Arbitration Reform in Practice - What Changes?
17th ITA-ASIL Conference

2020
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WASHINGTON HILTON
WASHINGTON, D.C., USA

Keynote address by Prof. José E. Alvarez, Herbert and Rose Rubin Professor of International Law, New York University School of Law, New York

EVENT HIGHLIGHTS

A networking Luncheon with an Oral History Interview of the Hon. Gabrielle Kirk McDonald (President, International Criminal Tribunal for the Former Yugoslavia and Judge, Iran-United States Claims Tribunal, The Hague) by Prof. Victoria S. Sahani

An exceptional panel of experts on current reform proposals

A Roundtable discussion with a second panel of experts on the impact of these reforms
The conference is a unique opportunity to hear from reformers and practitioners in dialogue with one another on the future of international arbitration. The panelists will approach this much discussed topic in a format of debate and engagement with one another. We will appraise the many reform processes currently underway in both commercial and investment arbitration from the diverse perspectives of those reforming the system and those who act within it as counsel and users. What are the main trends and what will be the consequences of these reform efforts on actual practice? What do stakeholders and practitioners think about these reform efforts? Have we reached ‘reform fatigue’ and will the reforms already in place satisfy the critics?

### 8:00 Registration and Continental Breakfast

### 9:00 Welcome and Introductions

- **Joseph E. Neuhaus**, Chair, ITA Advisory Board, Sullivan & Cromwell LLP, New York City
- **Prof. Sean D. Murphy**, President, ASIL, The George Washington University Law School, Washington, D.C.

### 9:05 Remarks - ISDS Reform: The Long View

What are the long-term goals of those seeking to change how investment disputes are resolved? Should today’s proposed reforms be best understood as seeking to advance lawyerly goals like ‘rule of law’ or ‘sovereign equality’? Or are they really about securing economic fairness or justice in the sense of political economy? Prof. Alvarez will put the reforms being considered in places like UNCITRAL in historical context to consider where we might be going and why.

- **Prof. José E. Alvarez**, Herbert and Rose Rubin Professor of International Law, New York University School of Law, New York
9:35 What Does Reform Look Like? What are the Most Important Issues at Stake?

Commercial and investment arbitration proceedings are presently being considered for reform in many different dimensions. Several initiatives have been taken in various fora (such as the ICC, ICSID, and UNCITRAL) with the aim of improving the procedures at stake. This panel will identify the core features of these reform proposals and discuss how arbitration may evolve as a result. These reforms will also be discussed from the perspective of their impact on approaches to international dispute settlement more broadly.

Introduction and Moderator:

• Prof. Laurence Boisson de Chazournes, Co-Chair

Panelists:

• Sarah Grimmer, Secretary-General, Hong Kong International Arbitration Centre, Hong Kong
• Anna Joubin-Bret, Secretary of the United Nations Commission on International Trade Law (UNCITRAL), and Director of the International Trade Law Division of the United Nations Office of Legal Affairs, Vienna (invited)
• Meg Kinnear, Secretary-General, International Centre for Settlement of Investment Disputes (ICSID), Washington, D.C.
• Marek Krasula, Counsel, SICANA, Inc., ICC International Court of Arbitration, New York

Roundtable and Q&A

10:45 Break >>

11:15 Reform in Practice: A Roundtable Discussion

How will the various reform efforts currently ongoing in various fora impact practitioners and users of international arbitration? Are the reforms contemplated sufficient to quell the scepticism of many regarding private international dispute resolutions legitimacy? The panel will take up some of the themes discussed in the first session and debate whether we have come far enough, whether and to what extent more reform is necessary, and how the reforms contemplated may impact the practice of arbitration in the years to come.

Introduction and Moderator:

• Patrick W. Pearsall, Co-Chair

Panelists:

• Simon Lester, Associate Director, Herbert A. Stiefel Center for Trade Policy Studies, Cato Institute, Washington, D.C.
• Marc Michael, Vice President & Deputy General Counsel, AES Corporation, Washington, D.C.
• Gaela Gehring Flores, Partner, Arnold & Porter, Washington D.C.
• Ana Maria Ordoñez, Director of Agencia Nacional de Defensa Juridica del Estadio, Republic of Colombia (invited)

Roundtable and Q&A
12:25 Concluding Remarks

- Prof. Chiara Giorgetti, Chair, ITA Academic Council, University of Richmond School of Law, Washington, D.C.

12:30 Luncheon

A Conversation With

The Hon. Gabrielle Kirk McDonald
President, International Criminal Tribunal for the Former Yugoslavia
Judge, Iran–United States Claims Tribunal
The Hague

Interviewed by

Prof. Victoria S. Sahani
Professor of Law
Sandra Day O’Connor College of Law
Arizona State University
Phoenix, AZ

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.

Sponsored by: Dechert LLP

For information and to register for the 114th ASIL Annual Meeting, April 1-4, 2020, also presented at the Washington Hilton Hotel, please visit: www.asil.org/annualmeeting.

Established in 1986 as part of The Center for American and International Law (CAIL), ITA provides advanced education for arbitrators, advocates, judges, 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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Learn more at asil.org.
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Registration includes the conference, the conference materials and the luncheon.

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HOTEL INFORMATION: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Washington Hilton Hotel, 1919 Connecticut Ave NW, Washington, DC 20009. You may book, modify, or cancel hotel reservations online. The reduced conference room rate is $169 + applicable taxes/night. We anticipate the room block will sell out, so we encourage you to make your reservation early.

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For this conference, ITA 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 conferences are typically accredited by all mandatory CLE states.

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