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Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee
Houston International Arbitration Club

The Kay Bailey Hutchison Center for Energy, Law, and Business at The University of Texas at Austin

International Energy Arbitration

3rd Annual ITA-IEL-ICC Joint Conference



3rd Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration

January 14 - 15, 2016

Omni Houston Hotel • Houston, Texas

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Highlights

- 2015 Energy Arbitration Year in Review
- Navigating the Changing Geopolitical Landscape
- Energy Arbitrator Selection
- Emergency Proceedings in O&G Disputes
- Keynote Speaker: Charles D. Davidson, Venture Partner, Quantum Energy Partners; former Chairman/CEO, Noble Energy, Inc.
- Oral History Luncheon Interview with Gerald Aksen
- Young Lawyers Roundtable

MCLE Credit will be available

Conference Co-Chairs

C. Mark Baker
Global Co-Head of International Arbitration, Norton Rose Fulbright US LLP, Houston, Texas

Karl Hennessee
Vice President - Public Law and Technology, Halliburton Houston, Texas

Toni D. Hennike
Vice President Legal – Exploration, Development, Drilling & Services, Hess Corporation Houston, Texas

“Advanced, thought-provoking content. Many speakers from outside the U.S..”

“This was a much needed and superbly executed conference.”

— 2015 Participants



2015 ITA-IEL Joint Conference

Media Sponsor



Transnational Dispute Management is a comprehensive information service on the management of international disputes, with a focus on investment arbitration and also in other significant areas of international investment. Visit www.transnational-dispute-management.com

2:30 REGISTRATION

3:00 WELCOME

- **Wendy F. Daboval**, IEL Chair, Vice President and General Counsel, Land, Chevron North America Exploration and Production Company, Houston
- **Rocío Digón**, Managing Director and Counsel, ICC International Court of Arbitration, SICANA, Inc., New York
- **Abby Cohen Smutny**, ITA Chair, White & Case LLP, Washington D.C.

WINTER ROUNDTABLE

Presented by the
IEL Young Energy Professionals
ITA Young Arbitrators Initiative
ICC Young Arbitrators Forum

Sponsored by

CHAFFETZ LINDSEY LLP



3:05 WELCOME TO THE ROUNDTABLE

ROUNDTABLE CO-CHAIRS:

- **Robert Carlton**, IEL YEP Representative, Haynes and Boone, LLP, Houston
- **Teresa Garcia Reyes**, ICC YAF Representative, Senior Counsel - Litigation, GE Oil & Gas, Houston
- **Silvia Marchili**, ITA YAI Vice Chair, King & Spalding LLP, Houston

3:10 ETHICS AND THE IBA GUIDELINES ON PARTY REPRESENTATION

In today’s increasingly globalized legal market, attorneys from different corners of the world often have different interpretations of attorney conflict principles. The IBA recently revised its Guidelines on Party Representation in an attempt to remove uncertainty and standardize party representation rules in international arbitration. This session addresses questions including: What conflict issues may arise in the practice of international arbitration? How have practitioners responded to the IBA Guidelines since their adoption? Have they been a game-changer or a non-event? Have parties and attorneys been implementing their suggestions?

MODERATOR: Silvia Marchili, King & Spalding LLP, Houston

PANELISTS:

- **Kelly Herrera**, Senior Counsel, Arbitrations, ConocoPhillips Company, Houston
- **Soledad G. O’Donnell**, Mayer Brown LLP, Houston
- **Ina C. Popova**, Debevoise & Plimpton LLP, New York

SCHEDULE

January 14 - 15

4:00 CYBERSECURITY AND DATA PRIVACY

This session analyzes the impact of recent breaches of cybersecurity and data privacy on the arbitration community. Who is most at risk of being faced with a security breach -- arbitrators, tribunals, law firms, or parties themselves? Are there lessons to be learned from the recent investment arbitration breaches that may be applied to commercial arbitration? How may such breaches be avoided in the future?

MODERATOR: Robert Carlton, Haynes and Boone, LLP, Houston

PANELISTS:

- Jonathan Fairtlough, Managing Director, Cyber Security and Investigations, Kroll, Los Angeles
- Melinda L. McLellan, BakerHostetler, New York
- Jennifer Permesly, Chaffetz Lindsey LLP, New York

5:00 WELCOME RECEPTION

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& Plimpton**

7:00

ITA-IEL-ICC JOINT CONFERENCE RECEPTION AND DINNER

Optional for all Joint Conference registrants, faculty and members of the sponsoring organizations
(Please indicate on the registration form if you wish to attend – ticket price: \$115 per person)

Omni Houston Hotel

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SCHEDULE

January 15

7:45 YOUNG LAWYERS NETWORKING BREAKFAST

For members of the ITA Young Arbitrators Initiative (YAI), the IEL Young Energy Professionals (YEP), the ICC Young Arbitrators Forum (YAF) and other young lawyers interested in international energy arbitration.

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

Conference coffee breaks sponsored by

Exponent

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STEPTOE & JOHNSON LLP

9:00 WELCOME BACK

CONFERENCE CO-CHAIRS:

- **C. Mark Baker**, Global Co-Head of International Arbitration, Norton Rose Fulbright US LLP, Houston
- **Karl Hennessee**, Vice President - Public Law and Technology, Halliburton, Houston

9:05 KEYNOTE PRESENTATION: THE FUTURE OF INTERNATIONAL ENERGY – WEAVING THROUGH THE MAZE OF COMMERCIAL AND POLITICAL RISK

- **Charles D. “Chuck” Davidson**, Venture Partner, Quantum Energy Partners, Former Chairman and CEO, Noble Energy, Inc., Houston

9:30 NAVIGATING THE CHANGING GEOPOLITICAL LANDSCAPE DURING AN ENERGY DISPUTE – BALANCING THE POLITICAL AND ARBITRAL DEVELOPMENTS IN REGARD TO IRAN, IRAQ, RUSSIA, LIBYA, SYRIA AND ISDS ISSUES WITH FAILED OR FAILING STATES

This panel will address the geopolitical issues surrounding energy disputes in Iran, Iraq, Russia, Syria and Libya, and their implications for international arbitration. Are Iraq, Syria, and Libya failed states? If so, with whom does one negotiate? Do these states have BITs that can be accessed today? Is international arbitration a valid forum for resolving these disputes? The panel will address concrete problems and real examples. What are the implications for international arbitration of the sanctions regimes involving Iran and Russia? Is the situation progressing or regressing? The panel will discuss instances of political sanctions in international arbitration, including the Libyan Sun Oil case from the 1980s.

MODERATOR: **James E. Castello**, King & Spalding International LLP, Paris

PANELISTS:

- **Suzana M. Blades**, Managing Counsel of Arbitrations, ConocoPhillips, Houston
- **James L. Loftis**, Vinson & Elkins LLP, London
- **Marc D. Veit**, LALIVE, Zurich

10:20 BREAK

10:40 DOES YUKOS CHANGE THE PARADIGM OF INVESTMENT ARBITRATION?

Beyond the hyperbole, what do the Yukos Awards bring to the investment arbitration field? Is it a *sui generis* case decided on its (highly unusual) facts, or one that takes the treatment of the Energy Charter Treaty and the treatment of damages in a new direction? How politicized, if at all, may we consider the Tribunal’s decisions? Does it matter, as is being alleged in the challenge pending before the Dutch Courts, that the Tribunal Secretary drafted the Award, rather than the Tribunal itself?

MODERATOR: **Sophie Nappert**, 3VB, London

PANELISTS:

- **Professor Julián Cárdenas García**, University of Houston, Houston
- **Alexandra Dosman**, Executive Director, New York International Arbitration Center, New York
- **Roman Khodykin**, Berwin Leighton Paisner LLP, London

11:25 2015 YEAR IN REVIEW: THE TOP 10 DEVELOPMENTS IN INTERNATIONAL ENERGY ARBITRATION

This presentation will consider both investor-state and contractual disputes in the energy sector. It will cast an eye over the wide range of matters that have come before arbitral tribunals in 2015, and will attempt to identify the ten special rulings and industry trends that will have the most important influence on energy arbitration in 2016 and beyond.

- **Laurence Shore**, Herbert Smith Freehills New York LLP, New York
-

12:00 LUNCHEON

A Conversation with

Gerald Aksen
Arbitrator & Mediator, New York

with

Andrea K. Bjorklund
L. Yves Fortier Chair in International Arbitration and International Commercial Law
McGill University Faculty of Law, Montreal

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1:45 **ARBITRATION'S "USUAL SUSPECTS" – MYTH OR REALITY?**

Is the stereotype of the same few arbitrators routinely receiving arbitrator appointments a reality or a misconception? Who will become tomorrow's leading arbitrators, and how are they being developed? Will a public forum for evaluating an arbitrator's performance help diversify choices and improve performance? Who is ultimately responsible for the quality of an appointed arbitrator?

MODERATOR: Karl Hennessee, Vice President - Public Law and Technology, Halliburton, Houston

PANELISTS:

- Rocío Digón, Managing Director and Counsel, ICC International Court of Arbitration, SICANA, Inc., New York
- Louis B. Kimmelman, Sidley Austin LLP, New York
- Michael L. Morkin, Baker & McKenzie LLP, Chicago

2:30 **EMERGENCY ARBITRATOR PROCEEDINGS IN OIL & GAS DISPUTES**

Since their appearance just a few years ago, emergency arbitrator provisions are now a mainstay of the leading arbitration rules worldwide. What utility can emergency arbitrators have in oil and gas cases? What standards and procedures govern the granting of emergency relief? Do courts enforce emergency arbitrator rulings? A panel of experienced practitioners and arbitrators will address these and other questions relating to emergency arbitration.

MODERATOR: Kevin O'Gorman, Norton Rose Fulbright US LLP, Houston

PANELISTS:

- Rocío Digón, Managing Director and Counsel, ICC International Court of Arbitration, SICANA, Inc., New York
- Mark W. Friedman, Debevoise & Plimpton LLP, New York
- Aníbal Sabater, Chaffetz Lindsey LLP, New York

3:10 **BREAK**

3:30 **DAMAGES AWARDS IN ENERGY DISPUTES**

This panel will address the questions that often arise following the notification of an award on damages in investor-state arbitration. Specific topics to be considered include why tribunals may encounter difficulties in assessing damages, recent trends in damages awards in international arbitration and the investor's perspective on problematic damages awards.

MODERATOR: Steve Davidson, Steptoe & Johnson LLP, Washington, D.C.

PANELISTS:

- Francisco Balduzzi, Senior Counsel - Latin America, Wood Group, Houston
- Andrew Flower, Global Head of Dispute Consulting, Deloitte LLP, Paris
- Prof. John Y. Gotanda, Villanova University School of Law, Villanova

4:15 ITA-IEL-ICC FORUM

The Forum is an open informal discussion providing the opportunity for arbitrators, arbitration counsel and in-house counsel to share experiences and raise concerns in transnational arbitration in an off-the-record unstructured dialogue format. The agenda for the Forum is determined by the participants, by pre-submitted questions and topics and by spontaneous remarks at the event. Registrants will receive instructions on how to submit questions or topics for discussion at the Forum.

MODERATOR: C. Mark Baker, Global Co-Head of International Arbitration, Norton Rose Fulbright US LLP, Houston

5:00 CLOSING REMARKS

NETWORKING ADVENTURE

January 16

HOUSTON NETWORKING ADVENTURE

Saturday, January 16, 2016 • Optional – Ticket Price \$95

Houston Museum District • Houston Museum of Natural Sciences • El Tiempo Cantina • Wild West Houston

Join us for a relaxed Saturday afternoon visit to the #1 of 223 things to do in Houston according to TripAdvisor: the Houston Museum of Natural Sciences in the Houston Museum District, with its renowned Weiss Energy Hall and more, followed by a totally informal Tex-Mex dinner.

Please indicate on the registration form if you wish to attend – ticket price: \$95 per person.
A bus will depart from the Omni Hotel lobby at 1:30 p.m. and will return to the hotel at about 8:00.
Then, for those who wish to continue, country and western dancing at Wild West Houston.

ABOUT ITA, IEL AND ICC



Institute for
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Established in 1986 as part of The Center for American and International Law, ITA provides advanced education for lawyers, judges, arbitrators, business executives, government officials and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications and membership activities, led by many of the top global experts and supported by many of the world's most actively engaged corporations, law firms and individual practitioners, ITA has become an important global forum on contemporary issues in the field of transnational arbitration. For more information, visit cailaw.org/ita



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Part of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents several educational conferences and seminars each year, publishes papers, periodicals and *The Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed. For more information, visit cailaw.org/iel



Established in 1923 as the arbitration body of the International Chamber of Commerce (ICC), the International Court of Arbitration pioneered international commercial arbitration as it is known today. Working closely with its Secretariat, the Court's primary role is to administer ICC arbitrations. The Court provides parties with a flexible and neutral setting for dispute resolution. It offers confidentiality and extraordinary freedom for parties to choose the framework for how and where they want to resolve their dispute. While the dispute itself is resolved by independent arbitrators, the Court supervises the process from beginning to end, increasing the quality of the process and enforceability of the awards. Since its inception, the Court has administered more than 21,000 cases involving parties and arbitrators from some 180 countries. For more information, visit www.icc-arbitration.org

REGISTRATION

3rd Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration

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Registration includes the Conference, course materials, welcome reception and conference luncheon.

Check applicable box(es):	Received by 1/1/16	Received after 1/1/16
Regular Registration Fee	<input type="checkbox"/> \$495	<input type="checkbox"/> \$545
Member	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
Full-time Government Employee	<input type="checkbox"/> \$195	<input type="checkbox"/> \$225
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Full-time Student	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Full-time Student Audit Only	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0

Young Lawyers Winter Roundtable and Welcome Reception on January 14 only:

Regular Registration Fee	<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
ITA YAI Committee Member	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
IEL YEP Committee Member	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
ICC YAF Member	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
Full-time Student	<input type="checkbox"/> \$25	<input type="checkbox"/> \$25

- I will attend the Winter Roundtable on January 14.
- I will attend the Welcome Reception on January 14 (included in the Conference and Roundtable registration).
- \$115 - I will attend the the Joint Conference Reception and Dinner on January 14.
- \$115 - I will bring a guest to the Joint Conference Reception and Dinner on January 14.
- I will attend the Young Lawyers Networking Breakfast on January 15 (Free to all YAI, YEP and YAF members and all Joint Conference registrants).
- \$95 - I will attend the Houston Networking Adventure on January 16.
- \$95 - I will bring a guest to the Houston Networking Adventure on January 16.

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PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by January 1, 2016. E-mail cancellation notice to lgaspar@cailaw.org. After this date, 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 tuition. However, rooms (in limited number) have been reserved at the Omni Houston Hotel, 4 Riverway, Houston, TX 77056. Registrants should call 1.800.843.6664 and advise that they are attending the "ITA-IEL-ICC Joint Conference" to receive a reduced room rate of \$175 + tax. The last day to obtain this special rate is December 21, 2015.

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: This program is approved by the State Bar of Texas for 7.0 hours, including .75 hour of ethics. Course ID Number: 901338206. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules. For this conference, ITA & IEL will directly apply (if requested) for course accreditation in the following states: California, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. ITA & IEL conferences are typically accredited by all mandatory CLE states.



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