

ITA-CANACO AMERICAS WORKSHOP
Underlying Corruption Issues in International Arbitration
How can the arbitral process be used to fight corruption?

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Presented by

Institute for Transnational Arbitration (ITA)
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CECILIA FLORES RUEDA is partner at the Mexico City office of Basham, Ringe y Correa, where she heads the International Arbitration and Litigation Practice Group. She regularly handles complex and high-stake international and domestic arbitration cases, both a party representative and an arbitrator, on a broad spectrum of matters. She also represents clients before federal and local courts. Cecilia's value to clients lies in her ability to draw upon experience in order to formulate creative solutions to complex issues. Cecilia's experience both in arbitration and litigation matters enables her to appear before courts in proceedings requesting and enforcing interim measures as well as proceedings seeking the recognition and enforcement of arbitral awards. Before starting her own law firm, Cecilia worked for major law firms, and acted as Secretary General of the Mediation and Arbitration Centre of the Mexico City National Chamber of Commerce (CANACO), where she was in charge of the administration of mediation and arbitration proceedings, both domestic and international, under the rules of CANACO, the Commercial Arbitration and Mediation Centre for the Americas (CAMCA), and the Inter-American Arbitration Commission (IACAC). As an independent practitioner, Cecilia participated in many arbitration proceedings related to international trade, some of them ad hoc proceedings under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL). She is currently Chair of the Mediation and Arbitration Commission of CANACO, composed by renowned experts in the arbitration field. In 2014, Cecilia was awarded by IACAC, for her outstanding career in arbitration.



CLAUS VON WOBESER - Managing Partner of Von Wobeser y Sierra Mexico City. With experience acting in over 100 arbitrations as either counsel or arbitrator under the rules of the ICC, AAA, Inter-American Commercial Arbitration Commission, PCA, LCIA, SCC, HKIAC, Uncitral Rules and ICSID Rules. He serves as arbitrator on the ICSID Panel as designee of the Chairman of the Administrative Council. Furthermore, he is the Former Vice Chairman of the ICC International Court of Arbitration, former Co-Chair of the Arbitration Committee of the International Bar Association and former President of the Mexican Bar Association.

LUNCHEON SPEAKER



BERNARDO SEPÚLVEDA-AMOR - Former Judge and Vice President of the International Court of Justice. Secretary of Foreign Relations of Mexico (1982-1988). Ambassador of Mexico in Washington and in London. Member of the UN International Law Commission (1997-2005). President of the UN Commission on Transnational Corporations (1980). Professor of International Law at El Colegio de Mexico. His international practice as presiding arbitrator and as arbitrator includes cases administered by the Permanent Court of Arbitration under the UNCITRAL Rules. He has also acted as presiding arbitrator in ICSID cases and as arbitrator in a Stockholm Chamber of Commerce case.

FACULTY



CHRISTIAN ALBANESI has acted as counsel and arbitrator in numerous international arbitrations in ICC, ICSID, Buenos Aires Stock Exchange or *ad hoc* arbitration proceedings, in the fields of acquisitions, construction, oil & gas and joint ventures. Christian joined Linklaters from the ICC International Court of Arbitration where, in his position as Managing Counsel, he supervised the nine case management teams to ensure uniformity of practices and decisions of the ICC Court. He previously held the position of Counsel in charge of the Latin America, Spain and Portugal case management team where he oversaw hundreds of cases pending under the ICC Rules from filing through scrutiny and notification of awards.



GABRIELA ALVAREZ-AVILA is a partner in the International Arbitration group. She focuses her practice on arbitration, international law and investment law. She has experience in transactions involving a wide range of sectors, including infrastructure projects, electricity, telecommunications, and oil and gas. She has acted as counsel for foreign states in investor-state arbitrations conducted under the Arbitration Rules of the International Centre for Settlement of Investment Disputes (ICSID) and of the United Nations Commission on International Trade Law (UNCITRAL). She also has acted as sole arbitrator in an arbitration conducted under the Arbitration Rules of the Centro de Arbitraje de México (CAM). Before joining Curtis, Ms. Alvarez-Avila was a counsel with the International Centre for Settlement of Investment Disputes (ICSID) in Washington, D.C., where she administered arbitrations as secretary of tribunals, hearing cases in English, Spanish and French. The arbitration proceedings in which she was a participant included claims based on bilateral investment treaties, the North American Free Trade Agreement, the Central American Free Trade Agreement, national investment laws and international contracts. Ms. Alvarez-Avila has been cited for her work in international arbitration by *Chambers Global* and *Chambers Latin America*. Sources note that she is “always abreast of any new investment cases or decisions that come to light which affect a proceeding.” Ms. Alvarez-Avila earned a Degree of Law from Universidad Nacional Autónoma de México and a Master in Law with a specialization in International Law from Université de Genève. She is a candidate for a Ph.D in International Relations with a specialization in international law at Institut Universitaire de Hautes Etudes Internationales, Université de Genève.



CECILIA AZAR acted as Secretary General and member of the General Council of the Mexican Arbitration Center (CAM) from 1997 to 2006. She participated as a national consultant of the ABA/USAID Mediation Project, providing technical assistance to judges and other Court’s officers for 5 years. She has participated in several arbitration proceedings representing national and transnational companies, as well as been appointed as sole arbitrator, co-arbitrator and chair arbitrator in *ad hoc* and institutional cases under the ICC, CANACO, CAM and ICDR rules.



ELIANA BARALDI is a graduate in Law of the University of Sao Paulo (1995) and a Masters candidate in International Private Law at the same university. She is the head of Arbitration and Mediation Practices at the Brazilian law firm De Vivo, Whitaker e Castro, with 20 years of experience in high-stakes litigation and complex arbitrations as arbitrator and party representative. She is a Regional Coordinator at the Brazilian Arbitration Committee, member of the Arbitration Committee of the International Bar Association, member of the Advisory Board of the Institute for Transnational Arbitration, member of the Arbitral Appointments Committee of the Scottish Arbitration Centre, and member of ALARB – Asociacion Latinoamericana de Arbitraje. She is a frequent international speaker and author of several international articles related to arbitration.



ROCÍO DIGÓN - ICC International Court of Arbitration, SICANA, Inc. Rocío Digón is Managing Director and Counsel of the ICC International Court of Arbitration, SICANA, Inc. She is responsible for the management of the SICANA office, including directing SICANA's promotional activities, and for the administration of cases for the North America region. She is a former associate in the international arbitration practice of King & Spalding LLP's New York office and has experience in proceedings under the rules of the ICC, UNCITRAL, ICSID, and LCIA. In addition, Ms. Digón has published several articles on topics related to international arbitration. Ms. Digón received her undergraduate degree from Amherst College, where she graduated *summa cum laude* and her J.D. from Yale Law School. She also has an LL.M. in public international law from Leiden University in the Netherlands, which she received while on a J. William Fulbright fellowship. She is admitted to practice in New York and Massachusetts.



SAM EASTWOOD is a dispute resolution lawyer based in London. He specialises in dispute resolution, business ethics and anti-corruption. Sam qualified at Norton Rose Fulbright in 1991 and was promoted to Partner in 1999. Sam is head of our business ethics and anti-corruption practice and advises major corporations on business ethics and anti-corruption risk management in the context of global compliance (including policies, procedures and training), risk assessment, senior management exposure, cross-border transactions, and multi-jurisdictional corporate investigations, and related litigation, governance, process and remediation. Sam's disputes resolution and litigation experience includes: pursuing and defending claims arising from significant corporate acquisitions; advising on joint venture and shareholder disputes; fraud investigations and related claims; competition litigation; and seeking injunctive relief. Sam acted as Independent Compliance Monitor for Macmillan Publishers Limited, reporting to the World Bank and the Serious Fraud Office. He sat on the British Standards Institute's panel for the drafting of the Anti-Bribery Standard and the subsequent pilots. He also sits on the UK editorial committee for the proposed International Standards Organisation Anti-Bribery Management Standard. Sam sits on the Management Committee of University College London's Centre for Ethics and Law, of which Norton Rose Fulbright LLP is a founder member. He is a Board member of Transparency International UK and of the International Association of Independent Corporate Monitors. Sam is a qualified Solicitor Advocate and accredited Mediator.



ELISABETH ELJURI is Head of Latin America for Norton Rose Fulbright. Elisabeth frequently acts as co-counsel in international arbitrations, including ICC and ICSID cases as well as domestic arbitrations. She has also been retained as independent expert in several international arbitrations and spoken/published extensively in the area of natural resource and treaty disputes. Elisabeth is on the Energy Arbitrators List kept by the ICDR. For a number of years now, Who's Who in Oil and Gas has selected Elisabeth as one of the top 10 energy practitioners worldwide, stating that "*Eljuri is without question one of the world's leading oil and gas lawyers... Eljuri has provided assistance in high profile disputes and transactions for Fortune 500 energy clients over the course of a fantastic career.*" Likewise, Chambers ranks Elisabeth Band 1 for Energy and Natural Resources Latin-America wide. On the commercial disputes side, Who's Who in Commercial Arbitration has also ranked Elisabeth for many years. Elisabeth received her law degree from UCAB and an LLM from Harvard Law School and is admitted to practice in New York and Venezuela.

Elisabeth was President worldwide of the AIPN. Elisabeth is the current Chair of the Americas Initiative of ITA.



ALEJANDRO FLORES PATIÑO is a partner of Loperena, Lerch y Martín del Campo (Mexico City). His fields of expertise are corporate law, copyright law and arbitration law. As regards arbitration, he has experience as a sole arbitrator, administrative secretary and counsel in a number of national and international arbitrations under the rules of the ICC, CANACO, CAM and ICDR. He has been appointed as a mediator and has taken part as counsel in commercial and intellectual property mediation. He is a graduate of Universidad Nacional Autónoma de México. He holds an LL.M. in “Litigation and Disputes resolutions” from University College London and and an LL.M. in “Droit des affaires” from the Université de Montréal. He is associate lecturer of ADR at Escuela Libre de Derecho and the Chair of the Foro Jóvenes en Arbitraje CAM-CANACO.



BROOKS HICKMAN, as a member of the OECD’s Anti-Corruption Division, supports the Working Group on Bribery’s peer-review program for monitoring compliance with the OECD Anti-Bribery Convention. He also assists the WGB’s outreach program for countries in Eastern Europe and Central Asia. Before joining the Division, Mr. Hickman was an associate attorney with a US law firm, where he worked on commercial and investment arbitrations under the ICC, UNCITRAL, and SCC rules as well as various anti-corruption matters. Previously, he served as an assistant counsel at the Singapore International Arbitration Centre. Mr. Hickman is a member of the bars of Virginia and the District of Columbia in the United States and is eligible to join the Barreau de Paris in France.



RICARDO IZETA GUTIERREZ graduated from the National Autonomous University of Mexico, with doctoral studies at the Universidad Panamericana. He has been with the Federal Electricity Commission for over 24 years, being responsible for, among other professional activities, international arbitration judgments involving the company, as well as procedures for independent examination and other alternative means of dispute resolution involving the CFE. He is also a graduate of the IPADE graduate program in senior management. He also participated and been a speaker at seminars and diploma courses in Mexico, Colombia, France and the United States concerning the international commercial arbitration and model contracts of the International Federation of Consulting Engineers (FIDIC).



ALOYSIUS LLAMZON is an attorney in the International Arbitration Group of King & Spalding, based in New York. He represents corporate and sovereign parties in treaty and contract-based inter-State, investment, and commercial arbitrations. Dr. Llamzon was previously Legal Counsel and Senior Legal Counsel at the Permanent Court of Arbitration in The Hague. His duties included acting as Registrar of the *Indus Waters Kishenganga Arbitration (Pakistan v. India)* and the *Abyei Arbitration (Gov’t of Sudan/Sudan People’s Liberation Movement/Army)*, as well as Tribunal Secretary in numerous investment treaty and commercial arbitrations involving States. A member of the bar in the Philippines and New York, Louie previously practiced at a leading international firm’s Hong Kong office and at a prominent firm in Manila. He writes and lectures frequently on various issues in international law and dispute settlement; his publications include the monograph *Corruption in International Investment Arbitration* (Oxford U.P., 2014). He holds an A.B. and J.D. from the Ateneo de Manila University, and LL.M and J.S.D. degrees from Yale Law School.



CARLOS LOPERENA, is a partner in the Mexico City law firm of Loperena, Lerch y Martin del Campo. His practice includes international commercial arbitration. He has acted as arbitrator in domestic and international cases. President of the Barra Mexicana (Mexican Bar Association) from 2009 till 2011. Civil Professor for 36 years at Escuela Libre de Derecho in Mexico City where he currently teaches Alternative Dispute Resolution Means. Lecturer in Mexico and abroad about Mexican Law and international arbitration

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LUCINDA A. LOW is a partner of Steptoe & Johnson LLP, residing in the Washington, D.C. office. She heads the firm's Regulatory Enforcement and Public Policy Department, where she is a member of the International Trade and Investment, International Regulation and Compliance, and Government Investigations and Enforcement practice groups, and serves on the firm's Management Committee. Her practice focuses on issues arising from the interaction of multinational businesses and foreign governments, particularly in the context of direct investment, including FCPA/anti-corruption, business and human rights, economic sanctions, and trade and investment disputes. She has served as counsel to claimants and respondents in investor-state claims, as an arbitrator in both commercial and investor-state proceedings, and as an expert witness in international commercial arbitration where issues of bribery and corrupt practices have been involved. Ms. Low is ranked in Band 1, Chambers Global 2010-2015, International Trade: FCPA Experts (US) and in, Chambers USA 2010-2014, International Trade: FCPA Experts (Nationwide). She is also listed in Best Lawyers in America 2012-2015, International Arbitration: Governmental and International Trade and Finance Law and in Washington, DC Super Lawyers, International, 2014. Among other recognition, she has been named an Attorney Who Matters and a "Top Gun" by Ethisphere and was the first woman inducted into its Hall of Fame in 2012. Ms. Low is a member of the U.S. Secretary of State's Advisory Committee on International Law and the Board of Directors of Transparency International - USA. She is a former Chair of the ABA Section of International Law and President-Elect of the American Society of International Law. Ms. Low is a graduate of Pomona College and UCLA Law School, where she served as Editor-in-Chief of the UCLA Law Review. She has lived in Brazil and speaks Portuguese, Spanish French and some Italian in addition to her native English, and has some knowledge of Russian and Japanese. Ms. Low speaks and writes frequently on matters involving international law and regulation.



MONTSERRAT MANZANO concentrates her practice on international arbitration in the dispute resolution team of Von Wobeser y Sierra, S.C. in Mexico City. She has experience in Commercial and Investor-State Arbitration under the ICC, ICSID, ICDR, UNCITRAL and CAM rules and in ad hoc arbitrations involving proceedings governed by a broad range of applicable laws. Particularly, she has experience in administrative law and has participated in arbitrations involving disputes arising from concession agreements and construction disputes in Latin America and litigated before the Mexican Constitutional and Administrative courts. Montserrat holds a law degree from Universidad Iberoamericana in Mexico City and an LL.M in International Commercial Law from the University of Cambridge. She is Chair to the ITA Young Arbitrators Initiative Committee and member of YIAG, ICC YAF, Arbitral Women and ALARB.



IAN MEREDITH'S practice focuses on International Disputes across a range of sectors encompassing both commercial and public international law issues. He is a CEDR Accredited Mediator, a Fellow of the Chartered Institute of Arbitrators and the coordinator of the firm's International Arbitration Group. Mr. Meredith has arbitrated disputes under the ICC, LCIA, UNCITRAL, LMA and ICSID rules amongst others as well as acting in relation to a number of ad hoc arbitrations and arbitrations proceeding under the rules of various trade bodies as well as several Bermuda Form insurance coverage disputes. His clients include sovereign states, individuals and corporates. Recent cases have been seated in London, Geneva, Paris, Vienna, Panama, Tokyo and various cities in the US.



CHRISTA MUELLER GARCIA is a senior associate at Noriega y Escobedo, A.C. a Mexico City based law firm, where she heads the civil, commercial and administrative litigation and ADR Group. Christa has focused her practice on complex commercial litigation and arbitration matters in the infrastructure, construction, energy, aviation and reinsurance industries. She has represented multinational clients in arbitration proceedings under the ICC, ICSID, CAM (Centro de Arbitraje de México) and CANACO (Cámara Nacional de

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DAVID ORTA is the head of the international arbitration practice in Washington, DC and Latin America for Quinn Emanuel Urquhart & Sullivan LLP. *Chambers Global* and *Chambers Latin America* report that clients call David Orta "a vastly experienced attorney who inspires real confidence with a remarkable ability to see all the angles". The guides also state that Mr. Orta wins praise from clients for his "sound advice and excellent client service" and is "particularly noteworthy for seeking creative solutions for resolving disputes". In the *Legal 500*, clients say David Orta "manages all the details of cases, is on top of everything and understands how things and institutions work in Latin America". David is a trial lawyer and arbitration advocate with many years of experience successfully representing clients all over the world in complex international arbitrations (including investor-state (treaty) arbitrations and complex, international commercial arbitrations) and complex, commercial transnational litigations. David's clients and cases have spanned most continents, including North America, Central America, South America, Europe, Asia, Africa and Australia. His experience spans many sectors, including energy, oil and gas, transportation, infrastructure, construction, power plant, telecommunications, mining, and post-merger and acquisition disputes. David has received various accolades for his work, including being named one of the top 40 lawyers under 40 in Washington, DC by both the *National Law Journal* and *Washingtonian Magazine*. He is routinely ranked in *Chambers Global*, *Chambers Latin America* and Euromoney's *Expert Guide to the World's Leading Commercial Arbitration Attorneys*. He was selected by *Global Arbitration Review* as one of the world's leading commercial arbitrators and is also featured in *Who's Who Legal: Arbitration* (2015 edition) and *Legal 500* (Latin America edition). He regularly lectures on topics of international arbitration and public and private international law all around the world and has published numerous articles on topics of interest within the international arbitration community.



JULIETA OVALLE PIEDRA is a partner at Bufete Ovalle Favela, S.C., in Mexico City. She received her law degree with honors from the Universidad Nacional Autónoma de México and her LL.M. in European and French law from the Université de Paris 1 Panthéon-Sorbonne. She is admitted to practice in Mexico. Ms. Ovalle practices in the areas of domestic and international litigation and arbitration. She has been involved in a number of arbitrations acting as counsel and arbitrator in several matters, including construction and banking law. She is member of the Mexican Bar Association and of the Mexican Chapter of the International Chamber of Commerce, where she actively participates in the Arbitration Commission. Currently she is President of the Young Arbitrators Committee of ICC Mexico and ICC YAF Latin America Representative. She is a member of the Council of the Construction Industry Arbitration Center (*Centro de Arbitraje de la Industria de la Construcción - CAIC*). She has acted as an expert in Mexican Law before foreign courts and has published on arbitration and comparative law. She is fluent in Spanish, French and English, and has a working knowledge of Italian.



HANSEL T. PHAM is a partner of White & Case LLP in Washington, D.C., where he specializes in complex arbitration and litigation matters. He serves as counsel to claimants and respondents regarding investor-State claims, advises clients in commercial arbitration proceedings, and represents parties in court proceedings involving the enforcement and/or set-aside of international arbitral awards. Hansel is a regular speaker and author on matters involving international arbitration, including fraud and corruption. He currently serves as an Advisory Board Member of the ITA and Associate Editor of the ITA publication, *News and Notes*.



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RAFAEL RINCÓN is Senior Associate to the Dispute Resolution and Investment Protection Practice of Gómez-Pinzón Zuleta Abogados in Bogotá, Colombia. He focuses his practice in international arbitration and litigation as well as public international law. Rafael has advised in arbitrations conducted under ICC, ICSID, ICDR and UNCITRAL Rules involving infrastructure, energy, finance, mining, oil and gas. He has acted in international disputes before domestic and foreign courts involving diplomatic immunities, asylum and the recognition and enforcement of arbitral awards. Rafael received his Law degree with honors from Pontificia Universidad Javeriana and his LL.M in International Business Regulation, Litigation and Arbitration from the NYU School of Law.



ABBY COHEN SMUTNY is Chair of the ITA and a partner of White & Case LLP. She is recognized as one of the world's leading practitioners of international arbitration and has represented clients in arbitrations before all major arbitral forums including ICSID, the ICC, the Vienna International Arbitral Centre, the LCIA, the ICDR, as well as in ad hoc UNCITRAL Rules arbitrations. She handles both commercial contract disputes as well as disputes arising under investment treaties. She is Vice-President of LCIA's North American User's Council, a member of the Board of the AAA, and a member of the Editorial Board of the Yearbook on International Investment Law and Policy. Previously she served as Vice-President of the American Society of International Law and a member of its Executive Committee and Executive Council, Vice-Chair of the Arbitration Committee of the IBA and Chair of its Investment Treaty Subcommittee, co-Editor-in-Chief of the World Arbitration and Mediation Review, and as Chair of the International Law Section of the DC Bar.



TIMOTHY SULLIVAN is an associate in the Business Litigation practice group at King & Spalding. He also has experience in international arbitration and congressional investigations. Mr. Sullivan received his J.D. from Notre Dame Law School in 2009, where he was a member of the Jessup International Moot Court team. He graduated from Loyola University of New Orleans in 2005 cum laude, with a B.A. in History and a minor in Latin American studies. While an undergraduate, Mr. Sullivan spent a semester studying at the Universidad Iberoamericana in Mexico City. Prior to law school, Mr. Sullivan spent nearly a year in Santiago, Chile, working for a large law firm and taking courses in the MBA program at the Universidad de Chile.



JOE TIRADO is based in London where he has been Global Co-Head of International Arbitration at Winston & Strawn LLP since 2012. He is recognised as a ranked individual for international arbitration and ADR in leading legal directories, where he is described as "first class" (Chambers UK, 2011). Joe is "best known for his work on energy-related disputes, but is also recognised for his financial services and public international law expertise" (Chambers UK, 2011). Joe is a solicitor-advocate with full rights of audience before all civil courts, an accredited mediator and panel member of a number of leading arbitration and mediation panels. He has extensive experience of both commercial and investment arbitration. Joe regularly sits as an arbitrator, mediator and expert determiner in both English and Spanish. He is fluent in Spanish and does a lot of work in Latin America, India and the CIS.



MARC D. VEIT is a partner of LALIVE in Zurich. He has extensive experience in complex international arbitration and litigation matters with particular emphasis on multi-jurisdictional disputes. His expertise spans across various industries including energy (in particular gas), construction, telecommunications, life sciences and biotechnology, banking, commodity trading, shipping, ship building and nutrition. Marc Veit also represents parties before the Swiss Federal Supreme Court in setting aside proceedings. He has been ranked for many years by Chambers Global as a leading individual in Arbitration and Litigation in Switzerland, and by Legal 500 as a recommended practitioner in Dispute Resolution in Switzerland.



ALEXANDER YANOS is a litigation partner in the New York office of Hughes Hubbard and co-chairs the firm's Treaty Arbitration practice group. His practice focuses on complex disputes, particularly international disputes, both in court and before arbitral tribunals. Mr. Yanos's arbitration practice includes commercial, financial and treaty based disputes, particularly in the energy and mining sectors and in Latin America. Recently, he has obtained a finding of unlawful expropriation in an ICSID arbitration against Venezuela, one of the largest investment treaty cases ever filed, and a decision issued by the United States Supreme Court reinstating the award of BG Group plc against the Republic of Argentina. He also has obtained successful results for clients in disputes involving Algeria, Argentina, Bolivia, Ecuador, Libya, Lithuania, Russia, Pakistan, Paraguay, the United States, Venezuela and Vietnam. He has acted in matters before nearly every international arbitration tribunal, including: the International Centre for Settlement of Investment Disputes, International Chamber of Commerce, London Court of International Arbitration, American Arbitration Association, Hong Kong International Arbitration Centre, Inter-American Commercial Arbitration Commission, International Court of Justice and the Stockholm Chamber of Commerce. Mr. Yanos also has considerable experience litigating multi-jurisdictional disputes involving the securities, banking, antitrust and insurance industries. He is fluent in six languages.