

Presented by



Institute for  
**TRANSNATIONAL  
ARBITRATION**



American Society  
of International Law

## 12th Annual ITA-ASIL Conference

Corruption in International Arbitration: Evidence and Remedies



### 12th Annual ITA-ASIL Conference Corruption in International Arbitration: Evidence and Remedies

April 8, 2015

Hyatt Regency Capitol Hill  
Washington D.C. • USA

#### Highlights

- Keynote Presentation: Everything You Always Wanted to Know About Foreign Bribery and Corruption But Were Afraid to Ask
- Allegations of Corruption in the Underlying Claim:
  - The Evidentiary Challenges
  - Remedies Available to the Arbitral Tribunal
- Networking Luncheon

MCLE Credit will be available

Register Now! [cailaw.org/ita](http://cailaw.org/ita)



ITA is an Institute of  
**THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW**

**Conference Co-Chairs**

**Chiara Giorgetti**  
Assistant Professor of Law,  
University of Richmond School  
of Law, Richmond, Virginia

**Lucinda A. Low**  
Steptoe & Johnson LLP,  
Washington, D.C.

*“The topic, the speakers, the organization, the co-chairs and the “crowd” were all excellent.”*

*“Extensive materials and high quality panel participants.”*

— 2014 Participants



2014 ITA-ASIL Conference

The conference will focus on issues of corruption in international arbitration, both investor-state and commercial, from the perspective of counsel and arbitrators.

Leading practitioners and arbitrators will assess challenges, consequences and effects of allegations or proof of corruption in the underlying arbitration claim. Specifically, the panelists will discuss issues of evidence, including burden and standard of proof and arbitrators’ duty to investigate and assist domestic proceedings.

Panelists will also focus on the remedies that should be considered when corruption has been found to have taken place, including duties to report, dismissal or staying of a claim, and how claims of corruption may affect and limit the jurisdiction of the tribunal.

**8:00 REGISTRATION AND CONTINENTAL BREAKFAST**

**9:00 WELCOME AND INTRODUCTION**

— **R. Doak Bishop**, ITA Chair, King & Spalding LLP, Houston, Texas

**9:05 KEYNOTE PRESENTATION: EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT FOREIGN BRIBERY AND CORRUPTION BUT WERE AFRAID TO ASK**

— **Nicola Bonucci**, Director for Legal Affairs, Organisation for Economic Co-operation and Development (OECD), Paris, France

**CONFERENCE COMMENTATOR:**

— **W. Michael Reisman**, Myres S. McDougal Professor of International Law, Yale Law School, New Haven, Connecticut

**9:35 ALLEGATIONS OF CORRUPTION IN THE UNDERLYING CLAIM: THE EVIDENTIARY CHALLENGES**

This session will focus on the issues confronted by tribunals when allegations of corruption in the underlying claim are made, typically although not always by respondents in either investor-state or commercial claims. Should the standard of proof be any different with respect to such allegations? Are there situations that justify inversion of the burden of proof? Since not every case has the type of clear evidence that was available in the World Duty Free case, how should tribunals and counsel approach these fact-intensive issues? What is the relationship of arbitral proceedings to national proceedings?

**INTRODUCTION AND MODERATOR:**

— **Lucinda A. Low**, Conference Co-Chair, Steptoe & Johnson LLP, Washington, D.C.

**PANELISTS:**

— **Andrea J. Menaker**, White & Case LLP, Washington, D.C.

— **Stanimir A. Alexandrov**, Sidley & Austin LLP, Washington D.C.

Commentary and Q&A.

**10:45 BREAK**

## 11:05 ALLEGATIONS OF CORRUPTION IN THE UNDERLYING CLAIMS: WHAT REMEDIES ARE AVAILABLE TO THE ARBITRAL TRIBUNAL?

This panel will address the fundamental issue of what arbitrators can and should do when there are allegations – and proof - of corruption in the underlying claim. Specifically, the panelists will discuss and assess available remedies. Questions addressed will include: What duties to report does the tribunal have in case of alleged or suspected corruption? How should a tribunal respond to a pending investigation by domestic courts? What should the tribunal do if corruption is found? Should the case be dismissed? How does the law of state responsibility, succession and attribution apply in this context? How should the Tribunal consider issues of unjust enrichment and compensation?

### INTRODUCTION AND MODERATOR:

– **Chiara Giorgetti**, Conference Co-Chair, Associate Professor of Law, University of Richmond School of Law, Richmond, Virginia

### PANELISTS:

– **Hon. Charles N. Brower**, Iran-U.S. Claims Tribunal, The Hague; 20 Essex Street Chambers, London, UK

– **John Crook**, George Washington University Law School, Washington, D.C.

Commentary and Q&A.

## 12:15 CONCLUDING REMARKS

– **Prof. Andrea K. Bjorklund**, Chair, ITA Academic Council, L. Yves Fortier Chair in International Arbitration and International Commercial Law, McGill University Faculty of Law, Montreal, Canada

## 12:20 NETWORKING LUNCHEON

*Sponsored by*



Conference papers will also be published in the 2015:3 issue of ITA's law journal, World Arbitration and Mediation Review (WAMR).

For information and to register for the **ASIL Annual Meeting**, April 8-11, 2015, also presented in the Hyatt Regency Capitol Hill Hotel, please visit: [www.asil.org/annualmeeting](http://www.asil.org/annualmeeting).

## ABOUT ITA AND ASIL



Institute for  
**TRANSNATIONAL  
ARBITRATION**

Established in 1986 as part of The Center for American and International Law (CAIL), 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](http://cailaw.org/ita)



ASIL is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. ASIL holds Category II Consultative Status to the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies. Its mission is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. Learn more at [asil.org](http://asil.org)

# REGISTRATION

## 2nd Annual ITA-ASIL Conference Corruption in International Arbitration: Evidence and Remedies

April 8, 2015  
Hyatt Regency Capitol Hill • Washington, D.C.

Registration includes the networking luncheon, the conference and conference materials.

### Check applicable box:

- |  |       |
|--|-------|
| <input type="checkbox"/> Regular registration fee    | \$265 |
| <input type="checkbox"/> ITA Member                  | \$240 |
| <input type="checkbox"/> ASIL Member                 | \$240 |
| <input type="checkbox"/> ASIL Annual Meeting Speaker | \$175 |
| <input type="checkbox"/> Academic Employee           | \$175 |
| <input type="checkbox"/> Government Employee         | \$175 |
| <input type="checkbox"/> Non-Profit Employee         | \$175 |

Name \_\_\_\_\_

Firm/Company/Organization \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City, State, Postal Code, Country \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

### PAYMENT INFORMATION

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

Credit Card:  Mastercard  Visa  AMEX  Discover

Card number \_\_\_\_\_ Exp date \_\_\_\_\_

Name on card \_\_\_\_\_

Billing address (if different than above address) \_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

## 4 WAYS TO REGISTER

ONLINE  
credit card only  
www.cailaw.org

FAX  
credit card only  
972.244.3401

MAIL  
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 March 27, 2015. 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 Hyatt Regency Capitol Hill, 400 New Jersey Ave., NW, Washington, D.C. 20001.

**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 3 hours, no ethics. Course ID Number: 901309993. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules. ITA as registrar for this conference will directly apply for course accreditation in the following states: CA, MN, NM, OH, OK, PA, TX and VA. 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.