

ARBITRALWOMEN

The International Network for Women in Dispute Resolution



April 5, 2011 in Washington, Panelist join students and participants in discussion. From left to right (sitting) : Marsha Echols, Lorraine Brennan, Anne Marie Whitesell and Jean Kalicki

Building the Next Generation of Women in the Dispute Resolution Field

This Spring ArbitralWomen co-sponsored two important networking events in the United States involving local law schools and firms which created a unique opportunity for women to network, and share their experiences in the field.

The first event was held on April 5, 2011, at the Georgetown Law Centre in Washington, D.C., and featured an interactive panel discussion along with cocktails and dinner. The event was entitled “A Day in their Shoes: Luminaries in the International Dispute Resolution Field Share their Secrets for Success”, and was moderated by Georgetown Adjunct Professor and ArbitralWomen President Lorraine M. Brennan. Panelists included Professor Marsha Echols from Howard Law School, Hon. Delissa Ridgway from the Court of International Trade, Anne Marie Whitesell, former Secretary General of the ICC Court of Arbitration and Of Counsel at the Dechert Law Firm in Washington, D.C. Janis Brennan from Foley, Hoag in Washington, D.C., Mark Kantor, Adjunct Professor at Georgetown Law School, and Jean Kalicki from Arnold and Porter. Panelists shared their career paths with the students and advised them on what skills and credentials best served them in developing a successful

practice in the international dispute resolution field. The format was very interactive and allowed students to pose questions to the panelists and seek their advice on entering a difficult job market. One of the overwhelming themes which emerged from the event was that there was no one set path to success in the field, but being passionate about what you do and having a “goal” as opposed to a fixed “plan” seemed to work best for the panelists. The members of the Georgetown International Arbitration Society organized and funded the event, and all who attended agreed that it was not only a truly special event, but that it should become a yearly one as well.

On April 26, 2011, ArbitralWomen co-sponsored an event in New York City with JAMS entitled “Building the Next Generation of Women in Arbitration: Networking with JAMS Neutrals.” The event was held at the JAMS New York Resolution Center in Times Square, and featured women who had made their mark in the dispute resolution field. Students from local law schools New York University and Columbia University attended the event, as well as members of ArbitralWomen in the New York area. The event was moderated by ArbitralWomen President Lorraine M. Brennan, and featured panelists



April 26, 2011 -Nine of the 10-neutral lineup: Ronnie Gallina, former Appellate Division Judge Hon. Betty Weinberg Ellerin (Ret.), Vivien Shelanski, Dina Jansenson, Jeanne Miller, former SDNY magistrate judge Hon. Kathleen Roberts (Ret.), Carol Wittenberg, moderator Lorraine Brennan, Katherine Gurun, and Margaret Shaw

Hon. Betty Ellerin, Ronnie Gallina, Dina Jansenson, Jeanne Miller, Hon. Kathleen Roberts, Margaret Shaw, Vivien Shelanski, Katherine Gurun and Carol Wittenberg. The panelists shared the stories of their remarkable careers and some of the obstacles they had to overcome, including poor treatment by some male judges (one panelist told the attendees that a judge actually threatened to cut her legs off!), and not being taken seriously simply because of their gender. The group talked about the importance of having a mentor, male or female, and asking for what you want as opposed to waiting for it to happen. The panelists fielded many questions from the attendees, and many terrific networking connections were made as a result of this event. There are plans to repeat this highly successful event next year.

Lorraine Brennan

President's Letter - July 2011

Dear Arbitral Women,

A very warm welcome to all from my new home in London! As I unpack my numerous boxes (Imelda Marcos had nothing on me!) and learn my way around a new City, I have taken time to reflect on what ArbitralWomen means to me, and why I think it is so important that we remain a strong and vital organization going forward. I became acquainted with the group over 10 years ago when I worked at the ICC. Back then we were a small but dedicated group of women who got together in various cities for dinner and conversation. The group was not only a way to meet new people, it was a haven for exchanging ideas on how we as women could have a bigger impact in the international dispute resolution arena. We have changed a lot since those early days, and I have been privileged to witness the amazing evolution of our organization from its relatively humble beginnings to a group that is respected and listened to by many. Our network has put women in touch with one another, made referrals for work, enabled young women from less privileged countries to go as a team to the Vis Moot Competitions, and honored the men who have stood beside us and encouraged us as we made our respective marks in the field. We have sponsored conferences, suggested women speakers, and put on our own

substantive programs as well, not to mention the spectacular gala dinner we hosted in Paris last November.

But our work is far from done, and we should not allow our many successes to lead us into complacency. Statistics still demonstrate that while we have made progress, there is still a dearth of women hearing the largest cases. Lists proposing arbitrators tend to have few, if any, female names, and many times those names are passed over for a more traditional choice. So we forge on, and hopefully leave a legacy for future members and all the women in our lives—be they daughters, students, friends or colleagues—that they may have access to any opportunities they wish to pursue. Allow me to close with a paraphrase from a song I learned as a child: “One woman’s hand can’t make the whole world strong. Two women’s hands can’t make the world strong. But if two and two and fifty make a million, we’ll see that day come round. We’ll see that day come ‘round.”

My thanks to all of you for your support, and I look forward to working with you in the future. A very special thanks to my mother Alice, who may have lost her memory, but never her strength and fighting spirit. You inspire me every day.

Warm regards,
Lorraine Brennan

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Louise Barrington awarded for Contributing to Diversity in ADR

In January of this year The International Institute of Conflict Prevention and Resolution (CPR) paid tribute to one of our own, Louise Barrington. CPR Institute's National Task Force on Diversity created this Award to recognize a person who has contributed significantly to diversity in the alternative dispute resolution field by providing access to or creating opportunities to people who have historically been excluded from active and meaningful participation in ADR, including, but not limited to, women, minorities and/or people of color.

Louise was the ideal recipient for this award because of her work (along with Mireze Philippe) in establishing the ArbitralWomen organization, creating the Vis Moot East, and then having the vision to see the benefit of establishing a scholarship to assist a team from Asia which otherwise would be unable to participate.

Seventeen years ago, Louise Barrington, after attending an arbitration conference where the women were few and the men were many, envisioned a group that would support women in arbitration. Five years ago, that group, ArbitralWomen, was founded. Today, it boasts members from all continents and from more than 40 countries. Although membership is limited solely to women, the organization is



Louise Barrington in New York accepting her award

aware of the support it has received from men in the arbitration community. In celebration of its fifth anniversary, ArbitralWomen honored two "Honorable Men" who have helped the organization grow and prosper.

ArbitralWomen is not the only example of Louise's diversity vision. The Willem C. Vis Moot is a well-known institution – bringing students together from a variety of countries to Vienna for a week long competition. Louise recognized that while the backgrounds of the students were varied, schools from Asia were underrepresented.

Thus, under her guidance and direction, the Vis Moot East was created and the first competition was held in 2003-2004 in Hong Kong. It is a sister moot to the Vienna Moot and is held annually, typically two weeks before the Vienna Moot. This year, teams from 17 countries (Australia, Denmark, Indonesia, Korea, Switzerland, Canada, Germany, Indonesia, Slovenia,

Taiwan, China, Hong Kong, Vietnam, Japan, Spain, Thailand and the United States) competed. In fact, the Vis Moot East has become so popular that Louise has had to limit the number of teams to 80 with no more than 20 teams from the United States being permitted to participate.

And as an example of how Louise's vision further provides new access and diversity to the ADR field, ArbitralWomen has provided scholarships each year to teams that would otherwise be unable to attend the Vis Moot East. The only requirement for consideration of this scholarship is that at least one team member is a woman.

Kathleen A. Bryan, President and CEO of the CPR Institute said, "The CPR Institute is pleased to recognize Ms. Barrington for her initiative, leadership, and commitment to diversity in the legal profession, particularly in the field of international dispute resolution.

We at ArbitralWomen proudly recognize Louise for all that she has done and her acknowledgement with the CPR award is a source of great joy for us all!

Debora Slate

Dr. Beata Gessel Appointed President of the Court of Arbitration at PKKP Lewiatan

On 7 March 2011, the Board of the Polish Confederation of Private Employers Lewiatan named Dr Beata Gessel-Kalinowska vel Kalisz, Managing Partner at GESSEL, President of the Lewiatan Court of Arbitration (effective 8 April). She has previously been an arbitrator (since 2005) and Vice President of the Court.

Dr Beata Gessel is a legal advisor and a well-known practitioner in such areas as commercial law, M&A and commercial arbitration. She has served as an arbitrator in more than 50 arbitration proceedings, domestic as well as international, in the fields of M&A and construction law conducted under the Polish Civil Process Code as well as under the UNCITRAL, ICC, SAKIG, and FIDIC rules.

Dr Gessel has also been active in popularizing arbitration among the business and academic communities in Poland and in promoting Polish arbitration around the world, co-organising and participating in numerous conferences, debates, workshops, and seminars. She has written extensively on arbitration in professional as well as general interest periodicals. On behalf of Lewiatan, she is the coordinator of a project entitled "Promotion of Amicable Means of Resolution of Business Disputes", which has been underway since 2009 with co-financing by the European Social Fund. The programme's achievements to date include the first international

conference on arbitration to be held in Poland, "Dispute Resolution in M&A Transactions".

Dr Gessel is a member of the International Chamber of Commerce Commission on Arbitration, ArbitralWomen Board of Directors, Arbitrator at the Court of Arbitration at the Polish Chamber of Commerce and Vienna International Arbitration Centre. She is associated with the International Bar Association, ICC Polska and Polish Arbitration Association. Dr Gessel performs the function of the Chair of Polish Private Equity Association Compliance Committee, Congress of Polish Women and Association of Friends of Legia Warsaw Football Club. She founded the Foundation GESSEL for the National Museum in Warsaw.

The President of the Court of Arbitration at PCPE Lewiatan is elected by the Management Board of the PCPE Lewiatan. The term of office lasts three years and it can be prolonged for subsequent terms.

Anna Pukszto

25th AFIA International Arbitration Symposium

The 25th AFIA (Australasian Forum for International Arbitration) International Arbitration Symposium was held in Sydney on 25 May 2011 and sponsored by Baker & McKenzie. AFIA was honoured to have the Honourable Suzanne Nusbaum, ArbitralWomen member and former judge, speak on "Developments in ADR from Silicon Valley: a High Tech Perspective on Dispute Resolution". Ms Nusbaum's

very informative speech AFIA Symposium always include panel sessions where topical questions are discussed by panellists and participants. Notably at this Symposium five of the eight panel members were up and coming women, namely Amanda Lees (AFIA Co-Chair, member of ArbitralWomen, Senior Associate, Blake Dawson), Kim Middleton (Partner, Marque Lawyers, AFIA Council), Sarah Lancaster (Senior Associate, Baker & McKenzie, AFIA Executive), Dimity Maybury (Senior Associate, Norton Rose, AFIA Deputy Secretary) and Daisy Mallett (member of ArbitralWomen, Senior Associate, Mallesons). Issues discussed included costs, former judges as arbitrators, enforcement following *Dallah* and the future of investment treaty arbitration.

AFIA's is a forum for primarily young practitioners to discuss issues and developments in international arbitration. AFIA currently has over 400 members, mostly in the Asia-Pacific region. Unusually AFIA is not linked to an arbitral institution or any other organisation. AFIA makes submissions on legislation reform and occasionally publishes a newsletter, but its main function is to organise symposia across the region where practitioners can come together to meet and discuss practical and theoretical questions about arbitration. This symposia are being held in Hong Kong, Sydney, Singapore and Melbourne. AFIA is led by two co-Chairs, Amanda Lees (Senior Associate, Blake Dawson, Sydney) and James Kwan (Partner, Baker & McKenzie, Hong Kong).

Amanda Lees

The Mentoring Program

a conversation with Karen Mills, who oversees the program

Q. How did the program begin?

(This question was referred to founder of the program, Louise Barrington) Several younger women approached me about how to get ahead in arbitration, how to deal with men in a predominately male world, and how to promote themselves. The idea grew from those questions because I was being asked similar questions on a repetitive basis, clearly, there was a need that could be addressed, as well as opportunity to help older practitioners stay current with what younger ones are thinking...

Q. What do you hope to accomplish by offering the program?

The intention is to make the expertise of experienced arbitrators and counsel available to assist young or inexperienced women arbitrators, or counsel in arbitrations. It was expected that when the mentees were facing various procedural complexities they would have a mentor to turn to for advice.

Q. Who are the mentees?

Mentees are any fully paid up member of Arbitralwomen who request a mentor and who have been in the field for less than 5 years.

Q. Who are the mentors?

Mentors are the more experienced women arbitrators/counsel or others such as academics who agree to act as mentors. Sometimes we have too many mentees and not enough mentors, in which case I have specifically requested certain members if they would be willing to act as mentor. Usually this is based upon the geographic need.

Q. How do you apply to be a mentor? A mentee?

An application is posted on the Arbitralwomen website. Once it is filled out and sent to me, then I allocate mentees to mentors when the time for each year's program has closed.

Q. How long is the duration of the mentor/mentee relationship?

It is intended to be a year. But a more lasting relationship may be forged in which case it could last longer, on a private basis.

Q. What are the responsibilities of the mentor?

These will depend upon the circumstances case by case. Initially we ask the mentors to contact their mentees and just advise that they are there when needed. We also ask mentors to report back to the board as to how much contact they have had, but only in general, not any substantive specifics.

Q. Tell us about the first year of the program?

The first year I simply agreed to act as mentor but never heard from my mentees. But from the second year on I have administered the program, which basically means matching up mentors and mentees and trying to get them to provide some feedback. We've had about between 18 and 25 participants each year and the little feedback we have had indicates that it is very much appreciated by those who actually take advantage of the opportunity. But it seems not everyone does follow up and they miss a very valuable resource. Despite this, we decided to run the program again, at least for one more year, and I am currently preparing to commence again.

Q. What would make the program more successful?

More feedback and a bit more proactive participation would certainly make the program more successful. So far it seems to be successful in small pockets. But I think a lot is being missed and hope that in the future more women will take advantage of this opportunity.

A final observation from Louise Barrington: I just had lunch with one of my mentees today and we had a fine chat; she's doing well in a new firm and we talked about the smaller firms with large cases - how that is very interesting but also potentially dangerous if the large case settles! the strategy of doing other types of work etc. some of our observations about cases we are handling some gossip about an arbitrator who failed to disclose that he's worked for the firm acting for the party who appointed him! Just a nice discussion. She knows I'm around.

If you are interested in being a mentor or a mentee please contact Karen Mills at kmills@cbn.net.id

Debora Slate

Elizabeth Birch Named First Woman Full Member of the London Maritime Arbitrators Association

Elizabeth Birch has been elected the first ever lady Full Member of the London Maritime Arbitrators Association. Full Membership connotes the authority to conduct arbitrations on LMAA Terms. The LMAA is an organisation which was created in 1960 but whose roots and traditions stretch back more than 300 years to the history of the Baltic Exchange.

Elizabeth has been arbitrating since 1992 when she sat for four years as arbitrator in Lloyd's insurance disputes. Since 2003, following a career of 23 years at the commercial, maritime and international Bar, she has been practicing solely as a professional arbitrator and mediator and she also receives regular appointments under the Rules of ICC, LCIA, CPR (New York), IDCR/AAA (Oil & Gas Panel), and the Chartered Institute of Arbitrators and ad hoc appointments in commercial, maritime, insurance/reinsurance, contractual and international disputes. She is a Chartered Arbitrator, FCI Arb, Diploma in International Commercial Arbitration (1998). She is also a mediator with a prominent reputation and mediates maritime disputes, amongst other specialties."

A leading Arbitrator has commented, in sending his congratulations:



Elizabeth Birch

"I speak for many (the LMAA announcement has been broadcast worldwide) in that you have broken through a barrier previously thought close to impenetrable"

Of Note, of use, kudos! Community News

Ann Ryan Robertson, a founding member of ArbitralWomen and the first female chair of the Chartered Institute of Arbitrators in North America has joined Locke Lord Bissell & Liddell as counsel in Houston, Texas.

Beata Gessel, was named president of the Lewiatan Court.

Bennar Balkaya was appointed the new head of CI Arb in Turkey.

Dorothee Schramm became a senior associate at Sidley Austin in Geneva.

Gisela Knuts was nominated to the Executive Committee of the Swedish Arbitration Association.

Julie Bedard was promoted to Partner in the litigation and arbitration group of Skadden Arps Slate Meagher & Flom in New York.

Lorraine Brennan, AW President joined JAMS International as Managing Director. She is based in London.

Vilija Pavan, head of the dispute resolution practice group of LAWIN Vilnius office was appointed as the IBA

Litigation Committee Chair of Lithuania, in June 2010.

What do the AW Membership Fees Support?

Louise Barrington and Mirèze Phillippe, together with a hundred founding members, established ArbitralWomen as a non-profit organization in 2005. Membership dues financed the building of a website. The annual dues were fixed at 50 Euros, and have not changed. In addition a one-time membership registration fee of 50 Euros defrays the cost of setting up each new member's profile on the website. .

A financial report is presented at each AGM. The budget covers expenses related to the improvement and maintenance of the website, the domain names, the part time administrator, the bank charges for the online payment system, bank commissions and expenses, the accountant, and other expenses incurred in organizing events.

In addition, in accordance with the objectives set out in the by-laws, the funds also support students and other worthy causes linked with women in arbitration. In 2008 ArbitralWomen initiated financial grants to fund teams in the Vis Moot in both Vienna and Hong Kong who would otherwise not be able to participate.

Mirèze Philippe

Events Report from November 2010 - June 2011

12-13 November 2010, Guerilla Tactics - in International Arbitration & Litigation, Vienna, Austria.

International conference organized by ICC Austria. ArbitralWomen represented in great number of speakers: Barbara Helene Steindl, Edna Sussman, Loretta Malintoppi, Elke Umbeck, Bennar Balkaya

17 November 2010, ArbitralWomen Gala Dinner, Paris, France.

Special ArbitralWomen event gathered 120 participants from 17 countries to celebrate the 5th anniversary of the foundation of the Association. During the event Donald Francis Donovan and Klaus Reichert were presented with the first AW Honourable Man Award, in appreciation of their support for the organization. During the evening also the new ArbitralWomen Board was presented. The Gala Dinner was organized by Mireze Philippe.

17 November 2010, 27th AAA/ICC/ICSID Joint Colloquium on International Arbitration, Paris, France.

Among speakers AW members: Julie Bédard, Carolyn B. Lamm, Lucy Reed.

20 November 2010, Mock Arbitration, Hong Kong.

Mock Arbitration was organized as an accompanying event of celebration of 25th Anniversary of the Hong Kong International Arbitration Centre, taking place from 17 – 20 November 2010. Very successful mock arbitration was scripted, directed and narrated by Louise Barrington, the case featured also other ArbitralWomen Karen Mills and Sarah Walker as counsel, and Elizabeth Birch as a somewhat irritable client.

27 November 2010, First CIArb course in Seoul Korea.

ArbitralWomen members and organizers of the course: Louise Barrington and Mary Thomson.

3 December 2010, International Commercial Arbitration Austrian/Polish Twin Conference, Vienna.

ArbitralWomen was a cooperating entity of the conference organized by the Lewiatan Court of Arbitration and Austrian Arbitration Association. Conference co-chairs Jenny Power and Beata Gessel, were also joined as speakers by a strong AW representation: Monika Hartung, Agnieszka Lizer-Klatka, Mirèze Philippe, Anna Maria Puksztó, Irène Welser.

3 December 2010, La procédure arbitrale. Regards croisés franco-espagnols, Paris.

Seminar organized by Comité Français de l'arbitrage - Club Espanol del Arbitraje, ArbitralWomen speakers: Laurence Kiffer, Loretta Malintoppi, Carmen Nunez-Lagos, Maria Vicien-Millburn

16 December 2010, Investment Canada After BHP/Potash and International Arbitration Canadian Style: A Distinctive Approach, Toronto.

Conference organized by the ABA SIL Canada Committee and The Canadian Bar Association. ArbitralWomen speaker: Janet Walker

11 January 2011 CPR Institute presents its 2010 Diversity in ADR to Louise Barrington.

The International Institute for Conflict Prevention & Resolution (CPR Institute), presented the organization's third annual "Award for Outstanding Contribution to Diversity in Alternative Dispute Resolution" to Louise Barrington. See article on page 2.

9 February 2011, Confidentiality vs Transparency in International Arbitration, Warsaw.

Conference organized by Warsaw University, Centre for Amicable Dispute Resolution University of Warsaw and Young Arbitration Practitioners in Poland

YAPP). ArbitralWomen speakers: Beata Gessel and Lucja Nowak

12 & 26 February, 12 March 2011, Arbitration: Domestic, International (inc. ICC) & in China Joint Training Programme, Hong Kong.

3 days Training in Arbitration organized by Arbitration Committee of ICC-HK, Hong Kong Bar Association and Academy of Law of the Law Society of Hong Kong. ArbitralWomen speaker: Kim Rooney

13 February 2011, Advance Training: Pitfalls in Arbitration, Bahrain.

One-day seminar organized by ICC Bahrain's Lawyers Committee with the support of the International Court of Arbitration of the International Chamber of Commerce, conducted by Mirèze Philippe.

4-5 March 2011, Vienna Arbitration Days, Vienna.

Conference organized by Austrian Yearbook on International Arbitration, ICC Austria, YAAP and ArbAut. 2011 VAD concentrated on Arbitration and the Brussels I Regulation, Taking of Evidence in Arbitration (Efficiency vs. Ethics) and Arbitration Rules on the Move. AW representation at the event: Prof. Irene Welser, co-organizer of the Conference and editor of Austrian Yearbook on International Arbitration, Sophie Nappert on the Judgments Regulation panel was speaking about 'The Regulation in context with other interfaces of community law and arbitration, specifically investment arbitration' and Beata Gessel on 'Arbitration on the Move' panel was talking about changes in various rules concerning arbitrators liability, tribunal composition.

31 March - 2 April 2011, 2nd Annual ICC Asia-Pacific Conference: Regional Perspectives, Hong Kong.

Event organized under the auspices of the International Court of Arbitration

AW members participating: Louise Barrington and Sally Harpole.

25 March 2011, AIJA Sport Arbitration Seminar, Lausanne

The AIJA International Arbitration Commission and Sports Law Sub-Commission organized the seminar on Sport Arbitration on 25-26 March 2011 co-sponsored by ASA below 40. ArbitralWomen speakers: Sandra De Vito Bieri

5 April 2011, Luminaries in the International DR World: a Day in their shoes, Washington DC.

Joint event with the Georgetown International Law Society and Arbitral Women. Panelists include Anne Marie Whitesell, Jean Kalicki, Mark Kantor, Janis Brennan, Marsha Echols, and Judge Delissa Ridgway.

8 April 2011, Current Hot Topics in International Arbitration, Copenhagen.

Seminar organized by the UIA in co-operation with the Danish Arbitration Association. ArbitralWomen speakers: Laurence Kiffer in the session deliberating on 'Whither the Duties of the Enforcement Court under the New York Convention after *Dallah v Pakistan*?' and Patricia Peterson in the panel on 'Arbitration and the Brussels Regulation'.

4-11 April 2011, Willem C. Vis (East) Moot, Hong-Kong.

14-21 April 2011 Willem C. Vis Moot, Vienna.

ArbitralWomen funded teams to participate in the competition of teams to the Vis Moot in Hong Kong and Vienna.

26 April 2011, Building the Next Generation of Women in the Dispute Resolution Field: JAMS Neutrals Share Their Stories and Tips for Success, New York

JAMS and Arbitral Women organized a panel discussion moderated by Lorraine M. Brennan. Other AW members participating in the panel: Dina Jansenson.

19 May, 2011, Roundtable Discussion on Arbitration in the EU in the 21st Century

Including AW members, Gabrielle Kaufmann-Kohler, Catherine Kessedjian, Sophie Nappert, Vera van Houtte, and moderator Beata Gessel. An article on the discussion will appear in the November issue of AW Newsletter.

14, June 2011, Seventh "Women in International Arbitration" dinner, New York

Dominique Brown-Berset, Founding Partner, Brown & Page, Geneva; Toby Landau, QC, Essex Court Chambers, London; and Professor Catherine Rogers, Penn State Law, University Park, shared remarks on the future of arbitration and the relevance of gender in the field.

Beata Gessel

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Louise Barrington, Lorraine Brennan, Asoid Garcia-Marquez, Debora Miller Slate, Mireze Phillippe

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Women who wish to join the organization may submit an application with a C.V. directly to the website.

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ArbitralWomen Newsletter is a publication presenting information about international dispute resolution and women practitioners in this field. For questions or comments, select "Contact Us" on the homepage.