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International Energy Arbitration

5th ITA-IEL-ICC Joint Conference



5th ITA-IEL-ICC Joint Conference on International Energy Arbitration

January 18 - 19, 2018
Hilton Houston Post Oak
Houston, Texas

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Arbitration of the



Highlights

- 2017 Energy Arbitration Year in Review presented again this year by **Laurence Shore** (BonelliErede, Milan)
- A Corporate Counsel Roundtable on energy disputes from the client perspective with in-house arbitration counsel from ConocoPhillips, ExxonMobil, Shell and Statoil
- An outstanding faculty of leading energy arbitration experts including **Doak Bishop** (King & Spalding, Houston), **Alexis Moure** (President, ICC International Court of Arbitration, Paris), **Prof. Catherine Rogers** (Penn State, Queen Mary and founder of *Arbitrator Intelligence*) and **Dan Sarooshi** (Essex Court Chambers, London)
- Young Lawyers Roundtable
- Young ITA / IEL Young Energy Professionals / ICC Young Arbitrators Forum Reception

Conference Co-Chairs

Mimi M. Lee
Managing Counsel, Litigation
Chevron Upstream
San Ramon

James Lloyd Loftis
Vinson & Elkins LLP
Houston and London

Sylvia Noury
Freshfields Bruckhaus Deringer LLP
London

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Breakfast Sponsor



Exhibitors



Media Sponsor



2:30 REGISTRATION

3:00 WELCOME

- Abby Cohen Smutny, ITA Chair, White & Case LLP, Washington, D.C.
- Alexis Moure, President, ICC International Court of Arbitration, Paris
- Lawrence P. Simon, Jr., IEL Chair, Liskow & Lewis, Lafayette

YOUNG LAWYERS' ROUNDTABLE

Presented by the

ICC Young Arbitrators Forum (YAF)
IEL Young Energy Professionals (YEP)
Young ITA

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THE RESOLUTION EXPERTS®



3:10 WELCOME TO THE ROUNDTABLE

ROUNDTABLE CO-CHAIRS:

- Silvia Marchili, Young ITA Chair and Regional Chair, ICC YAF North America Chapter, King & Spalding LLP, Houston
- Soledad G. O'Donnell, IEL YEP Representative, Mayer Brown, Chicago

3:15 MEXICAN ENERGY DISPUTES - A NEW ERA (1 hr)

As a result of the Mexican Energy Reform, US and Canadian companies are active participants in the Mexican energy market. At the same time, the Governments of the US, Canada, and Mexico are renegotiating NAFTA, creating a heightened degree of uncertainty for companies that operate in Mexico. This panel will discuss the risks and challenges that companies with energy interests in Mexico are currently facing, as well as potential mitigation strategies.

MODERATOR: Silvia Marchili, Roundtable Co-Chair

PANELISTS:

- Prof. Julián de Cárdenas Garcia, University of Houston Law Center, Houston
- Cecilia Ibarra-van Oostenrijk, North America Regional Compliance Counsel, TechnipFMC, Houston
- Raymundo Piñones de la Cabada, Director, Mexico Association of Hydrocarbons (AMEXHI), México, D.F.
- Gabriel Salinas, General Counsel and Chief Compliance Officer, Avant Energy, Houston

4:10 ARBITRATOR SELECTION (.75 hr)

One of the perceived advantages of arbitration as a dispute resolution mechanism is the ability for the parties to choose the decision makers. In turn, selecting the arbitrators is probably one of the most critical decisions when designing your case strategy. This panel will explore the different factors that practitioners and clients should bear in mind in choosing the arbitrators, as well as some of the tools available to obtain critical information regarding potential candidates. The panel will also explore ethical duties that the parties and the arbitrators should observe.

MODERATOR: Soledad G. O'Donnell, Roundtable Co-Chair

PANELISTS:

- José Ricardo Feris, Squire Patton Boggs, Paris
- Robert Landicho, Vinson & Elkins LLP, Houston
- Elizabeth McKee Devaney, Assistant General Counsel, Occidental Petroleum Corporation, Houston
- Prof. Victoria Shannon Sahani, Associate Professor of Law, Arizona State University, Phoenix

5:00 WELCOME RECEPTION

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7:00

JOINT CONFERENCE DINNER

Optional for all Joint Conference registrants, faculty and sponsors

MAGGIANO'S LITTLE ITALY

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KING & SPALDING

Vinson & Elkins LLP

Please indicate on the registration form if you wish to attend – ticket price: \$90 per person

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

9:00 WELCOME BACK

CONFERENCE CO-CHAIRS:

- **Mimi M. Lee**, Managing Counsel, Litigation, Chevron Upstream, San Ramon
 - **James Lloyd Loftis**, Vinson & Elkins LLP, Houston and London
 - **Sylvia Noury**, Freshfields Bruckhaus Deringer LLP, London
-

9:05 KEYNOTE PRESENTATION: GLOBAL ENERGY MARKETS – U.S. FOREIGN POLICY PERSPECTIVES (.5 hr)

This presentation will address the changing global energy landscape, the US Administration's priorities in the sector, and the role of the US Department of State and the Bureau of Energy Resources.

Richard Westerdale

Senior Advisor, Bureau of Energy Resources
U.S. Department of State
Washington D.C.

MODERATOR: Abby Cohen Smutny, White & Case LLP, Washington, D.C.

9:40 BOUNDARY DISPUTES IN THE OIL AND GAS SECTOR (1 hr)

This panel will address current boundary disputes with significant energy implications, the state of public international law and treaty developments on cross-border resource development in disputed areas, boundary risk mitigation strategies, and will feature an insider's view on the recent ITLOS decision in *Ghana v. Cote d'Ivoire*.

MODERATOR: James Lloyd Loftis, Conference Co-Chair

PANELISTS:

- **Clara Brillembourg**, Foley & Hoag LLP, Washington, D.C.
 - **Prof. Dan Sarooshi**, Essex Court Chambers, London
-

10:40 COFFEE BREAK

11:00 RESOURCE NATIONALISM IN EMERGING MARKETS (1 hr)

This panel will address the prevailing trends in so-called "resource nationalism" in emerging markets, focusing on Latin America and Africa. Are we moving beyond outright expropriations? What are the more sophisticated ways in which governments are seeking to maximise their returns from their natural resources? How have investors reacted to such policies? How can the right balance be struck in this critical sector between legitimate sovereign policies seeking to protect the public interest and the legitimate expectations of investors?

MODERATOR: Sylvia Noury, Conference Co-Chair

PANELISTS:

- **R. Doak Bishop**, King & Spalding LLP, Houston
 - **Juan Carlos Boué**, Senior Fellow, Oxford Institute for Energy Studies and former Special Advisor to the Venezuelan Minister of Energy and Petroleum, Oxford
 - **Kate Brown de Vejar**, Curtis, Mallet-Prevost, Colt & Mosle S.C., Mexico City
 - **E. Ned Mojuetan**, General Counsel, Chevron Africa and Latin America Exploration and Production Company, Houston
-

12:00 LUNCHEON

A Conversation with

David R. Haigh, Q.C.
Burnet, Duckworth and Palmer LLP
Calgary

Interviewed by

Prof. Margaret L. Moses
Loyola University Chicago School of Law
Chicago

This interview is the latest in a series organized by the ITA Academic Council to record the evolution of modern international arbitration in the words of those who have led it.

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2:00 **2017 YEAR IN REVIEW: THE TOP 10 DEVELOPMENTS IN INTERNATIONAL ENERGY ARBITRATION (.75 hr)**

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 2017, and will attempt to identify the ten special rulings and industry trends that will have the most important influence on energy arbitration in 2018 and beyond.

— **Laurence Shore**, BonelliErede, Milan

2:40 **COFFEE BREAK**

3:00 **CORPORATE COUNSEL ROUNDTABLE: ENERGY DISPUTES FROM THE CLIENT PERSPECTIVE (.75 hr)**

Corporate counsel will discuss and share their views with regard to the importance of international arbitration for their internal clients/companies including the importance of selection of legal seat, the impact of selection of governing law and arbitral institution and rules, the importance of treaty protection and the challenging nature of the 'bargain' with host governments in a low-price environment.

MODERATOR: **Mimi M. Lee**, Conference Co-Chair

PANELISTS:

- **Kimberly R. Phillips**, Associate General Counsel, Global Litigation – Americas, Shell Oil Company, Houston
- **Laura M. Robertson**, Senior Vice Chair of IEL, Deputy General Counsel, Litigation and Arbitration, ConocoPhillips Company, Houston
- **Tomasz J. Sikora**, Counsel, International Disputes, Exxon Mobil Corporation, Houston
- **Carter L. Williams**, Lead Counsel, LEG DPUSA, Statoil Gulf Services LLC, Houston

Coffee Break Sponsors



3:50 EMERGENCY ARBITRATORS AND EMERGENCY ARBITRATION (1.25 hr)

Recent reforms in institutional arbitration rules have the potential to make emergency and interim relief a further and powerful benefit of arbitration, and may be particularly welcome in international energy disputes. However, realizing this benefit in practice requires careful preparation and persistent cooperation among drafters, counsel, arbitrators and institutions. This panel will look at the necessary contributions and potential obstacles faced by each of these participants in the process, with an emphasis on energy arbitrations.

MODERATOR: Alexis Mourre, President, ICC International Court of Arbitration, Paris

PANELISTS:

- Mark Levy, Allen & Overy LLP, London
- Marek Krasula, Counsel, ICC International Court of Arbitration, SICANA Inc., New York
- Ann Ryan Robertson, Locke Lord LLP, Houston

5:00 CLOSING REMARKS

5:10 YOUNG LAWYERS NETWORKING RECEPTION

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.

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ABOUT ITA, IEL AND ICC



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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.iccarbitration.org

REGISTRATION

5th ITA-IEL-ICC Joint Conference on International Energy Arbitration

January 18-19, 2018 • Hilton Houston Post Oak Hotel

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

| Check applicable box(es): | Received by 12/20/17 | Received after 12/20/17 |
|--------------------------------|--------------------------------|--------------------------------|
| Regular Registration Fee | <input type="checkbox"/> \$595 | <input type="checkbox"/> \$645 |
| Member | <input type="checkbox"/> \$495 | <input type="checkbox"/> \$545 |
| Full-time Government Employee | <input type="checkbox"/> \$225 | <input type="checkbox"/> \$250 |
| Full-time Professor | <input type="checkbox"/> \$150 | <input type="checkbox"/> \$175 |
| Full-time Student | <input type="checkbox"/> \$125 | <input type="checkbox"/> \$150 |
| Full-time Student - Audit Only | <input type="checkbox"/> \$0 | <input type="checkbox"/> \$0 |

Young Lawyers Winter Roundtable and Welcome Reception on January 18 only:

| | | |
|--------------------------|-------------------------------|--------------------------------|
| Regular Registration Fee | <input type="checkbox"/> \$75 | <input type="checkbox"/> \$100 |
| Young ITA Member | <input type="checkbox"/> \$50 | <input type="checkbox"/> \$75 |
| IEL YEP 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 |

Additional Options:

- \$90 - I will attend the Joint Conference Dinner on January 18.
- \$90 - I will bring a guest to the Joint Conference Dinner on January 18. Please complete guest's information below.

To register at the Member rate for the Conference, you must be a member of one or more of the following organizations: ITA, IEL, CAIL, ICC, HIAC, UT Center, CEPMLP - Please enter all of your pertinent memberships here:

Name _____

Badge Name (if different than above) _____

Firm/Company/Organization _____

Address _____

City, State, Postal Code, Country _____

Phone _____ Fax _____

Email _____

**Please complete the following guest information (if applicable)

Guest Name _____ Guest Title _____

Firm/Company/Organization _____

City, State, Country _____

PAYMENT INFORMATION

Check enclosed payable to: **The Center for American and International Law**

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Expiration date _____ Security code _____

Name on card _____

Billing address (if different than above address) _____

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4 WAYS TO REGISTER

ONLINE

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check or credit card
The Center for American and International Law
5201 Democracy Drive
Plano, TX USA 75024

PHONE

credit card only
972.244.3404 or 800.409.1090
8:30am-5:00pm CT

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by December 20, 2017. 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 Hilton Houston Post Oak, 2001 Post Oak Boulevard, Houston, TX 77056. Registrants should call 1.800.445.8667 and advise them of room block "ITA" to receive a reduced room rate of \$159 + applicable taxes/night. The last day to obtain this special rate is January 2, 2018.

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, no ethics. Course ID Number: 928830400. 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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**5TH ITA-IEL-ICC JOINT CONFERENCE
ON INTERNATIONAL ENERGY ARBITRATION**
The Center for American and International Law
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Plano, TX USA 75024

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