

**13TH ANNUAL ITA-ASIL CONFERENCE:
A SPOTLIGHT ON ETHICS IN INTERNATIONAL ARBITRATION:
ADVOCATES, ARBITRATORS AND AWARDS**

March 30, 2016
Hyatt Regency Capitol Hill
Washington, D.C.

Presented by
The Institute for Transnational Arbitration's Academic Council
and
The American Society of International Law

CO-CHAIRS



ERIN O'HARA O'CONNOR holds the Milton R. Underwood Chair in Law at Vanderbilt Law School, where she serves as Director of Graduate Studies for the Ph.D. Program in Law and Economics. She is a leading scholar in the field of conflict of laws. Her recent work includes four books and a series of significant articles on choice of law, as well as articles that explore contractual dispute resolution, including arbitration, and the effect of legal rules on jurisdictional competition.



ANK SANTENS is a partner in White & Case's international arbitration group, based in New York. Ms. Santens has served as counsel or arbitrator in dozens of commercial, investment, construction, insurance, and sports arbitrations throughout the world under all major and various regional arbitration rules. She has particular experience in energy and infrastructure/construction. A Belgian national, Ms. Santens' working languages, besides English, are French, Spanish and Flemish/Dutch. She chairs CPR's Arbitration Committee, serves on the Executive Committee of the Foundation for International Arbitration Advocacy (FIAA), and is a member of the ICCA Task Force on Third Party Funding. She was named the "Global Rising Star of the Year" (Euromoney's Global Commercial Arbitration Awards 2014), one of the "45 Under 45" (Global Arbitration Review 2011), and one of the 44 "Rising Stars" in New York (New York Law Journal 2013). She holds law degrees from Columbia University (NY) and Catholic University of Leuven (Belgium), and spent one year as an ERASMUS student at the law faculty of the University of Granada (Spain). She is a member of the New York bar and a Solicitor of England and Wales.

CHAIR, INSTITUTE FOR TRANSNATION ARBITRATION



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 Sub-Committee, co-Editor-in-Chief of the World Arbitration and Mediation Review, and as Chair of the International Law Section of the DC Bar.

CHAIR, ACADEMIC COUNCIL



SUSAN D. FRANCK is a Professor of Law at Washington & Lee University and joining the faculty at the American University, Washington College of Law in Washington, DC in August 2016. Professor Franck's scholarship focuses on international economic law and dispute resolution and has been published in the *American Journal of International Law*, *Duke Law Journal*, *Fordham Law Review*, *Minnesota Law Review*, *Washington University Law Review*, *Virginia Journal of International Law*, and *Harvard Journal of International Law*. She also practiced international arbitration at Wilmer Hale and Allen & Overy. Professor Franck is an elected member of the American Law Institute, Vice-Chair of the Academic Council of the Institute for Transnational Arbitration, and former co-chair of the American Society of International Law's International Economic Law Interest Group.

KEYNOTE SPEAKER



IAN BINNIE, C.C., Q.C. is counsel at Lenczner Slaght. One of Canada's most respected advocates, the Honourable Ian Binnie served for nearly 14 years as a Justice of the Supreme Court of Canada. When he retired in 2011 he was described by The Globe and Mail as "*arguably the country's premier judge*" and by La Presse as "*peut-être le juge le plus influent au Canada dans la dernière décennie.*" During his time on the country's top court (as only the third modern Justice appointed directly from the bar) Ian authored more than 170 opinions, including on landmark cases involving issues of patent interpretation and validity, protection of trade-marks, media law, commercial disputes, punitive damages, expert evidence and many aspects of constitutional, criminal and administrative law. In his role as Counsel with Lenczner Slaght, Ian shares strategic and practical advice, as well as his dispute resolution expertise, with his colleagues and the firm's clients. In doing so he draws not only on his judicial insights, but also

his wealth of courtroom experience as one of Canada's top litigators. Over the course of three decades, he argued cases in most of the common law provinces and appeared regularly before the Supreme Court on a range of constitutional, civil and criminal matters. Throughout his career as a litigator, Ian has often taken on public service roles as well. In the early 1980s he served for four years as Canada's Associate Deputy Minister of Justice. He was later appointed Special Parliamentary Counsel to the Joint Committee of the Senate and the House of Commons on the Meech Lake Accord. An elected member of the International Commission of Jurists, he has appeared before the International Court of Justice and various international tribunals in governmental litigation matters, and has acted as Canadian representative in high-profile disputes involving France and the U.S.

FACULTY



R. DOAK BISHOP - Partner in King & Spalding's Houston Office. Co-Chair of Firm's International Arbitration Practice Group. B.A. degree with high honors and departmental distinction from Southern Methodist University (1973), and J.D. degree with honors from the University of Texas Law School (1976), Research Editor of the Texas Law Review. Over 35 years of legal practice, with a focus on international arbitration and foreign investment disputes. Board Certified in Civil

Trial Law by the Texas Board of Legal Specialization. Board of Directors of the American Arbitration Association; Board of Trustees of the Center for American and International Law; Past Chair of the Institute of Transnational Arbitration; Member, U.S. delegation to the NAFTA Advisory Committee on Private Commercial Disputes; Advisor to the American Law Institute's Restatement of the Law (3rd) of International Commercial Arbitration; Adjunct Professor, SMU Law School (1999) (International Commercial Arbitration), University of Houston Law School (2002) (Foreign Investment Disputes), University of Texas Law School (2013) (Foreign Investment Disputes), and University of Oklahoma Law School (2011, 2012) (Foreign Investment Disputes); Co-Chair, International Litigation Committee of ABA's Litigation Section (1998-2000); Chair, Litigation Section of the State Bar of Texas (1998-1999). Specialties in international arbitration of international energy disputes, investment and infrastructure disputes, construction disputes, and environment issues. Registered more than 25 ICSID arbitrations and represented investors in about 30 investment arbitrations against foreign governments. Arbitrator in about 75 arbitrations, including NAFTA and BIT arbitrations under the UNCITRAL Rules. Editor, The Art of Advocacy in International Arbitration (2nd ed. Juris Publishing 2010); co-author with Professor James Crawford and Professor Michael Reisman, Foreign Investment Disputes: Cases, Materials and Commentaries (Kluwers, 2005); Editor, Enforcement of Arbitral Awards Against Sovereigns (Juris 2009).



MARGARET L. MOSES is Professor of Law and Director of International Programs at Loyola University Chicago. A scholar in the field of international commercial arbitration, the second edition of her treatise on international commercial arbitration was published in May 2012 by Cambridge University Press. Her teaching and writings are informed by her participation as an arbitrator or advocate in arbitrations under the auspices of the International

Chamber of Commerce, Court of Arbitration and the American Arbitration Association's International Centre for Dispute Resolution, as well as in ad hoc arbitrations. In addition to

arbitration, her areas of interest and research include international business transactions, international letters of credit, and international trade finance. Her articles on arbitration, international letters of credit, good faith, and other topics have appeared in many U.S. law reviews, as well as in foreign and international journals. She has been an invited speaker at national and international conferences in many different countries. Professor Moses heads Loyola Chicago's Vis Moot Arbitration program, which sends students to compete in both Vienna and Hong Kong. She has a J.D. degree from Columbia University School of Law and a Ph.D. degree from Indiana University. mmoses1@luc.edu



MARIE-CLAUDE RIGAUD is a professor at the Université de Montréal's Faculty of Law, where she also acts as Associate Dean, External Affairs and Communications, and as Director of the Master's Degree program for foreign students, Business Law in a Global Context. Her research focuses mainly on arbitration and other modes of dispute resolution, as well as professional regulation and ethics. She is editor in chief of the *Journal of Arbitration and Mediation/revue d'arbitrage et de médiation*, as well as a member of RéForMA and of the Canadian Bar Association's Ethics and Professional Responsibility Committee. Professor Rigaud has lectured at the Université de Sherbrooke's Faculty of Law where she is an Associate Professor, the University of Toronto's Rotman School of Management, the Faculty of Law of the University of Nevada (UNLV) and the Faculty of Law of Sassari (Italy). She is a graduate of McGill University's Faculty of Law (B.C.L./LL.B.) and of Université Paris XII, where she obtained her doctorate with the highest distinction. She is a member of the Quebec Bar and of the Law Society of Upper Canada and she practiced law for many years in Toronto, Zurich and Montreal before becoming a full time professor.



VICTORIA SHANNON SAHANI is an Assistant Professor of Law at Washington and Lee University School of Law. She is an expert on third-party funding, international commercial arbitration, investment treaty arbitration, alternative dispute resolution (ADR), and civil procedure. Professor Sahani co-authored a book entitled *Third-Party Funding in International Arbitration* (Wolters Kluwer: 2012) (with Lisa Bench Nieuwveld) and published an article entitled *Recent Developments in Third-Party Funding* in the *Journal of International Arbitration* (Wolters Kluwer: 2013). Professor Sahani's next article entitled *Harmonizing Third-Party Litigation Funding Regulation* will be published by the *Cardozo Law Review* in February 2015. She is a Member of the ITA Academic Council, the Task Force on Third-Party Funding jointly organized by ICCA and Queen Mary University of London, and the Editorial Committee of the 2015 Benchbook on International Law, published by the American Society of International Law (ASIL). Prior to joining Washington & Lee, Professor Sahani served for five years as Deputy Director of Arbitration and ADR in North America for the International Court of Arbitration of the International Chamber of Commerce (ICC) and assisted the United States Council for International Business (USCIB) in nominating arbitrators, mediators, and experts for ICC Cases. Professor Sahani holds an A.B. from Harvard University and a J.D. from Harvard Law School. She is a member of the bar in New York, New Jersey, and the District of Columbia.



LAURENCE SHORE is an international arbitration specialist and a partner in the New York City office of Herbert Smith Freehills LLP. He has extensive experience representing clients in major arbitral seats, such as Geneva, Paris, London, Singapore, Cairo, and New York City. He also frequently sits as an arbitrator in ICC, ICDR, and LCIA cases. He is a member of the LCIA's North American Users' Council, and from September 2012 to May 2014 he was the

Chair of the New York City Bar's International Law Committee. In addition to his work as an arbitration practitioner, Laurence tries cases in the United States courts. Laurence is a member of the New York, District of Columbia and Virginia Bars, and is also a solicitor of the Supreme Court of England and Wales (with rights of audience as a solicitor-advocate, Higher Courts, Civil). Prior to joining Herbert Smith Freehills in March 2013, Laurence was a partner in the New York City office of Gibson, Dunn & Crutcher LLP. He has also served as an attorney-adviser international in the Office of the Legal Adviser, United States Department of State, and began his career as a litigation associate at Williams & Connolly in Washington, D.C. Laurence's law degree is from the Emory University School of Law, where he was Editor-in-Chief of the Emory Law Journal (1988-89). He earned a Ph.D. degree in History from The Johns Hopkins University (Baltimore, Maryland). His undergraduate degree is from the University of North Carolina at Chapel Hill, where he graduated with highest honours. Among his publications are "Do Witness Statements Matter – And If So, How Can They Be Improved? (ICCA Congress Series No. 18 (Kluwer 2015); and "You Can bet the Company But Not the State: The Proper and Improper Conduct of Sovereigns in Arbitration," World Arbitration and Mediation Review (2009, Vol. 3, Nos. 4-5).



MAIRÉE URAN BIDEGAIN, Legal Counsel at the International Centre for Settlement of Investment Disputes (ICSID, World Bank Group), joined ICSID in 2011. In this capacity, she serves as Secretary of tribunals, commissions and *ad hoc* committees in arbitration, conciliation and annulment proceedings brought under the ICSID Convention. She also participates in numerous institutional matters, including recently as co-editor of the book, *Building International Investment Law: The First*

50 years of ICSID, a publication of Wolters Kluwer, in celebration of ICSID's 50th Anniversary. Prior to joining ICSID, Ms. Uran Bidegain worked as an associate in the international arbitration group of an international law firm in Washington DC (2006 – 2011). She holds a law degree from Université Panthéon-Assas (Paris II), a Master's degree from Université Panthéon-Sorbonne (Paris I), a Master of Laws degree from the University of Pennsylvania Law School. She is admitted to practice in New York. She has been a guest speaker at numerous conferences and seminars and is currently an adjunct professor at Georgetown University. Mairée Uran Bidegain speaks English, French and Spanish and is originally from Colombia. Adresse e-mail : muranbidegain@worldbank.org Tel.: +1 202-473-6715