Hons.) from the University of Durham, England, and both an LL.M. and an S.J.D. from the Harvard Law School.



JOHN L. GARDINER is co-head of Skadden's International Litigation and Arbitration Group. He concentrates his practice in the resolution of complex, high exposure, multijurisdictional disputes before federal and state courts, as well as leading arbitral institutions. He is among The Best Lawyers in America 2010 and he is listed in the International Who's Who of Commercial Arbitrators 2010. He also is one of the world's best international arbitration lawyers and was named both by Chambers Global: The World's Leading Lawyers for Business 2006-2007 and Chambers USA: America's Leading Lawyers for Business 2005-2009. Mr. Gardiner's extensive litigation and arbitration experience covers a wide range of breach disputes in the energy, insurance, telecommunications, construction and finance sectors. He also has acted as arbitrator in complex international corporate disputes and as mediator in intricate corporate and partnership separation situations. He has participated as counsel in many successful mediations and expert proceedings both internationally and domestically.



CHRISTOPHER GIBSON is a Vice-Chair of ITA's Academic Council and professor at Suffolk University Law School. He is an expert in international law, international arbitration and intellectual property issues. Before joining Suffolk Law School, Professor Gibson was a founding partner of Steptoe & Johnson's London office, where he specialized in the areas of international arbitration, as well as intellectual property and technology disputes and transactions. Prior to joining Steptoe, Professor Gibson was Head of the Electronic Commerce Section at the World Intellectual Property Organization (WIPO) and a Senior Legal Counsel in its Arbitration and Mediation Center, a Section Chief at the UN Compensation Commission, and a Legal Assistant at the Iran-United States Claims Tribunal. Professor Gibson teaches and writes in the areas of international dispute resolution, intellectual property, international trade and investment, and Internet law and technology.



JUDITH GILL QC specializes in international arbitration, both institutional and ad hoc, under ICSID, LCIA, ICC and AAA Rules. She also sits as an arbitrator. Judith is qualified as a Solicitor Advocate and frequently appears as an advocate in arbitration proceedings. Judith is only the second woman solicitor-advocate to be appointed QC and the first with an international arbitration practice. Judith's practice covers a broad range of subjects including insurance, joint ventures, distributorships, healthcare, banking and investment treaty arbitration. She is a Director of the LCIA, a former member of the LCIA Court and a member of the ICC UK Arbitration Group. Judith has recently been appointed to the Board of Directors of the Singapore International Arbitration Centre. Judith is joint author of the leading textbook "Russell on Arbitration" and has published widely on international arbitration.



TERESA GIOVANNINI has been a Partner at Lalive (Geneva, CH) since 1992. She is a member of the ITA (Advisory Board), of the LCIA (Vice-President), of the ICC Institute of the World Business Law (Council Member), of the ILA Arbitration Committee (Swiss Alternate Member), of the ICC, Arbitration Commission of Swiss National Committee (Member), of the Chamber of National and International Arbitration of Milan (Council Member 1998-2005) (Club of Arbitrators Member), of the CI Arb (Fellow). She is the author of various publications and reports in the field of International Arbitration and is a speaker and lecturer at numerous conferences on international arbitration (in particular with the ICC and ICC Institute of Business Law, the CI Arb, ITA, IBA, UIA, SCC, ICCA, PLI (Practising Law Institute), UIA, AAA/ICDR (Neutrals training and conferences). She has been involved in over 120 international arbitration proceedings, both ad hoc and institutional (AAA/ICDR, CARICI, ICC, ICSID, LCIA, SCC etc.) sole arbitrator, party appointed arbitrator or chairperson both under civil and common law as counsel. She is registered with the following panels of arbitrators: AAA/ICDR; Swiss Chambers; Cairo Regional Centre for International Commercial Arbitration, ICC, LCIA, CI Arb.

FACULTY BIOGRAPHIES



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.



JAMES HOSKING is a partner in the New York international arbitration and litigation boutique Chaffetz Lindsey LLP. He was previously a partner in the New York office of a major international law firm. His practice focuses primarily on commercial arbitration disputes and he has been counsel in arbitrations under all the major institutional rules and ad hoc. His team currently handles over \$6 billion of disputes involving more than a dozen countries. His caseload includes matters arising out of corporate acquisitions, energy, oil and gas, pharmaceuticals, licensing agreements, re/insurance, investment treaties and the financial crisis. He is the co-author of the first commentary on the ICDR International Rules, was co-editor of the recent TDM special on IP rights and investment treaties, and in 2007 received the AAA Distinguished Service Award. James previously practiced in New Zealand.



STEPHEN JAGUSCH is a partner at Allen & Overy LLP specialising in international commercial and investment treaty arbitration. Stephen has acted as advisor and advocate in dozens of ad hoc and institutional international arbitrations conducted in many countries across the world and subject to a wide variety of governing substantive and procedural laws. A great many of Stephen's cases have been for or against sovereign States or substantial multinational organisations, and in recent years Stephen has become recognised as an expert in the field of ICSID arbitration and disputes arising under bilateral or multilateral investment treaties. In addition to acting as adviser and advocate, Stephen regularly accepts appointments as Sole Arbitrator, Chairman or co-arbitrator in international arbitrations, both institutional and ad hoc.



JEAN E. KALICKI is a Partner at Arnold & Porter LLP, specializing in international arbitration, and teaches as an adjunct professor at both Georgetown University Law Center and American University Washington College of Law. In investment treaty arbitration she has represented both sovereigns and investors in disputes before ICSID, and in commercial arbitration she has represented companies on five continents, as well as the United Nations, in disputes before the ICC, AAA/ICDR, and ad hoc tribunals under the UNCITRAL Rules. Selected by Global Arbitration Review as one of the top 30 Women in Arbitration worldwide, Ms. Kalicki has served as an arbitrator (chair, sole, and party-appointed) in both investment and commercial arbitrations, and is a frequent author and speaker on arbitration topics. She is a member of the ICC Commission on Arbitration (U.S. National Committee), the Chair of the U.S. Council for International Business' Arbitration Subcommittee for Washington, D.C., and the Chair of the DC Bar's International Dispute Resolution Committee.



MARK KANTOR - Until he retired from Milbank, Tweed, Hadley & McCloy LLP at the end of 1999, Mark Kantor was a partner in the Corporate and Project Finance Groups of the Firm. He currently serves as an arbitrator and mediator, and teaches courses in International Business Transactions and in International Arbitration as an Adjunct Professor at the Georgetown University Law Center. He is also a Senior Research Fellow at the Vale Columbia Program on Sustainable International Investment (a joint enterprise of Columbia Law School and the Earth Institute at Columbia University). In addition, he is Editor in Chief of *Transnational Dispute Management*, the global dispute resolution journal. He is listed in inter alia *Who's Who Commercial Arbitration*, *Chambers USA (International Arbitration)*, and *Best Lawyers in America (International Arbitration)*. Among other publications, he is the author of *Valuation for Arbitration: Compensation Standards, Valuation Methods and Expert Evidence* (Kluwer 2008).



ERIC C. LIEBELER is the Vice President and Associate General Counsel (Litigation) for Siemens Corporation. He manages all United States-related litigation for Siemens, and was previously the Chief Litigation Counsel for Honeywell's Automation and Control Solutions division. While in private practice before that, he was a partner at Kirkland & Ellis LLP. He is an occasional competitor at the World Series of Poker.



WENDY MILES is a partner at Wilmer Cutler Pickering Hale and Dorr in London and specializes in international arbitration. She has acted as advisor and advocate for international companies and states or state parties in arbitration proceedings conducted in a number of jurisdictions and under various rules including ICC, LCIA, HKIAC, PCA and UNCITRAL. Wendy regularly deals with both private and public international law issues. She recently has been involved in several energy-related arbitrations under both ICC and LCIA rules arising from disputes relating to off-shore oil rights and an ad hoc arbitration proceeding in a dispute arising out of a major construction project on the South Asian sub-continent. In 2009, Wendy was lead co-counsel for southern Sudan in the Abyei Arbitration boundary dispute in the oil-rich Sudan (with the entire proceedings subject to live media coverage via the internet). Wendy continues to represent clients in proceedings in the energy, telecommunications, media, insurance, construction, financial services and pharmaceutical sectors, as well as sitting as arbitrator.



JAN PAULSSON heads the international arbitration and public international law practices of Freshfields Bruckhaus Deringer. He is currently President of the London Court of International Arbitration, the World Bank Administrative Tribunal, and the European Bank of Reconstruction and Development Administrative Tribunal and holds professorships at the University of Miami and the London School of Economics. Among numerous publications, he is author of *Denial of Justice in International Law* (2005) and co-author of the leading commentary *International Chamber of Commerce Arbitration* (3rd edition, 2000). He received his undergraduate education at Harvard College, and holds degrees in law from Yale Law School (where he was an Editor of the *Yale Law Journal*) and the University of Paris. He speaks English, French, Swedish and Spanish.



PHILIPPE PINSOLLE is a partner at Shearman & Sterling LLP in Paris, and specializes in international arbitration. He has been involved, as counsel or arbitrator, in more than a hundred and twenty international arbitrations, both institutional (ICC, ICSID, LCIA, SCC, AFA, Swiss Rules, etc.) and ad hoc, concerning such activities as investment, oil and gas, energy, telecom or defense industry. He is a member of the Paris Bar and of the Bar of England & Wales (Gray's Inn). He is a lecturer on international arbitration at the Universities of Aix-Marseille III, Versailles-St Quentin and Paris 12. Philippe Pinsolle is the former President of the International Arbitration commission of the Union Internationale des Avocats (UIA) and a co-founder of the Young Arbitration Practitioners (YAP). He is the author of numerous articles and case-notes on international arbitration. He holds a J.D. degree from the university of Paris II, a M.Jur. from Oxford University, Hertford College, and an MBA degree from Essec.



LUCY REED, Chair of the ITA, is a partner in the New York office of Freshfields Bruckhaus Deringer US LLP and co-head of the firm's global international arbitration group. Lucy represents private and public clients in cases conducted under the ICSID, ICC, AAA and other major institutional and ad hoc rules, and occasionally sits as arbitrator. She was 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 of the *Guide to ICSID Arbitration* (Reed, Paulsson, Blackaby, Kluwer 2004) and *The Freshfields Guide to Arbitration and ADR* (Paulsson, Rawding, Reed and Schwartz, Kluwer 1999), and publishes widely on international arbitration. Lucy served as President of the American Society of International Law 2008-2010 and is a member of the Council on Foreign Relations.



KLAUS REICHERT is a barrister practicing from Dublin and Brick Court Chambers in London. He has served as arbitrator and counsel in a large number of international cases in many jurisdictions under the LCIA, ICC, ICDR, UNCITRAL, LCIA-DIFC, ICSID and other rules in investment treaty and commercial matters. He is a member of several international bodies including the ITA Board of Reporters, the ILA International Arbitration Committee and the LCIA European Users' Council. He served as co-chair of the IBA Litigation Committee in 2008-2009 and is currently participating in the Experts' Group for the Hague Conference on Private International Law project for the development of principles for choice of law in international contracts. He has acted counsel before the Irish Courts on numerous cases concerning complex commercial and private international law issues since 1992. He has also appeared in the English Courts in relation to one of the landmark cases on the New York Convention. He was the chair of the Host Committee for ICCA 2008 in Dublin marking the exact 50th Anniversary of the New York Convention.

FACULTY BIOGRAPHIES



ANN RYAN ROBERTSON is an attorney with Ajamie LLP, a litigation/arbitration boutique. In 2008, in recognition of her many accomplishments, Ms. Robertson was one of thirty women named an Extraordinary Woman in Texas Law by The Texas Lawyer. Ms. Robertson is the Chair of the North American Branch of the Chartered Institute of Arbitrators, a Member of the ICC Commission on Arbitration, a Fellow of the Chartered Institute of Arbitrators, a Founding Member of ArbitralWomen, and a Member of the Advisory Board of the Institute for Transnational Arbitration. Realizing the importance of training young lawyers, Ms. Robertson also coaches the University of Houston Law Center's Willem C. Vis Moot International Commercial Arbitration Moot team and is a past lecturer for the Academy of American and International Law. Ms. Robertson is frequently invited to address professional and continuing education groups, and has authored a number of articles on international dispute resolution issues.



AUDLEY SHEPPARD is a partner in the London office of Clifford Chance LLP. He is global head of the firm's International Commercial Arbitration group. He has over twenty years' experience in the resolution of disputes arising out of major infrastructure and energy projects and international contracts, as counsel and arbitrator. He is a visiting professor at the Queen Mary School of International Arbitration, London, and a Member of the ICC Court of Arbitration. Audley has been Co-Chair of the IBA arbitration committee and Rapporteur of the ILA arbitration committee.



EDUARDO SIQUEIROS received his law degree from Escuela Libre de Derecho in Mexico City and subsequently an LL.M. degree from Harvard Law School in Cambridge, Massachusetts. He is a partner at the law firm of Barrera, Siqueiros y Torres Landa, S.C. in Mexico City. He has been a professor at Instituto Tecnológico Autónomo de México (ITAM) and most recently at Universidad Iberoamericana, as well as a speaker in diverse fora in Mexico and abroad lecturing on matters of private commercial law, international business transactions and arbitration, areas in which he concentrates his practice. He has participated in multiple domestic and international commercial disputes, both as an arbitrator and party counsel, and as an arbitrator in investor-state disputes before ICSID, including NAFTA Chapter XI disputes.



ABBY COHEN SMUTNY is a partner of White & Case LLP, specializing in international arbitration and public international law. Ms. Smutny advises States and parties with disputes against States and regularly acts as counsel in arbitrations before ICSID, its Additional Facility, the ICC, as well as arbitration under UNCITRAL Rules and before other major international arbitral institutions. She has been recognized repeatedly for her leading expertise in international dispute resolution. Ms. Smutny is a Vice-Chair of the Institute for Transnational Arbitration, a member of the Executive Council and formerly a member of Executive Committee of the American Society of International Law, Vice-Chair of the Arbitration Committee of the International Bar Association, and a former Chair of the International Law Section of the Washington, DC Bar Association. She writes and speaks frequently on topics involving international arbitration and investor-State dispute resolution.



THOMAS SPRANGE is a partner and Solicitor Advocate in the London office of Steptoe & Johnson. He is a member of the firm's International Arbitration Group. He has been involved in arbitration proceedings in the leading arbitration institutes including ICC, AAA, SCC, LCIA and ICSID in respect of a variety of subject matter including telecommunications, engineering, energy and natural resources and product liability. Tom also has extensive experience of court proceedings in support of arbitration including interim relief, enforcement proceedings and challenges to Awards.



CARMEN TIBURCIO is a legal consultant in the law firm of Luis Roberto Barroso & Asociados. Her main area of practice is international law, international business transactions, international litigation and arbitration. She teaches private international law and international litigation and arbitration at the State University of Rio de Janeiro and at the graduate program of Gama Filho University. She holds a LL.M. and S.J.D. degree from the University of Virginia School of Law and has published books and articles on her area of expertise in Brazil and abroad. She is fluent in Portuguese, English, French, Italian and Spanish and has a good knowledge of German.



MARC VEIT is a partner in the litigation/arbitration team of Walder Wyss & Partners in Zurich/Switzerland. Marc Veit has been involved as counsel or arbitrator in more than 50 international arbitrations under various rules, such as the ICC Rules, the Swiss Rules of International Arbitration, the LCIA Rules, the Arbitration Rules of the Stockholm Arbitration Institute and the UNCITRAL Rules. Marc Veit is co-chair of ASA below 40 and teaches international arbitration at the University of Fribourg.



EDUARDO ZULETA is a partner of Gomez-Pinzon Zuleta in Bogotá, Colombia. Mr. Zuleta specializes in international dispute resolution. Mr. Zuleta has extensive experience in international commercial arbitration - in matters related to construction, infrastructure, project finance, telecommunications, energy and international commercial contracts - and in investment disputes. He has acted as co-arbitrator, chair and counsel in international commercial arbitration under ICC, ICDR and UNCITRAL Rules and in investment arbitration under ICSID and UNCITRAL. Mr. Zuleta is professor in international arbitration and commercial law, vice-chair of the Arbitration Committee of IBA, member of the ICC Latin American Group, member of the advisory board of ITA and ACI Arb. He is the author of several articles and co-editor of publications on international arbitration.

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When completed in 1912, the Adolphus Hotel in Dallas was the tallest building in Texas and remained so for many years.

5TH ANNUAL DALLAS ROUNDTABLE FOR YOUNG INTERNATIONAL ARBITRATORS

June 16, 2010 • 5:00-9:00 p.m.
The Adolphus Hotel • Dallas, Texas

Presented by

INSTITUTE FOR TRANSNATIONAL ARBITRATION
ICC YOUNG ARBITRATORS FORUM
ICDR YOUNG & INTERNATIONAL
LCIA YOUNG INTERNATIONAL ARBITRATION GROUP

Co-Sponsored by

Chaffetz Lindsey LLP
Crowell & Moring LLP
Freshfields Bruckhaus Deringer
Santamarina y Steta
Von Wobeser y Sierra

PRESENTATION OF THE CASE IN INTERNATIONAL ARBITRATION

4:30 REGISTRATION

5:00 WELCOME

Cecilia Flores Rueda, Santamarina y Steta, Mexico City
Chair, ITA Young Arbitrators' Initiative

Suzanne Ulicny, Deputy Director, Arbitration & ADR/
North America, ICC International Court of Arbitration,
New York City Representative, ICC Young Arbitrators
Forum

Adrián Magallanes, Arnold & Porter LLP,
Washington, D.C., Member, ICDR Young
& International Global Advisory Board

Andy Moody, Eversheds LLP, London
Co-Chair, LCIA YIAG

5:15 PANEL: WRITTEN SUBMISSIONS

MODERATOR:

Cecilia Flores Rueda, Santamarina y Steta, Mexico City

PANELISTS:

Seem Maleh, Managing Editor, ITA Board of
Reporters and KluwerArbitration.com, Toronto

Angeline Welsh, Allen & Overy, London

Adrián Magallanes, Arnold & Porter LLP, Washington, D.C.

6:10 BREAK

6:25 PANEL: PRESENTATION OF EXPERT EVIDENCE

MODERATOR:

Suzanne Ulicny, Deputy Director, Arbitration & ADR/
North America, ICC International Court of Arbitration,
New York City Representative, ICC Young Arbitrators
Forum

PANELISTS:

Andy Moody, Eversheds LLP, London
Co-Chair, LCIA YIAG

Oliver J. Armas, Chadbourne & Parke LLP, New York City
Marco Tulio Venegas, Von Wobeser y Sierra, S.C.,
Mexico City

7:20 CLOSING REMARKS

7:30-9:00 NETWORKING RECEPTION FOR REGISTRANTS AND FACULTY

at the Iron Cactus Mexican Restaurant and Tequila
Bar, 1520 Main Street in downtown Dallas

Registration is free for lawyers under the age of 40 and includes the meeting materials and the reception. For more information or to register, visit www.cailaw.org/ita. Approved for 1.75 hours of MCLE credit.

JOIN THE INSTITUTE FOR TRANSNATIONAL ARBITRATION

The Institute for Transnational Arbitration (ITA) provides advanced, continuing education for lawyers, judges and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications and membership activities, ITA has become an important global forum on contemporary issues in the field of transnational arbitration. The Institute's record of educational achievements has been aided by the support of many of the world's leading companies, lawyers and arbitration professionals. Membership in the Institute for Transnational Arbitration is available to corporations, law firms, professional and educational organizations, government agencies and individuals.

MISSION

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.

WHY BECOME A MEMBER?

Membership dues are more than compensated both financially and professionally by the benefits of membership. Depending on the level of membership, ITA members may designate multiple representatives on the Institute's Advisory Board, each of whom is invited to attend, without charge, the annual ITA Workshop, the annual ITA Advisory Board Dinner Meeting later that evening and the ITA Forum (the following morning) - an informal, invitation-only roundtable discussion on current issues in the field.

Advisory Board Members also receive a substantial discount off the price of all other ITA programs, all ITA educational DVD products, and selected publications of Juris Publishing and Oxford University Press, as well as a free subscription to ITA's quarterly newsletter, *News and Notes*, and a free subscription to ITA's law journal, *World Arbitration and Mediation Review*. Your membership and participation support the activities of one of the world's leading forums on international arbitration today.

THE ADVISORY BOARD

The work of the Institute is done primarily through its Advisory Board. The ITA Advisory Board meets for business and social activities each June in connection with the annual ITA Workshop.

PROGRAMS

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 *Dallas Roundtable* for young international arbitrators, held annually on the eve of the ITA Workshop in Dallas, 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, please visit our website at www.cailaw.org/ita.

PUBLICATIONS

The Institute for Transnational Arbitration publishes its 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, in ITA's quarterly journal/newsletter, *News and Notes*. All ITA members also receive a free subscription to ITA's newest publication, *World Arbitration and Mediation Review*, a law journal edited by ITA's *Board of Editors* and published in five issues per year. ITA's educational DVDs and books 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*.

ASSOCIATE MEMBERSHIP – \$650

(available only to individuals)

- Membership on the Institute Advisory Board, with the following benefits:
 - Free attendance at the annual Workshop (non-member price: \$495);
 - Free attendance at the Advisory Board's annual meeting, reception and dinner on the evening of the Workshop;
 - Free attendance at the invitation-only ITA Forum on the morning after the Workshop;
 - Member discount at all other ITA programs;
 - Free subscription to ITA's quarterly newsletter, *News and Notes*, with its regularly updated *Scoreboard of Adherence to Transnational Arbitration Treaties*;
 - The opportunity to participate in the committees, leadership and other activities of the Advisory Board;
 - A 20% discount on books published by Oxford University Press in collaboration with ITA;
 - A 50% tuition discount at the annual IICL two-day June Symposium; and
 - Member discounts on ITA educational DVDs.
- One free subscription to *World Arbitration and Mediation Review (WAMR)* and a 10% discount off the regular price of any Juris Arbitration, Dispute Resolution or International Litigation publication that appears on the Juris website (www.arbitrationlaw.com);
- The opportunity to use the Center's beautiful facilities in Plano for education-related activities; and
- Recognition as an *Associate Member* in ITA and Center publications.

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- One free subscription to *World Arbitration and Mediation Review (WAMR)* and a 15% discount off the regular price of any Juris Arbitration, Dispute Resolution or International Litigation publication that appears on the Juris website (www.arbitrationlaw.com); and
- Recognition as a *Supporting Member* in ITA and Center publications.

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(available to corporations, firms, and other organizations)

- Six representatives on the Institute Advisory Board, each of whom is entitled to all of the benefits of Associate Membership described above;
- A 20% discount for all other attorneys and employees at all ITA programs;*
- Two free subscriptions to *World Arbitration and Mediation Review (WAMR)* and a 15% discount off the regular price of any Juris Arbitration, Dispute Resolution or International Litigation publication that appears on the Juris website (www.arbitrationlaw.com); and
- Recognition as a *Sustaining Member* in ITA and Center publications.

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- All of the benefits of Sponsoring Membership (for organizations) or Associate Membership (for individuals) described above; and
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* The exact discount at programs co-sponsored with other organizations varies from program to program, but is customarily approximately 20% or more. For a complete calendar of ITA programs, visit our website at www.cailaw.org/ita.

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

I WISH TO JOIN THE INSTITUTE FOR TRANSNATIONAL ARBITRATION

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*Supporting Members may designate *three* Advisory Board Representatives and Sustaining Members may designate *six* Advisory Board Representatives. Please use a separate page for additional delegates.

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8:30am-5:00pm CST

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by June 4, 2010. 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 Adolphus Hotel, 1321 Commerce St, Dallas, TX 75202. Registrants should call 1-800 221-9083 and mention the ITA Workshop or go online at www.hoteladolphus.com and enter WWGRP002 in Account ID and *G2R\$ in Rate Access Code to get the special rate of \$179 per night + 15% occupancy tax. The last day to obtain this special rate is May 26, 2010.

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.

MCLE CREDIT: The Workshop has been approved by the State Bar of Texas for 6.5 hours, including 0 hours of ethics. Course ID Number: 9011964967. The Dallas Roundtable has been approved by the State Bar of Texas for 1.75 hours, including 0 hours of ethics. Course ID Number: 901197838.

Sign-in sheets and/or certificates of attendance will be available for ALL states.

REGISTRATION

21st Annual ITA WORKSHOP

*Commencing an International Commercial Arbitration:
Fundamentals and Strategy
and featuring
Corporate Perspectives on the Arbitral Process*

June 17, 2010
The Adolphus Hotel • Dallas, Texas

*Registration includes the Workshop, luncheon and course materials. Payment must accompany registration.
**ITA Advisory Board Members, 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.*

Check applicable box:	Received <u>by 6/4/10</u>	Received <u>after 6/4/10</u>
Regular registration fee	<input type="checkbox"/> \$450	<input type="checkbox"/> \$495
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I am under the age of 40 and will attend the Dallas Roundtable for young international arbitrators on June 16 (Cost is \$0 - see inside for details)

Name _____

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SEE INSIDE FOR WORKSHOP SCHEDULE AND INFORMATION

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