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2019

1/24 - 1/25

## 6th ITA-IEL-ICC Joint Conference on International Energy Arbitration

HILTON HOUSTON POST OAK  
HOUSTON, TEXAS, USA

Keynote address: **Eileen Akerson**, Executive  
Vice President and General Counsel of KBR, Inc.



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## Highlights

- The ever-popular Energy Arbitration Year in Review presented this edition by **Patrick W. Pearsall** (Jenner & Block, Washington, DC)
- A forward-looking program examining the future of international energy disputes featuring the client perspective with in-house counsel from **ExxonMobil, Occidental Petroleum, BP America** and **Encana Corporation**
- Oral History Luncheon Interview with **Carolyn Lamm** (White & Case, Washington, DC)
- An exceptional faculty of leading international arbitration experts including **Constantine Partasides QC** (Three Crowns LLP, London), **Wendy Miles QC** (Debevoise & Plimpton LLP, London), **Alexis Moure** (President, ICC International Court of Arbitration, Paris) and **Niuscha Bassiri**, (Hanotiau & van den Berg, Brussels)
- Young Lawyers events hosted by Young ITA, IEL YEP and ICC YAF

1/24 - 1/25

# 6th ITA-IEL-ICC Joint Conference on International Energy Arbitration

## Conference Co-Chairs

**Andrew T. Clarke**  
General Counsel  
ExxonMobil International  
Limited  
England

**Samaa A. Haridi**  
Hogan Lovells US LLP  
New York

**Allan B. Moore**  
Co-Chair, Energy Industry  
Group and former Co-  
Chair, International  
Arbitration Group  
Covington & Burling LLP  
Washington

## Introduction to the Conference

International Arbitration stands at a cross roads, and the energy industry will be fundamentally affected by the choices made over the future direction of this form of dispute resolution and its place in the international order. This conference will cover key challenges that arbitration faces, the opportunities and challenges that will flow for the arbitration community and actors in the energy sector who rely on it, and the implications for international cross-border commerce and international investment. Drawing on a broad and international cast of experts, the conference will tease out the conflicting perspectives that are being considered and map out future paths international arbitration may follow.

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**THURSDAY, JANUARY 24**

**2:30 Registration**

**3:00 Welcome**

- **Joseph E. Neuhaus**, ITA Chair, Sullivan & Cromwell LLP, New York
- **Alexis Mourre**, President, ICC International Court of Arbitration, Paris
- **David M. Castro**, IEL Chair, The Woodlands, Texas

## YOUNG LAWYERS ROUNDTABLE

*Presented by the*  
ICC Young Arbitrators Forum (YAF)  
IEL Young Energy Professionals (YEP)  
Young ITA

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# SCHEDULE

## 3:10 Welcome to the Roundtable

Roundtable Co-Chairs:

- **Elizabeth McKee Devaney**, Young ITA Vice Chair, Senior Corporate Counsel - Litigation, Occidental Petroleum Corporation, Houston
- **Floriane Lavaud**, Representative, ICC Young Arbitrators Forum (YAF), Debevoise & Plimpton, New York
- **Krystal Pfluger Scott**, Representative, IEL Young Energy Professionals (YEP), Jones Walker LLP, Houston

## 3:15 Spotlight on Russia: Energy-Related Disputes (1 hr)

Russia is poised to continue to be a major player in energy-related disputes. This panel will discuss Russia's response to arbitral awards rendered in the past few years, potential and existing disputes with Ukraine, and potential for disputes related to partnerships with U.S. and Europe.

Moderator: **Floriane Lavaud**, Debevoise & Plimpton, New York

Panelists:

- **Laura Hardin**, Managing Director, Alvarez & Marsal, Houston
- **Tomas Vail**, White & Case, London
- **Thomas Voisin**, Quinn Emanuel Urquhart & Sullivan LLP, Paris

## 4:10 Technology and International Arbitration: Evidentiary Issues and Technology in International Disputes (.75 hr)

Various rules limit how information may be introduced in arbitration, and these rules change as technology advances. This panel, which comprises an arbitrator, an international disputes lawyer, and an in-house attorney, will discuss innovative technology and its impact on the practice of arbitration. The panel will provide best practices related to technology and its impact on evidentiary collection, review, and use in arbitration.

Moderator: **Krystal Pfluger Scott**, Jones Walker LLP, Houston

Panelists:

- **Thomas Stouten**, Houthoff, Amsterdam
- **Stephanie Cohen**, Independent Arbitrator, New York
- **Elizabeth McKee Devaney**, Young ITA Vice Chair, Senior Corporate Counsel - Litigation, Occidental Petroleum Corporation, Houston

## 5:00-6:30 Welcome Reception >

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## 7:00-9:00 Joint Conference Dinner at Maggiano's Little Italy (optional)

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

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## FRIDAY, JANUARY 25

### 8:00 Registration and Continental Breakfast

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### 9:00 Welcome Back

Conference Co-Chairs:

- **Andrew T. Clarke**, General Counsel, ExxonMobil International Limited, England
- **Samaa A. Haridi**, Hogan Lovells US LLP, New York
- **Allan B. Moore**, Co-Chair, Energy Industry Group and former Co-Chair, International Arbitration Group, Covington & Burling LLP, Washington

### 9:15 Keynote Address (.5 hr)

- **Eileen Akerson**, Executive Vice President and General Counsel, KBR, Inc., Houston

### 9:45 The Future of Investor State Dispute Settlement and the Implications for the Energy Industry (1.25 hr)

The use of international arbitration as the key mechanism in ISDS is under concerted attack with significant implications for cross-border energy investments. What is driving this rhetoric and is it justified? Is Civil Society opposition to ISDS related to the resurgence of resource nationalism in Africa, or is it another aspect of sovereign states wanting to 'take back control'? Are international investment courts the solution, or just new problem for investors? These issues are being discussed in many venues, but will the proposed solutions bring the foreign direct investment needed to solve the real issues the world faces, or actually undermine it?

Moderator:

- **Andrew T. Clarke**, General Counsel, ExxonMobil International Limited, England

Panelists:

- **Prof. Peter Cameron**, Director, Centre for Energy, Petroleum and Mineral Law & Policy, University of Dundee, Dundee, Scotland
- **Tim Foden**, Lalive, London
- **Alexis Mourre**, President, ICC International Court of Arbitration, Paris
- **Prof. Marike Paulsson**, Albright Stonebridge Group, Washington, D.C.; University of Miami School of Law, Miami
- **Baiju S. Vasani**, Jones Day, London

### 11:00 Coffee Break >

Coffee Breaks Sponsored by:



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The logo for Kelley Drye, with 'Kelley' in blue and 'Drye' in green, both in a sans-serif font.

## SCHEDULE

### 11:30 Climate Considerations in Energy Disputes: Is the Paradigm About to Shift? (1 hr)

Climate issues in energy disputes have generally been the domain of activists and NGOs. That may be about to change, as technological developments, business incentives, and policy considerations provoke the energy industry and the world at large to focus, in newer and ever more sophisticated ways, on climate considerations. This panel will explore whether and how the climate paradigm in energy disputes may soon shift (and how practitioners may need to adapt) to move “beyond climate activism” into a new era, where “commercialized climate considerations” may cause new and different disputes, players, and issues to emerge.

Moderator:

- **Allan B. Moore**, Covington & Burling LLP, Washington

Panelists:

- **Wendy Miles QC**, Debevoise & Plimpton LLP, London
- **Tim L. Moorehead**, Managing Counsel, Litigation & Disputes, BP America Inc., Houston
- **Carol M. Wood**, Chair, Toxic Tort and Environmental Disputes Group, King & Spalding LLP, Houston

### 12:30 Luncheon Interview >

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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A Conversation with

**Carolyn Lamm**

White & Case LLP, Washington, D.C.

Interviewed by

**Meg Kinnear**

Secretary-General

International Centre for Settlement of Investment Disputes (ICSID), Washington, D.C.

### 2:30 2018 Year in Review: The Top 10 Developments in International Energy Arbitration (.5 hr)

This presentation will highlight recent arbitration matters in the energy sector. We will look back at an exhausting 2018 and focus as we do every year on the ‘top ten’ rulings and trends. We will then attempt to steel ourselves for what may come in 2019 as we travel the widening gyre toward a new future.

- **Patrick W. Pearsall**, Jenner & Block, Adjunct Professor of International Law at Georgetown University, and former chief of investment arbitration, US State Department, Washington D.C.

### 3:05 Coffee Break >

## 3:35 Trendlines in Energy Disputes - What is Next? (1.25 hr)

This panel will explore recent developments in energy disputes, with a particular focus on the trend to contractualize energy disputes and seek out their resolution before private commercial fora. The panel will also discuss the key industries at the centre of recent disputes, and the impact of a perceived shift from fixed long-term oil & gas contracts towards “on the spot” market opportunities, and the increase in commercial disputes relating to cancelled commodity infrastructure projects, among other topics.

Moderator:

- **Samaa A. Haridi**, Hogan Lovells US LLP, New York

Panelists:

- **Niuscha Bassiri**, Hanotiau & van den Berg, Brussels
- **Julie Bédard**, Skadden Arps, New York
- **Jung Lee**, Director, Litigation, Corporate & Compliance, Encana Corporation, Calgary
- **Constantine Partasides QC**, Three Crowns, London

## 4:45 Closing Remarks >

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## 5:00-6:30 Young Lawyers Networking Reception >

For members of the Young ITA, 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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Exhibitor: **HK>A**

# REGISTRATION

## 6TH ITA-IEL-ICC JOINT CONFERENCE ON INTERNATIONAL ENERGY ARBITRATION

January 24-25, 2019

Hilton Houston Post Oak • Houston, Texas, USA

Registration includes the conference, welcome reception, conference luncheon and the course material provided online, which may be printed or saved by registrant.

Check applicable box:	Received by 1/7/19	Received after 1/7/19
Regular registration fee	<input type="checkbox"/> \$595	<input type="checkbox"/> \$645
ITA Advisory Board Member	<input type="checkbox"/> \$495	<input type="checkbox"/> \$545
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Corporate Counsel	<input type="checkbox"/> \$495	<input type="checkbox"/> \$545
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Full-Time Student	<input type="checkbox"/> \$125	<input type="checkbox"/> \$150
Full-Time Student – Audit Only	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
Regular Registration Fee (January 24 Only)	<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
Young ITA Member (January 24 Only)	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
IEL YEP Member (January 24 Only)	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
ICC YAF Member (January 24 Only)	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
Full-time Student (January 24 Only)	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75

- \$90 - I will attend the Joint Conference Dinner on January 24.  
 \$90 - I will bring a guest to the Joint Conference Dinner on January 24.\*\*

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## GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by January 7, 2019. E-mail cancellation notice to kjohnson@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.

**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.

**HOTEL INFORMATION:** 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 "CAI" to receive a reduced room rate of \$160 + applicable taxes/night. Rooms are reserved for the nights of Jan 24 -25, 2019; as long as the block has not sold out. The last day to obtain this special rate is January 2, 2019.

**MCLE CREDIT:** This program is approved by the State Bar of Texas for 6.25 hours, no ethics. Course ID Number: 1740243561. 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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# 6th ITA-IEL-ICC Conference on International Energy Arbitration

January 24-25, 2019

Hilton Houston Post Oak  
Houston, Texas, USA

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