



The International Network of Women in Dispute Resolution

## President's Column

### Shifting sands or common human values?

My column is usually inspired by recent events: some good, some bad, some perplexing and some exciting. This edition is no different. Without a doubt, this year has brought so many societal changes, as well as changes to the make-up of political organisations and institutions around the world that it should compel us to stop and reflect on where we find ourselves and what the future holds for each of us.

For me, the distinct consequential features of this tumultuous change have been the disintegration in common humanity, the decline in core values of civil society and the deconsolidation of democracy. These features mean that the fight for equality becomes an ever greater struggle: two steps forward and one back. I echo Mary Robinson when accepting the 2016 Stockholm Human Rights Award, she said,

*"It is a troubled time for our world. It is a time with too much hate speech, xenophobia, racism and sexism that should not be part of civilised society, but are increasingly part of the discourse in this very troubled time. In receiving the award in such a troubled time, I'm reminded of something very fundamental, which all of us working in human rights know all too well: it is, and always has been, a struggle. It's to the people on the margins, those in the coalface of human rights, those who struggle so hard for human rights, that I dedicate this award."*

Women have for too long been on the margins. Their rights have been subjugated, their work dismissed, their contributions to society undervalued and their position in society undermined.

At this time of the year – usually a time for reflection for us all no matter what our faith – I wonder about the values we want to pass on to our children, our grandchildren and the generations to come. What are the values by which we want to live? Are they shared values? What is the

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*ArbitralWomen thanks all contributors for sharing their stories.*

lowest common denominator of rights and values that we are prepared to live by whilst fighting on for other rights? For me RESPECT for others and HONESTY have to be key values that could change the shape of things to come. These values have been missing from the dialogue of civilised societies for decades. It is time to reinstate those values and in some cases introduce their worth to societies before we can move on to establishing basic human rights.

Equality of treatment and equality of opportunity are to me basic human rights, as basic as the right to clean drinking water and freedom from oppression or violence. Unfortunately and unjustifiably, they are not regarded as basic human rights by all. For some, they are seen as privileges to be earned. So, in Saudi Arabia, there has finally been an edict, from the powers that be, that women should be allowed to drive: *"stop the debate, it is*

*time to allow female citizens behind the wheel*".<sup>1</sup> Time? Did women need to prove something over the course of time to win the right to be able to drive - an inconsequential, insignificant act of operating a machine? Women have been proving themselves worthy for centuries and yet our freedoms are still being restricted and our rights curbed in every field of endeavour, no matter how liberal or "humanitarian" an industry might be perceived to be.

For example, last year there was a report about bullying, sexual harassment and sexist behaviour against female surgeons by their male counterparts or male bosses. You would think that seemingly intelligent men (after all, they're in a highly skilled area of practice that requires years of training and application) would be at the forefront of fighting for equality and against any attempt to curtail women's hard fought freedoms. Nothing could be further from the truth. Here are the 6 highest ranking complaints female surgeons made against male surgeons:<sup>2</sup>

1. Being mistaken for a nurse or secretary: Examples include *"say thank you to the nurse"*.
2. Male colleagues asking them to make tea for the team - *"I used to be excused before the end of the ward round to be sent to make the tea and toast,"* said one junior doctor.
3. Patronising remarks such as *"women aren't creative enough to be in medicine"*, *"you must be very clever"* and being referred to as the *"young girl"*.
4. Being asked about your husband. One doctor was asked *"what does your husband do? Apart from you?"*
5. Being accused of menstruating if you speak firmly. *"Is it the time of the month?"*
6. Given advice not to have children or about having time off during maternity leave. *"You would be well advised to have no more babies,"* one doctor was told.

These are not isolated incidents, peculiar only to medicine or science. They are extremely and regrettably common

complaints in every field – in law, finance, politics, accounting and so on.

Two steps forward, one step back. Or just backward steps?

We can only take strides forwards if we move from the same value base: RESPECT for others and HONESTY in our dealings with others. These values themselves derive from the basic human value of knowledge and understanding.

Morals or values in modern societies today are, in practice, often made dependent on the perceived interests of either the individual, the group or the nation, and are thus said to be 'relativistic', that is, without any definite or fixed value basis.

But for me, these are values that should exist universally, should be held in high esteem and should be capable of having an objective validity as an essential part of the human make-up. Of course, they have been the subject of debate for centuries as to whether they are part of a true ethic commonly inherent to humanity. But we can make it so, if we take action to promote greater acceptance of the common human values. Even if opponents to the idea assert that such values that exist are simply the *'result of sensible adjustments to circumstances or pragmatic behaviour for ensuring survival, reducing conflict, maximising security or even pleasure'* and so on, there is no reason why we should not be the leaders in promoting these values, morals and ethics for the greater good, equality for all humanity.

Make your New Year's resolution to demonstrate your values in everything you do and with everyone you deal with.

Until next time, go well, go safely with your head held high, always.

*Rashda Rana SC, President ArbitralWomen*



*Rashda Rana SC, 6 St James' Hall International*

<sup>1</sup> Prince Alwaleed bin Talal bin Abdulaziz al-Saud, 1 December 2016 in various news outlets.

<sup>2</sup> As reported in The Telegraph Newspaper on 1 October 2015 by Nicola Harley:

<http://www.telegraph.co.uk/news/health/11903476/Sexism-in-surgery-Females-being-put-off-becoming-surgeons-by-men.html>

## WOMEN LEADERS IN ARBITRATION: JULIET BLANCH



*Juliet Blanch*

### Interview with Juliet Blanch by Gillian Carmichael Lemaire, an Advisory Member of ArbitralWomen's Board

**Juliet Blanch** has had a highly successful career in international arbitration over the last 30 years, most recently as head of the international arbitration practice at Weil Gotshal & Manges and, before that, leading the international disputes practices at McDermott Will & Emery and Norton Rose (now Norton Rose Fulbright). Juliet recently left Weil Gotshal & Manges to establish Juliet Blanch Arbitration, where she will develop her activity as arbitrator. In addition to the significant impact she has made in the international arbitration community and in several major international law firms, Juliet is also an inspiration to women in the dispute resolution field and is known for her dedication to advancing women's careers. As part of her practice at Juliet Blanch Arbitration, Juliet is now also providing consultancy services for women on managing their careers in the law.

**Gillian Carmichael Lemaire**, an Advisory Member of Arbitral Women's Board, had the privilege of meeting Juliet for breakfast on a wet and windy day in London to hear more about her career, her plans for the future and her views on practice in the dispute resolution field.

#### *When did you first become interested in dispute resolution?*

I always enjoyed debating at home and school but my interest was really ignited when I started at Norton Rose (now Norton Rose Fulbright).

#### *How did you get into the world of international dispute resolution and, in particular, arbitration?*

The dispute resolution department proved to be the most enjoyable and interesting seat in my articles with fascinating clients, real law issues and inspiring colleagues. As an articled clerk the very sociable environment and additional glamour of international travel opportunities whilst being involved with major headline cases proved irresistible!

*You have had a very rich experience at top UK and US firms prior to taking up your new role at Juliet Blanch Arbitration (19 years at Norton Rose, 5 years at McDermotts as head of dispute resolution and more than 6 years at Weil Gotshal in a similar role). Which of these posts do you think influenced your professional development the most?*

I was very fortunate that my experiences over those years enabled me to meet and work with numerous colleagues and clients from whom I have been able to learn and develop different skills.

#### *What led you to take on your new role? Can you tell our readers about it?*

I had been getting increasingly frustrated at the number of arbitral appointments that I had had to turn down whilst in private practice and I felt that the opportunity and timing was right, personally and professionally, for me to leave private practice. Having spent a lot of time promoting the Equal Representation in Arbitration Pledge, becoming an independent arbitrator was a logical step.

In addition, for a number of years it has been clear there have been many extremely capable women who have decided, for varied reasons, to leave the legal profession or give up on their dream of becoming a partner and progressing through the partnership ranks to reach the senior equity of law firms or achieving senior positions at the bar. In the past I have been involved, formally and informally, in assisting many junior lawyers successfully to progress their career ambitions. In addition to being an independent arbitrator, I therefore also intend to continue to provide consultancy services to assist female lawyers (and junior female partners particularly) in progressing their career ambitions, whether those ambitions are to be realised in a dispute resolution practice or another area of legal practice.

#### *Do you have any specific goals that you would like to achieve in your new roles?*

As arbitrator:

From a personal perspective, to secure interesting arbitral appointments and, more broadly, hopefully to inspire

others to follow the path of female arbitrators to date and thereby increase the representation of women acting as arbitrators.

Consultancy:

As mentioned, to assist more female lawyers in all practice areas to further their career progression and not only to realise their ambition to reach senior positions but to have fun in their professional lives.

***What has been your most satisfying professional achievement?***

Seeing associates develop their potential and hearing about former associates getting promotion to partnership.

***Any amusing experiences that come to mind?***

I'm not sure this could be described as "amusing" but one of the most surreal experiences I have had was clambering across a plank in the middle of the night between two ships in the Indian Ocean to interview passengers who had been rescued from a sinking cruise ship.

***What was your worst day as a disputes lawyer?***

I am very saddened whenever I hear about an individual's complete disenchantment with the legal profession. One of the worst days for me was when a female associate explained she had decided to leave the law because she didn't want to live my life – given I feel enormously privileged to have had the career I have had, it was a considerable jolt and it made me examine (and question) the decisions I had made and the path I had taken and the impact on my family. Whilst I wouldn't have changed the professional path I have followed, if I could turn back the clock I would have been far more disciplined in carving out and protecting my personal time with my family.

***What are the main challenges you have faced in the dispute resolution field?***

In earlier years, those occasions when I was not taken seriously enough because I was a female lawyer and whenever I was considered to be too young or inexperienced to undertake a client matter that I was more than capable to undertake. Indeed on one occasion a client demanded he be given a doctor (i.e., a "serious lawyer") and not a nurse to advise him! Thankfully, life has moved on somewhat during the last quarter century, although I believe women still face a greater hurdle than men in being accepted as senior experienced lawyers.

***What is your advice to women in the field as regards achieving a work/life balance?***

In many ways, much the same advice as I would give to men. Accept and understand that you will, inevitably, need

to make sacrifices and friends and family will need to understand that, at times, achieving any balance can, all too often, be an impossibility. Equally do not try to be all things to all people and learn to say "no" – you do not need to do everything to be successful. Insist that the non-client facing soft skills tasks are divided fairly amongst both male and female lawyers and equally insist on a fair share of the client facing work. Try to work out what your priorities are, or need to be, at any given time and be focused. Be passionate in your work and enjoy it. Achieving a work/life balance may, on occasion, involve some form of a career sacrifice: are you prepared for that?

***You have been involved in litigation as well as arbitration. Do you think your litigation experience has helped you as an arbitration practitioner and arbitrator? If so, how?***

Definitely. All dispute resolution experiences are useful. Arbitration and litigation can be intertwined and it is important to know and understand the peculiarities of each form of dispute resolution. For example, as an arbitration practitioner, you may have to challenge or seek to enforce an award, get interim relief etc.

***You have been involved in international arbitration for 30 years. How has the field changed during that time? Have your perceptions of the dispute resolution field changed since you started out?***

I believe that with solicitor advocates as counsel, the expectations on all sides for case preparation mean higher calibre and more interesting work for solicitors. More cross border investment has meant a greater exposure to an international caseload and there is now significantly more competition between English and international firms. The impact of technology has greatly increased expectations of speed of service and turnaround time as well as vastly increasing the amount of documentation and disclosures and a consequential increase in the number of hours worked and significant intrusion into a lawyer's personal time. Sadly, I also perceive there to be, all too often, less trust between lawyers and, indeed, less respect for the profession.

***What is the rough percentage of women in your opinion acting as arbitrators, mediators, lawyers and other dispute resolution professionals in your environment / in the UK?***

Over 50% as associates, less than 15% as senior partners, less than 10% as arbitrators and ever fewer as mediators.

There are several factors why there are so few women appointed as arbitrators; firstly there have not been, and are not now, enough available senior women with sufficient experience; in addition, the existence of unconscious bias has a far bigger impact than has been

realised to date; and finally, whilst there is a significant pool of very experienced talented women arbitrators, regrettably they are just not sufficiently well known to the parties and their counsel. The extremely low representation of women securing arbitral appointments is certainly not, in any way, reflective of there being any differences in the calibre of available female arbitrators versus male arbitrators. I believe that the statistics would have been even worse without all the very hard (and often thankless) work undertaken by ArbitralWomen which has eased the path for all of us and we owe a very great debt to the founders of ArbitralWomen and those who have tirelessly continued this work. Now we also have the Pledge (thank you to **Sylvia Noury**, **Wendy Miles** and **Freshfields**) there is really no excuse for this low percentage of women appointed and I hope we will now see a year on year improvement globally.

*You have mentored many junior women over the years, but there is a limit to how much time you can give. How have you addressed this?*

Over the last few years I have been approached by a number of junior women partners from a number of different law firms asking if I would mentor them through the process not just of being a partner but of succeeding as a partner and moving into and up the equity. As I felt I had too many mentees (and wasn't giving them each sufficient time), I discussed with a former colleague and friend, **Claire Pointing**, whether we could come up with some form of group programme to provide the training and advice I wished I had been given when I had first become a partner. The purpose was two-fold: to assist those who had recently become partners and demystify and normalise the partnership journey with practical focused advice as well as to try and stem the flow of female partners leaving the partnership or failing to progress through the equity. I felt my experience of being a senior partner and mentoring junior female partners combined with Claire's role as an organizational consultant might provide an innovative form of training. Claire worked in the City and Public Sector for 25 years. In addition to her legal experience, she has a Masters Degree from INSEAD in organizational psychology and her focus is on delivering genuine and lasting changes to how people work successfully and sustainably in senior roles in professional service industries.

After debating what was possible, we put together an innovative cross industry development programme focused on providing women at elite law firms with the skills and support to accelerate their successful transition into the partnership role. The programme we created ran for eight months to ensure the learning translated into

lasting in-role experience, with four interactive workshops which covered the following topics: (i) the transition from associate to partner; (ii) taking ownership and control of the transition; (iii) understanding politics and exercising influence; and (iv) using networks and relationships to deliver success. Between each workshop, the participants also engaged in facilitated peer coaching sessions in small groups of five to six, where they worked with each other to address specific work related topics. We wanted to provide a safe space in which the participants could self reflect on their progress. Indeed it was fantastic to see both the increase in empowerment over the course of the sessions and the increase in self awareness of the importance of taking ownership of your own career.

We had 21 participants from a range of London, UK, US and Channel Island law firms and have been delighted by the positive feedback from this year's delegates. Indeed, what was striking was the energy and positivity of the delegates there was a real hunger for success. In particular, I am confident the peer networking will provide a valuable support over the years to come for this first group of participants and we are now working on the course for next year.

*Are there any other ways in which you think women's careers in international dispute resolution can be advanced?*

There are times when there seems to be an unnecessary diminution and failure to recognize longer term overall value to law firms of contributions made by women that are less directly financially related but are still an integral part of developing client business and ensuring the work is done effectively and efficiently. Law firms all too often accept the sole criteria of sizeable billings and conveniently forget that these may be diminished when they are accompanied by other overall longer term losses elsewhere, for example, lower staff morale, higher turnover, unfulfilled potential of staff etc.

More senior women providing respected role models would enable, and encourage, women to progress into senior positions.

Equally women do sometimes need to be reminded to be a little more assertive in seeking opportunities and emphasising their capabilities. For example, it would not occur to many women to approach the institutions to ask for appointments and yet many men do that.

*Do you have any advice for women seeking their first appointment as arbitrators?*

When you feel ready, ensure you are fully prepared and seek out your first appointment: don't sit back and wait for it to come to you. Approach institutions, use all

available networking opportunities and ask to be appointed. Also seek to get prior experience as a secretary.

***Do you think it is better to be appointed as sole arbitrator or as one of a panel of three for a first appointment?***

In a perfect world I think it is better to be appointed as one of a panel of three for your first few appointments so that you have the opportunity to learn from more experienced arbitrators before then progressing to chair or sole arbitrator. All too often a younger arbitrator may get appointed as a sole arbitrator or chair when they don't really have sufficient experience.

***In your opinion, how young is too young for seeking one's first arbitral appointment?***

I don't think being age specific is a relevant criteria. What is important is to have sufficient experience of the process, to have the intellectual ability and to be prepared to have learnt what is required as well as having the necessary time available to be able to do the job properly.

***What in your view are the key qualities of a good arbitrator?***

Hard work; an ability to listen and to understand the issues; to keep an open mind; to be able to get on with fellow tribunal members; to be able to make a decision and to write clearly and succinctly.

***From your own experience, do you have any other general advice for women seeking to further their careers in dispute resolution?***

Learn from every experience. Be persistent. Do not be shy about promoting yourself and understand the importance of promoting yourself. Pace yourself and plan ahead, but be prepared to be flexible and change direction. Keep an open mind. Learn to recognise when you need to ask for help and help others. Try and always keep a sense of perspective. Have a passion for what you do and enjoy your career.

***Do you think that women practitioners can benefit from the ArbitalWomen network to advance their careers and, if so, how? What do you think is the most valuable contribution of ArbitalWomen to the world of international arbitration?***

Definitely yes. The main benefits to me are ArbitalWomen's review of conferences to ensure a fair representation of women speakers, the network it provides around the world, the ability to network at all major conferences and the support it provides. I have made some amazing friends all over the world through ArbitalWomen and the support given by members to each other is wonderful.

***You have been supportive of the Equal Representation in Arbitration Pledge. How can the business and dispute resolution communities best support the Pledge?***

By having the vision and commitment to engage fully in the process and actually do what they have pledged to do, i.e., to give equal consideration to appointing women as arbitrators and getting them as speakers at conferences. Signatories need to act and not pay lip service to the requirements of the Pledge. Having said that, I have been amazed and delighted by the very genuine interest and desire to implement the Pledge from men as well as women in every jurisdiction in which the Pledge has been launched. It seems to have touched a nerve and the general view expressed is that it is the right thing to do.

***Can you tell us about your role on the organizing committee for the International Arbitration Charity Ball?***

Whilst I have been involved from the very beginning, it is **Stephen Jagusch, Louis Flannery, Ania Farren, Guy Pendell** and **Stuart Dutson**, in particular, among many others on the organising committee, who deserve the plaudits for ensuring the vision became reality by their relentless hard work and charming bullying!

***How do you see the future of international dispute resolution? What areas do you think the dispute resolution community needs to address?***

I think it is fundamental that there is a far more diverse representation of arbitrators. Given that the majority of disputes are not connected with Northern Europe and the Anglo Saxon countries, it is not far short of scandalous that there are so few arbitrators from Africa, Latin America, southern and central and Eastern Europe and Asia. The immediate focus of the Pledge is for better gender representation but that is just the first step. The profession must represent the communities it is serving. In addition, of course all too often the process is too slow and too expensive. Parties need to get to grips with IT, enforcement and parties hiding behind offshore companies.

***Is there any message that you would like to send to our readers?***

Work hard and be committed to give your best. Like most things in life you can get back out only what you put in. Your career can give you wonderful opportunities so do not let the inevitable difficult moments deter you. Be and stay positive, help others achieve their potential, do not take yourself too seriously and have fun.

## EVENTS

There have been a number of events over the last three months. Our members have provided a few highlights from these events to share with you.

### Breakfast Event, IBA Conference, Washington DC, 19 September 2016



*L to R: Nathalie Voser, Kate Brown de Vejar, Rachel Kent, Jacomijn van Haersolte-van Hof*

In line with its tradition of organizing an ArbitralWomen get-together at the annual IBA Conference, this year too, a large delegation of ArbitralWomen (and men) met at the ArbitralWomen's breakfast meeting and panel discussion on **19 September 2016** in Washington D.C. Hosted by WilmerHale at their prestigious law offices on Pennsylvania Avenue, panelists **Kate Brown de Vejar** (Curtis, Mallet-Prevost, Colt & Mosle LLP, Mexico), **Rachael Kent** (WilmerHale, USA) and **Jacomijn van Haersolte-van Hof** (LCIA, UK) presented and discussed the topic "Motions for Summary Dispositions in Arbitration". The session was chaired by **Nathalie Voser** (Schellenberg Wittmer, Switzerland).

After a brief welcome by **Gabrielle Nater-Bass**, Vice President of ArbitralWomen, and introduction of the panelists, the topic was introduced by Nathalie Voser. Then Kate Brown de Vejar took the floor and addressed how summary proceedings, well-known in common law jurisdictions and existing in the investment arbitration context, were also gaining traction in international commercial arbitration through its recent introduction in institutional rules such as those of the Singapore International Arbitration Center and the Stockholm Chamber of Commerce. Rachael Kent then explained under what circumstances common law courts were entitled to summarily dispose of claims and how these circumstances could also apply to international arbitrations. Lastly, Jacomijn van Haersolte-van Hof questioned whether there was really a need to specifically

introduce provisions on dispositive mechanisms into institutional rules, arguing that such specific needs only arose in a limited number of cases and arbitrators already had at their disposal sufficient tools to efficiently deal with them.

In addition to these excellent presentations prepared by the panelists, thought provoking contributions from the floor made the discussion all the more lively and informative. The contributions also highlighted how practitioners of different cultural and legal backgrounds perceive the introduction of this primarily common law tool into international arbitration.

The panel discussion was closed by **Richard W. Naimark**, Senior Vice President of the International Centre for Dispute Resolution® who also shared his institutional perspective on the topic. The vote of thanks was offered by **Nassib Ziadé**, CEO of the Bahrain Chamber for Dispute Resolution (BCDR-AAA).

The event was co-sponsored by the International Centre for Dispute Resolution®, the Bahrain Chamber for Dispute Resolution (BCDR-AAA), the Woman's Bar Association of the District of Columbia and law firms Homburger (Zurich, Switzerland) and WilmerHale (Washington, USA). ArbitralWomen would like to thank all the sponsors for their support.

ArbitralWomen would also like to thank all the panelists and the audience that attended the conference. The continuously growing numbers of participants at this annual tradition reassures us that the ArbitralWomen's Panel Discussion is on its way to becoming everybody's favorite breakfast at the IBA Conference!

*Contributed by Dilber Devitre, Homburger, Zurich*

### Breakfast Event in Florianopolis, Brazil on 26 September 2016



*L to R: Peter Sester, Renato Grion, Ana Carolina Weber, Monica Costa, Adriana Braghetta*

On **26 September 2016**, at the occasion 15th Congress of the Brazilian National Arbitration Committee, ArbitralWomen with the support of Eizirik Advogados, TozziniFreire Advogados and Pinheiro Neto Advogados, hosted a breakfast event to discuss the protection of “consent” in international arbitration, as “consent” was the theme of the Congress.

Panelists included **Monica Mendonça Costa**, **Andriana Braghetta** and **Renato Grion**. Panelists discussed how the consent expressed in the arbitration clause should be better protected. Panelists discussed with attendees the use of judicial procedures to enforce arbitration clauses, for example when one of the parties objects to the initiation of arbitration and resists complying with the arbitration procedure.

Moreover, panelists presented their views regarding the specific issue of a minority shareholder’s consent to the arbitration clause provided by publicly-held companies’ bylaws. The audience contributed to the debate by presenting case law regarding the consent of a party who dies before or during the arbitral proceedings, describing how national courts have dealt with the possibility of binding successors to the consent evidenced in the original arbitration clause.

*Contributed by Ana Carolina Weber (ArbitralWomen Board Member, Brazil)*

### "Unconscious Bias" panel in Montevideo, Uruguay on 1 October 2016



*L to R: Veronica Sandler, Veronica Raffo, Soledad Diaz, Irma Isabel Rivera, Ana Carolina Weber*

On **1 October 2016**, at the occasion of the Latin America Competencias that took place that day in Montevideo, Uruguay, with the support of Ferrere Attorneys,

ArbitralWomen organized a panel discussion on unconscious bias that was moderated by **Veronica Raffo** (Uruguay), with the participation of **Ana Carolina Weber** (ArbitralWomen Board Member, Brazil), **Veronica Sandler** (Buenos Aires), **Soledad Diaz** (Uruguay) and **Irma Isabel Rivera** (Bogota). The attendees included several young students and many male attendees.

The panel first addressed the difficulties that women have been facing in arbitration in Latin America. From the difficulties of presenting their ideas at meetings, to discussing strategies to overcome resistance and including women in arbitration panels, the panelists acknowledged that support is needed to increase the presence of women in the arbitration field. Panelists tried to identify the external factors that created bias towards women.

After analyzing the facts and discussing some statistics, the panelists suggested some strategies to overcome the many biases. **Soledad Diaz** pointed out that one very important tool now available that needs to be used more is the Equality in Arbitration Pledge (known as the ERA Pledge or simply referred to as The Pledge). **Irma Rivera** highlighted the need for law firm support for the development of projects by women, such as working in foreign firms. She emphasized that the qualifications of men and women should be the same and that women should be evaluated on the same criteria as men. **Veronica Sandler**, one of the organizers of Competencia, addressed the difficulties faced by the young generation and engaged the audience in a discussion, which allowed the male and female attendees to present their views and comment based on their own life experience.

*Contributed by Ana Carolina Weber (ArbitralWomen Board Member, Brazil)*

### Sydney ArbitralWomen Event on 5 October 2016

On **5 October 2016**, approximately 30 ArbitralWomen members and guests were addressed by **Rashda Rana SC** on the topic of "International developments of women in arbitration". The event was hosted in Sydney by Greenway Chambers and Clifford Chance provided video-links of the event to Perth, Melbourne and Brisbane. The event was also supported by the Chartered Institute of Arbitrators Australia and the Australian Centre for International Commercial Arbitration.

**Julie Soars**, Arbitrator and Barrister, 7 Wentworth Selborne introduced the event from Sydney and acknowledged the traditional owners of the land before introducing Rashda Rana SC. **Pat Saraceni** partner in Perth for Clifford Chance hosted in Perth, **Erika Williams**, Senior



Associate at McCullough Robertson Lawyers, hosted in Brisbane and **Dawna Wright** hosted for FTI Consulting in Melbourne. **Kellie Edwards** barrister from Greenway chambers gave a vote of thanks at the end.

Rashda, in an impressive “*tour de force*”, started by recognising that being sensitive to culture was an important element of international arbitration.



*Rashda Rana SC, ArbitralWomen President*

Rashda discussed ArbitralWomen’s observer status on an UNCITRAL working group on international arbitration, discussed the Pledge which she noted was a collaborative effort and the result of over a year’s work with which ArbitralWomen had been heavily involved.

Rashda referred to the GQUAL campaign and the recent call by Hilary Heilbron QC for young women to get exposed to international arbitration by taking on the role of tribunal secretary.

Rashda discussed ArbitralWomen initiatives which include: the quarterly newsletter, the events held internationally, the ArbitralWomen SpeedNet event and recent unconscious bias events. She discussed the tremendous mentoring initiative of ArbitralWomen, pointing out that the benefits are not just for the mentee but that they have found that the mentor also benefits from their relationship as well. The importance of members keeping their CV’s on the ArbitralWomen website up to date was emphasised.

Rashda discussed the bursary ArbitralWomen have provided for mootng teams with at least 50% women. She mentioned the Honourable man status ArbitralWomen conferred and that they thought some

new titles would be conferred in 2017. Rashda mentioned to the ability to contribute to the UNCITRAL library.

Rashda mentioned recent seminars on ethics in international arbitration and the Asia-Pacific Forum for International Arbitration seminar coming up on guerrilla tactics in international arbitration in Dublin – in part because non arbitration practitioners are participating in arbitration and sometimes because devious tactics are used to derail the arbitration process.

Rashda mentioned the new Singapore International Arbitration Centre provisions in their rules in relation to summary judgment and strike out to allow arbitrators the power to deal with recalcitrant parties and other developments and current issues too numerous to mention.

Rashda ended by referring to the meeting in 1848 in Seneca Falls, New York and the document developed by **Lucretia Mott** and **Elizabeth Cady Stanton** known as the Declaration of Rights and Sentiments document at the first women’s rights conference which identified the areas where women did not have rights. She reflected on how far we have come, and how far we still have to go, for example, to ensure equal opportunity at work and equal pay.

*Contributed by Julie Soars, Arbitrator and Barrister, 7 Wentworth Selborne Chambers, Sydney*

### **"Unconscious Bias: Consequences and Solutions", New York City, 14 October 2016**

On **14 October 2016**, at the occasion of the Fordham Conference on International Arbitration and Mediation, ArbitralWomen hosted a breakfast event on “Unconscious Bias: Consequences and Solutions” in New York City. Panelists included **Rashda Rana SC** (ArbitralWomen President), **Louise Barrington** (ArbitralWomen Co-Founding President) and **Martin B. Jackson** (Partner, Sidley Austin LLP). The event was moderated by **Dana C. MacGrath** (ArbitralWomen Board Member). **Edna Sussman** (Sussman ADR) delivered welcoming remarks. The panel discussion was structured around three main questions.

The discussion began with the first question: “Why is there an unconscious bias and lack of diversity in arbitration?” Rashda explained that years ago, there were a number of studies around the world that all revealed that one of the main reasons that diversity programs were failing was because the diversity programs were not taking into account people’s actual responses to diversity itself – the studies pinpointed that everyone has unconscious biases

that are built over time from childhood right into adulthood and that unfortunately those unconscious biases become “hardwired” in us. Many of these biases have actually grown over thousands of years. The task now, is not only to try and understand those unconscious biases and recognize them within ourselves – all of us – but to also try to do something about them.

Martin noted that in the field of international arbitration, there is the difficulty of not only unconscious biases but also conscious biases with respect to the selection of arbitrators. Louise commented that the issue of the lack of diversity in arbitration has been “at a very slow boil for many years” and that the fact we are now actually talking about unconscious bias is a very positive step.

The panel then turned to the second question: “What are the consequences of unconscious bias and the lack of diversity in arbitration?” Louise explained that a main consequence of unconscious bias is that change with respect to diversity is very slow. But now we are seeing more women in-house counsel with their own unconscious bias, looking for people who look and think like them. As women slowly move their way up the pyramid from the bottom to the managerial level, where decisions are made about who to appoint as arbitrator and who to retain as counsel, we will see more women in those roles. And as senior managers at corporations tell their lawyers that they want to see a diverse list of possible arbitrators for a case, that they want to see diversity on the arbitral panel, we will see more diverse appointments coming out of that. She also noted that arbitral institutions recently have started to respond to demands for information about arbitrator diversity and that we are slowly seeing more diversity on arbitrator panels.

Martin also noted that arbitral institutions now have seen the importance of diversity and are moving with greater speed toward solutions, citing a recent statement by the Director General of the London Court of International Arbitration that “an inclusive panel ensures the optimal use of resources of potential arbitrators and guarantees that relevant and competing considerations are brought to the table, resulting in unbiased decision making.”

Rashda noted that arbitral institutions tend to be the ones who are appointing women for the first time and that most women are getting their first appointments from institutions rather than parties. The panel then turned to the third question: “What are things that we can do to change the situation, both in terms of the diversity of arbitrators and counsel, and just generally in the arbitration profession?”

Martin explained that one of the recent important steps taken by many in the arbitration community is the Equal Representation in Arbitration Pledge. He emphasized that it’s not enough to simply take the Pledge, we also have to honor the Pledge, and that takes a real commitment to consciously make diversity a priority. It requires taking time to consider arbitrator candidates that don’t immediately come to mind in the first five minutes, speaking with colleagues to learn of diverse candidates, so that you have a chance to develop a qualified and diverse list of arbitrators for the client to consider.

Rashda reiterated that the “five minute test” is very important, namely to not make decisions quickly (e.g., in five minutes), because by making the effort to deliberate more slowly, you are less likely to decide based on your unconscious biases. She also noted that self-awareness of our biases comes from discussing them, and that the current dialogue about unconscious biases and the need for greater diversity in arbitration is helping to free us from our biases. Dana noted, on an optimistic note, that schools are focusing on unconscious bias and diversity. Law students interviewing at firms expect diversity to be a priority and ask about a firm’s diversity policy.



*L to R: Martin Jackson, Louise Barrington, Rashda Rana SC, Dana MacGrath*

A student in the audience noted that there is a feeling among younger attorneys that diversity is valued and that the conversation has changed from what the generation before experienced. She noted, however, there is still a sense that a lack of diversity and bias is coming down from the top. It is important to continue the discussion and to send the message that a lack of diversity is unacceptable – “that is not how things are now; that was the previous generation.” Another member of the audience pointed out that she was pleased to see quite a number of men in attendance at the event and a man on the panel, noting

that “some of the greatest champions of women and some of the greatest mentors of women are men.” This discussion ended on a positive note, with recognition that it is a discussion that needs to continue.

*Contributed by Dana MacGrath, ArbitralWomen Board Member, Sidley Austin LLP, New York*

### Women in Oil and Gas, CIArb Annual Conference, Nigeria branch, 10 November 2016

The Annual Conference of the Chartered Institute of Arbitrators, Nigeria Branch, was held at the Obi-Wali International Conference Centre in Portharcourt on **10 November 2016** and was attended by nearly 400 participants. Dignitaries including government officials and members of the Judiciary were invited. The Governor of the Rivers State gave the keynote remarks.



*L to R: Mia Essien, SAN, Funmi Roberts, Seinye O.B Lulu Briggs, Doyin Rhodes-Vivour, Ozim Obasi, Eno Ozor and Ijeoma Bassey*

The first plenary session featured Women in Oil and Gas who discussed the “*Users’ Perspectives On Arbitration & ADR In The Oil & Gas Industry - Lessons For The Next Frontier*”. The panel was organized in conjunction with ArbitralWomen. The session engaged the rapt attention from the audience and the question and answer session thereafter confirmed this. Delegates’ feedback on this session was very positive.

The all-female panel was chaired by **Miannaya Essien** SAN FCIArb, Ch. Arbitrator, Managing Partner, Principles Law Partnership. The panelists were **Ijeoma Bassey**, Senior Attorney, Chevron Nigeria Limited, **Seinye O.B. Lulu-Briggs**, Executive Vice Chairman, Moni Pulo Ltd, **Ozim Ifeoma Obasi**, Senior Counsel, Sub-Saharan Africa, GE International Operations Nig. Ltd, **Enobong Ozor**, Team Lead, Commercial & Non-Environmental Litigation, Sub-

Saharan Africa, Shell Petroleum, Development Co, and **Funmi Roberts**, Principal, Funmi Roberts & Co.

### Breakfast and SpeedNet event, Dubai Arbitration Week, 14 November 2016

An ArbitralWomen Breakfast and SpeedNet event was held in Dubai on **14 November 2016**, as part of the Dubai Arbitration Week 2016. The theme of the week was dedicated to diversity in arbitration which shed more light on women in arbitration and paved the way for the ArbitralWomen Breakfast to be one of the most successful events organized during the week.

The ArbitralWomen event was divided into three sections, breakfast and networking, a session addressing tips and tricks for women to advance in their arbitration careers and lastly speed networking. The event was sponsored by Al Tamimi & Co. and hosted at their Dubai International Financial Centre office. Essam Al Tamimi, Senior Partner, was present during the breakfast to welcome the attendees. Essam highlighted the importance of building a strong network and the value of female practitioners.

Rabab Yasseen, Partner MENTHA (Geneva) spoke at the event and shared useful tips on how to advance in one’s career as an arbitrator. Rabab’s tips reflected her expertise and years of experience.

The speed networking was led by Mina Liccione, an award-winning performing artist nominated for the Emirates Woman of the Year Award. Mina’s involvement brought a lot of laughter and energy to the session.

Laila El Shentenawi, who organized the event on behalf of ArbitralWomen, shared an encouraging quote by H.H. Sheikh Mohamed bin Rashed Al Maktoum “I have said it loud and clear: Beware, men, lest women deprive you of all the leadership positions in the country”----“*and the world*” she added!



The event was attended by more than 50 women who are practicing arbitration in the Gulf Region and around the world. It was encouraging to see a room full of female arbitration practitioners which is also a strong indication on how the female arbitration community is growing.

*Contributed by Laila El Shentenawi, Al Tamimi & Company, Dubai*

### "Women in International Law: Charting the Path", New York City, 14 November 2016

On **14 November 2016**, the New York City Bar Association's International Law Committee hosted the fifth edition of its bi-annual event entitled "Women in International Law: Charting the Path". The program is dedicated to celebrating talented women who have made valuable contributions to the field of international law. This year's distinguished speakers included **Louise Firestone** (General Counsel, LVMH Inc.), **Mélida Hodgson** (Partner, Foley Hoag LLP), **Viviana Krsticevic** (Executive Director, Center for Justice and International Law), **Jennifer Thornton** (Senior Policy Advisor & Counsel, Office of the U.S. Trade Representative), and the **Honourable Delissa Ridgway** (Judge, U.S. Court of International Trade). The program was organized by **Ulyana Bardyn** (ICC), **Cynthia Galvez** (Wiley Rein LLP), **Gamila Kassem** (Curtis, Mallet-Prevost, Colt & Mosle LLP), **Suzanne Knijnenburg** (UPenn), and ArbitralWomen member **Lena J. Wong** (Schindler, Cohen & Hochman LLP). The program was co-sponsored by ArbitralWomen, GQUAL, the Vance Center, the ABA Women in Dispute Resolution, in addition to the New York City Bar Association's Foreign and Comparative Law Committee and Women in the Legal Profession Committee. The program was well attended with over 120 registrants, almost half of whom were law students. The evening began with a cocktail reception and ended nearly 45 minutes after the allotted time, as the speakers inspired a captivated and energised audience.

Chair of the International Law Committee **Caline Mouawad** (Partner, King & Spalding LLP) delivered opening remarks, and ArbitralWomen member **Meriam Al-Rashid** (Partner, Dentons LLP) moderated the lively and candid discussion. Each panellist shared her unique path into the field of international law. **Jennifer Thornton**, who became interested in international law during her first year of law school, has developed her career in both the public and private sectors. While **Louise Firestone** and **Mélida Hodgson**, who are both multilingual and come from multicultural backgrounds, had pre-existing interests in international affairs, **Judge Ridgway** described herself as "accidental" international lawyer. For **Viviana Krsticevic**,

her legal career was driven by her interest in social justice and desire to change broader policies. Each woman attributed her success to hard work and in part to "serendipity", a term that Judge Ridgway prefers over "luck". (She explained that men do not use the word "luck" to describe their careers.) The panellists agreed that women are good at recognising opportunities and that women need to seize those opportunities when they present themselves. Being interested in one's work and knowing when to transition into new positions were also important ingredients to their successful careers.

Ms. Al-Rashid then delved into the topic of shattering the glass ceiling and achieving parity in the legal profession. The speakers shared personal stories of the challenges they have faced. One speaker stated that she hits the glass ceiling on a weekly basis. Another commented that women who have family responsibilities will not be able to compete with men in private practice, so long as the billable hour is the key metric for contribution. When asked what the most pervasive issue for women in their respective fields is, the speakers agreed that there are too few women at the top. Several speakers shared similar personal experiences of how both women and men in senior positions felt threatened by young women lawyers rising in their careers. They also agreed that professionally established women need to give other women (and anyone of a diverse background) a hand up. For example, one speaker regularly encourages her colleagues to take an associate out to lunch, noting that it is important to forge bonds with younger attorneys early on.



*L to R: Louise Firestone, Viviana Krsticevic, Hon. Delissa Ridgway, Caline Mouawad, Meriam Al-Rashid, Mélida Hodgson, Jennifer Thornton*

The conversation shifted to the role of women on the bench. Judge Ridgway explained that gender parity among judges is important for at least three reasons. First, it is a matter of fundamental fairness that women should have equal opportunity to serve on the bench. Second, the judiciary is viewed with greater respect if it reflects the community it serves. Third, there is a growing body of data showing that the experiences of women judges affect the

outcome of cases. Ms. Krsticevic introduced the GQUAL Campaign, of which ArbitralWomen is a signatory. She described its mission to achieve gender parity in international tribunals and courts by targeting the nomination and selection process and by publishing data.

Ms. Al-Rashid opened the floor to Q&A and concluded the program by asking each panellist to offer one word or phrase of advice. The responses were empowering: “don’t give up”; “hope”; “stand for your rights”; “engage”; and “fearlessness”.

*Contributed by Lena J. Wong, Schindler, Cohen & Hochman LLP, New York*

### Breakfast Event, ICC Miami, 15 November 2016

On **15 November 2016**, at the occasion of the ICC Latin America Conference in Miami, Florida, ArbitralWomen, with the support of Ferrere Attorneys, organised a panel discussion entitled, *“Should arbitrators disclose their preferences regarding organisation and conduct of the arbitration procedure?”* The panel was chaired by **José Ricardo Feris** (Deputy Secretary General, ICC International Court of Arbitration, Paris). Panelists included **Lucy Greenwood** (Norton Rose Fulbright LLP, U.S.A.) and **Catherine Rogers** (Penn State Law, U.S.A.) “in favor of the motion” and **Valeria Galíndez** (Uría Menéndez, Brazil) and **Francisco González de Cossio** (González de Cossio Abogados S.C., Mexico) “against the motion.”

**Lucy Greenwood** (ArbitralWomen Board Member) introduced the context of the panel. She explained that in 2015, she had co-authored together with Emma Vidak-Gojkovic and Michael McIlwrath an article entitled, *“Puppies & Kittens? How To Better Match Arbitrators to Party Expectations.”* A copy of the article can be found at the following link.

[http://res.cloudinary.com/lbresearch/image/upload/v1460717417/puppies\\_or\\_kittens\\_a\\_modest\\_proposal\\_to\\_help\\_arbitrators\\_better\\_match\\_themselves\\_with\\_user\\_expectations\\_evg\\_lg\\_mm\\_for\\_aay\\_2015\\_153116\\_1150.pdf](http://res.cloudinary.com/lbresearch/image/upload/v1460717417/puppies_or_kittens_a_modest_proposal_to_help_arbitrators_better_match_themselves_with_user_expectations_evg_lg_mm_for_aay_2015_153116_1150.pdf)

**Lucy Greenwood** explained that that article and discussions about it have generated a lot of interest. The questionnaire proposed in the article seeks to elicit the disclosure by arbitrators of their procedural preferences. Some parties are dissatisfied with the arbitration process and the lack of information on arbitrators. Arbitration is being described by some parties as a “least worst alternative” to court litigation. Gathering information about arbitrators has been largely dependent on “word of mouth” reports. The questionnaire proposed in the article seeks to overcome that problem at least in part. The idea

is to provide people with more information about potential arbitrators for cases. There is a concern that arbitrators hide behind the confidentiality associated with arbitration and refuse to answer questions about how they handled prior arbitrations, making it difficult to know their procedural preferences. It was also noted that the field of international arbitration lags behinds other areas of law with respect to diversity of arbitrators. Providing more information about diverse arbitrators could help change that.

**José Ricardo Feris** offered insights regarding the ICC approach to what it discloses about arbitrators of ICC arbitration. He expressed caution that in some instances, publishing information without context can be harmful to arbitrators or arbitration generally.



*L to R: Francisco Gonzalez de Cossio, Valeria Galíndez, Jose Ferris, Catherine Rogers, Lucy Greenwood*

**Valeria Galíndez** expressed concern about the demand for increasing information about arbitrators. Answers to questions about arbitrators’ procedural preferences in the abstract can be misleading. She sympathised with arbitrators who feel they must answer questions with “it depends.” She cautioned against relying on stereotypes in choosing arbitrators. For example, she is a civil lawyer, yet she is not opposed to discovery/disclosure in an arbitration, but that it very much depends on the case. She noted that while diversity is definitely needed and that transparency can lead to diversity, transparency is not necessarily the proper vehicle for diversity. She cautioned that we should be careful not to treat the arbitrator position as a commodity. Similarly, parties are not “clients” to arbitrators and should not be treated as clients. She also observed that counsel want predictability, ideally to know how the arbitrator will

decide the case. It may be called transparency, but that is what counsel really want to know.

**Catherine Rogers** explained that the “confidential” information about arbitrators’ procedural preferences is concentrated in the hands of an elite arbitration community. Yet arbitrators are providing a very public function. Arbitrators are handling multi-billion dollar cases. However, the public information on arbitrators is very limited. By contrast, there is a massive amount of public information about U.S. judges. Counsel perform extensive research about the specific judge on a case to prepare the case strategy. That is difficult to do in the international arbitration space with the limited amount of public information on arbitrators.

**Francisco González de Cossio** discussed the potential risks for arbitrators in answering the questions about procedural preferences. If arbitrators provide too much information, will they not be appointed? Will they be challenged? He also suggested that we think more about why we are asking for this information about arbitrators. Is the information really not publicly available, or rather is it just harder to find? There something to be said for “word of mouth” information. Information that is purchased may not be as good a source of information.

Then the audience asked questions. One person asked, “Doesn’t this risk asking arbitrators essentially how they view legal issues?” Another person asked, “How can arbitrators answer procedural questions in the abstract, when arbitration is a tailor-made process based on the specific parties and the nature of the dispute?” Another person commented, “The train has left the station, this is the information age, the data is out there. It is better to have responsibly culled information than a ‘twitter fest’ about arbitrators.”

**Catherine Rogers** noted in closing remarks that collecting information about arbitrators and making it publicly available is an effort to make the arbitration system better. **Valeria Galíndez** responded that she agreed that we all want to find a more efficient way to handle arbitration cases and achieve greater diversity in arbitration, but that she is not convinced that an arbitrator questionnaire is the best way to achieve this. Everyone agreed that this is an important topic for discussion and it should be continued.

*Contributed by Dana MacGrath, Sidley Austin LLP, New York*

## Breakfast Event, Sydney Arbitration Week, 24 November 2016

ArbitalWomen were out in force at Sydney Arbitration Week this year with a successful breakfast panel discussion on arbitration in China and the Asia-Pacific region held on **24 November 2016**. The early hour did not discourage attendees, with around sixty women (and men) arriving at 7 Wentworth/Selborne Chambers bright and early to mingle with their peers and benefit from the insights of a group of highly experienced international arbitration practitioners.

Moderator **Erika Williams**, Senior Associate at McCullough Robertson and ArbitalWomen director, facilitated a relaxed and vibrant discussion between panel members: **Brenda Horrigan** (Partner, Herbert Smith Freehills); **Julie Soars** (Barrister and Arbitrator, 7 Wentworth/Selborne Chambers); **Daisy Mallett** (Senior Associate, King & Wood Malleasons); and **Jo Delaney** (Special Counsel, Baker & Mackenzie). These women drew on a wealth of experience at home and abroad in China, Singapore, India, Russia, Europe and the US to provide a comparative perspective on the strengths and challenges of arbitrating in Asia, as well as Australia's place in the region. With plenty of input from an engaged and knowledgeable audience, discussion focused on changing attitudes to arbitration in the region - especially China - and commonly-encountered stumbling blocks in recognition and enforcement.

**Rashda Rana QC**, President of ArbitalWomen delivered closing remarks reinforcing that international arbitration is all-too-commonly criticised as “pale, male and stale”, and events like this ArbitalWomen's breakfast have a vital role to play in promoting the involvement of women and their perspectives in an industry that is ever more central to international law and commerce. The sight of a room filled with (mainly) women discussing the future of arbitration is an encouraging sign that perhaps this imbalance is starting to be redressed here in Australia.



*Contributed by Erin Eckhoff, King & Wood Malleasons, Sydney*

## International Arbitration - Challenge of an Arbitrator "Five Ws and one H: What, Why, When, Where, Who and How", Milan, 24 November 2016

On **24 November 2016**, a Conference on Challenges to Arbitrators, co-organized by Arblt, the Italian forum for arbitration practitioners, and ArbitralWomen, took place in Milan, hosted by the Milan Chamber of Arbitration.

Speakers included leading arbitration practitioners from various legal backgrounds such as **Gabrielle Nater-Bass** (Homburger, Switzerland), **Cecilia Carrara** (Legance Avvocati Associati, Italy), **Cristina Martinetti** (ELEXI Studio Legale, Italy), **Simon Greenberg** (Clifford Chance, France), **Niccolò Landi** (Gianni, Origoni, Grippo, Cappelli & Partners, Italy), **Bernhard Berger** (Kellerhals Carrard, Switzerland), **Irina Tymczyszyn** (Chadbourne & Parke LLP, United Kingdom), **Paolo Marzolini** (Patocchi & Marzolini, Switzerland), **Andrea Carlevaris** (ICC), **Manfred Heider** (VIAC) and **Benedetta Coppo** (CAM).

The debate concerned several issues related to challenges of arbitrators, seen from different perspectives of the arbitrators, counsel and institutions. The topics discussed were "The Arbitrator's Ethics: Duty to Disclose, Disclosure and Reaction to a Challenge"; "Handle with Care: To Challenge or Not To Challenge? This is the Question" and "The Role of the Decision Maker".



*L to R: Cecilia Carrara, Gabrielle Nater-Bass, Maria Beatrice Deli, Domitille Baizeau*

The conference was very interactive due to the fact that panelists were faced with practical questions that required them to draw upon and share their own experiences with these highly controversial issues. Recent developments in this field such as the decision of the ICC International Court of Arbitration and the Milan Chamber of Arbitration to henceforth publish reasons on the outcome of a challenge were discussed. Other issues related to the arbitrator's disclosure duties, the arbitrator's reaction to a challenge including his/her option to withdraw, the grounds for legitimate challenges and the diverging practices of arbitral institutions and

national courts on questions of challenges. This led to further lively discussions with the audience.

*Contributed by Cecilia Carrara, Legance Avvocati Associati (Italy)*

## Breakfast Event, 25 November 2016, Sao Paulo, Brazil

On the **25 November 2016**, ArbitralWomen held its final 2016 event in Brazil. With the sponsorship of Câmara de Comércio Brasil-Canadá (CCBC) and the presentation of **Ana Carolina Weber**, ArbitralWomen Board Member, men and women participated of a breakfast at CCBC headquarters.



*An all-women panel*

Debates were moderated by Esther Nunes, president of CCBC. Two in house lawyers contributed to the debate: **Josie Jardim**, head of Latin America Legal Area of General Electrics, and **Maria Rita Drummond**, Head of Corporate Law area of Cosan. The panel's discussion was mainly focused in the present Brazilian economic crisis and its effects to the alternative disputes resolution methods. The panellists showed how contracts are being revised and how their firms are viewing the use of arbitration and mediation as a good solution for their problems.

The audience also benefited from the considerations made by Josie, who is also president of Women in Skirts, a non-profit organization that gathers women in house lawyers. Answering a question posed by Ana Carolina, Josie pointed out that many companies are aware of the difficulties faced by women in the arbitration scenario. Also, she stated that in her company, when the legal department has to decide on the nomination of an arbitrator, if they have two names to choose from, a male and a female, with the same level of knowledge and competence, they tend to favour the women. As a conclusion of the event, Ana Carolina, on behalf of ArbitralWomen, made a summary of ArbitralWomen

initiatives and showed its increase presence in Latin America.

*Contributed by Ana Carolina Weber, ArbitralWomen Board member, Brazil*

#### 4<sup>th</sup> Annual GAR Live, 25 November 2016, Paris



*L to R: Nadia Darwazeh, Laurence Kiffer, Marieke van Hooijdonk, Nathalie Meyer-Fabre, Carine Dupeyron*

This was probably the first time that we see at a GAR Live an all-women panel with **Nadia Darwazeh, Laurence Kiffer, Marieke van Hooijdonk, Nathalie Meyer-Fabre, Carine Dupeyron.**

Women were particularly visible at this edition of GAR Live with yet other ArbitralWomen speakers, **Emmanuelle Cabrol, Carine Dupeyron, Paula Hodges, Carole Malinvaud, Isabelle Michou** (who was co-chair of this event together with Marieke van Hooijdonk).

The panel assessed critically the French Arbitration Law, after five years of existence, debating what has worked well and what was still to be improved.

ArbitralWomen was present around the world with all-women panels in Milan, New York, Nigeria, Paris, Sao Paulo and Sydney.

*Contributed by Mirèze Philippe, ArbitralWomen Co-Founder, Membership and Website Director*

#### ArbitralWomen Holiday Festive SpeedNet Event held in Hong Kong, 14 December 2016

An ArbitralWomen Festive SpeedNet event was held in Hong Kong on **14 December 2016** at **Herbert Smith Freehills** to welcome the holiday season. Louise Barrington, co-founder of ArbitralWomen, spoke on the history of the organisation and how she has seen it grow since it was founded in 1993.

Vanina Sucharitkul, who organised the event on behalf of ArbitralWomen, shared how ArbitralWomen has helped with her transition when she first relocated to join the Herbert Smith Freehills Hong Kong office in early 2016 and how she has found informal mentors in ArbitralWomen through Louise Barrington and Mary Thomson.

Throughout the evening, our 30 or so female guests were invited to pair up with another guest to share their arbitration war stories. The speed networking was then followed by festive cocktails and canapés. Attendees were very pleased with the outcome of the evening and the diversity amongst the group present, given the range of women from different age groups, background and nationalities.



Louise Barrington commented "*I was impressed to see so many new faces and women who have not heard of ArbitralWomen. They were full of energy and were eager to become part of a supportive organisation like AW.*" Many guests have since expressed interest in joining ArbitralWomen and seeing the organisation grow in Hong Kong.

*Contributed by Vanina Sucharitkul, ArbitralWomen member, Hong Kong*



## NEW COMMITTEES ON ARBITALWOMEN BOARD

Following the call for volunteers and the answers received from the members, the Board was delighted to announce in its News Alert of 16 November 2016, that during its retreat end October, it has constituted two new committees, both headed by **Mirèze Philippe**, with the following ArbitalWomen members:

- A Website Committee constituted of **Amanda Lee** (United Kingdom), **Elaine Kassabian** (United Kingdom) and **Donna Ross** (American residing in Australia).
- A Legal Committee with **Maria Beatriz Burghetto** (Argentinian residing in France).

Both Committees have already started working on a few pending issues.

After having managed alone the website since 2005, Mirèze is happy to welcome Amanda, Elaine and Donna to contribute to the demanding work of a website. They are an invaluable help, not only thanks to their dedication, but also thanks to the experience they bring in building platforms. The Committee is in charge of prospecting and selecting a new provider to complete the works of the previous provider, and to develop new features. It will draft the specifications related to such works, follow-up on the works with the new provider, perform tests and validate the works. The Committee will update the members of any developments.

It was also time to create officially a Legal Issues Committee after two years of intensive work with Maria Beatriz Burghetto, who has been relentlessly assisting Mirèze with the law suit filed against a website provider who went bankrupt. As lawyers, we all know how time consuming and how disruptive for any project such conflicts may be, but it is easier to manage with an organised team. The case is still ongoing.

The Board welcomes the four new members and is grateful for their time and dedication.

*Mirèze Philippe, ArbitalWomen Co-Founder, Membership and Website Director*



*Maria Beatriz Burghetto*



*Elaine Kassabian*



*Amanda Lee*



*Donna Ross*

## MEMBERS ON THE MOVE AND DISTINCTIONS

**Brenda Horrigan** has recently relocated to the Herbert Smith Freehills Sydney office as the Head of International Arbitration in Australia. Brenda was previously with Herbert Smith Freehills in its Shanghai office. Brenda specialises in international arbitration, with a particular focus on disputes involving emerging markets, and has worked in the US, Paris, Moscow, Shanghai and now Sydney.



**Loretta Malintoppi** will join 39 Essex Chambers to practice as an arbitrator from 2017. Loretta was a member of Eversheds' Public International Law and International Arbitration team in Paris since 1991 and then in Singapore since 2012. Loretta sits as arbitrator in arbitrations under a variety of arbitration rules and also regularly appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc inter-State arbitrations.



**Gabrielle Nater-Bass**, a current member of the Board of ArbitralWomen, has recently been appointed the President of the Swiss Chambers' Arbitration Institution. Gabrielle is the Vice President of ArbitralWomen and Partner at Homburger in Switzerland. Gabrielle's practice focuses on international commercial arbitration (as counsel and arbitrator) and on complex state court litigation.



**Kirsten Odynski** has been named a partner in White & Case's Global International Arbitration Practice, effective 1 January 2017.



Kirsten is based in Paris. She focuses on international commercial and investment treaty arbitration, and she has acted as an adviser in ad hoc and institutional international arbitrations. Currently, she is advising on arbitrations in the construction and energy industries, including on some of the largest infrastructure projects in the world. Kirsten joined the Firm in 2008 and is qualified to practice in New York.

**Rashda Rana SC**, President of ArbitralWomen, is joining 6 St James' Hall International which is a chambers based in Sydney but operating internationally in the areas of private & public international law (including international arbitration & mediation and human rights law). Rashda Rana SC has been practicing as an advocate for over 20 years in London and also in various states in Australia (primarily in NSW) and in South East Asia, including Malaysia, Singapore, HK and Seoul. Rashda has been appointed as arbitrator in a number of Australian domestic arbitrations as well as international arbitrations primarily in the Asia Pacific region.



**Carole Malinvaud** has been elected as President of the CAS Ordinary Arbitration Division. Carole is a partner in the Arbitration practice group at Gide Loyrette Nouel in Paris. She specialises in international commercial law and more particularly in international arbitration, having acted in numerous international and institutional arbitrations both as counsel and as arbitrator.





**Carine Dupeyron** will join the partnership at Paris Firm Darrois Villey Maillot Brochier in January 2017. Carine previously spent six years in the arbitration group at August & Debouzy where she has been a partner since 2014. She has extensive

expertise in the areas of transportation, defense and aviation as well as the telecoms, energy and investment industries. Trilingual, she sits regularly as arbitrator in proceedings governed by French or common law.

## ARBITRALWOMEN KLUWER ARBITRATION BLOG

We report below in summary about the paper published since the last newsletter by ArbitralWomen members in the Kluwer Arbitration Blog: [www.kluwerarbitrationblog.com](http://www.kluwerarbitrationblog.com). The full paper may be found either on our dedicated web page <http://www.arbitralwomen.org/Media/Kluwer-Arbitration-Blog> or by clicking on the hyperlink for each title below.

On Monday, 5 December 2016, the following blog was posted: "[Let's Remember: In Brazil, the Civil Procedure Code is Not Automatically Applicable to Arbitral Proceedings](#)", by Ana Carolina Weber

In the last fifteen years, the use of arbitration as an alternative dispute resolution method has grown in Brazil. Not only has the arbitration law been declared constitutional, but also parties have continuously provided arbitration clauses in their contracts, and national courts have issued rulings recognizing the jurisdiction of arbitrators and their power to "state" the law. Despite these developments, in her new blog, Ana Carolina Weber reminds us that the Civil Procedure Code is not automatically applicable to arbitral proceedings. We invite you to read her article for more explanations.

*Dr Ileana M. Smeureanu, Associate, Jones Day and ArbitralWomen Kluwer Blog Director*

## ARBITRALWOMEN PARTNERED WITH THOMSON REUTERS PRACTICAL LAW

ArbitralWomen has agreed a few months ago to partner with Thomson Reuters who offers ArbitralWomen members free access to the complete Practical Law (i) Arbitration Global Guide, (ii) Dispute Resolution Global Guide, (iii) Enforcement of Judgements Global Guide, and (iv) Enforcement of Arbitral Awards Global Guide, available at the following links:

[Arbitration Global Guide](#)

[Dispute Resolution Global Guide](#)

[Enforcement of Judgements Global Guide](#)

[Enforcement of Arbitral Awards Global Guide](#)

In these guides, members find practical information on topical issues and country-specific Q&A overviews on arbitration and dispute resolution law and practice. Members have also access to a Q&A tool allowing to generate custom comparison reports for the jurisdictions and legal topics of their choice. Global guides are written by leading local law firms, working together with Practical Law's experienced editorial team and an International editorial board of expert practitioners. This helps to ensure the guide addresses the key issues facing any international lawyer doing business in an unfamiliar jurisdiction today.

*Mirèze Philippe, ArbitralWomen Co-Founder, Membership and Website Director*

## ARBITRALWOMEN CORPORATE MEMBERSHIP

ArbitralWomen launched a new initiative in November 2015 aimed at offering corporate membership to be provided to all female lawyers in the dispute resolution groups of the GAR30 firms as a first target.

Initially offered only to firms listed in the Global Arbitration Review top 30 arbitration practices worldwide, other law firms have asked to benefit from this offer. The corporate membership tier entitles firms to a discount on the cost of individual memberships. For 650 Euros annually, firms can designate up to five individual women from their practices to become members, and for each additional member a membership at the rate of 135 Euros.

ArbitralWomen is delighted that the response has been overwhelmingly positive with nineteen firms having subscribed a corporate membership for 2016 which include: **Allen & Overy, Baker & McKenzie, Bonelli Eredi, Clifford Chance, CMS-CMCK, DLA Piper, 4 New Square, Freshfields Bruckhaus Deringer, Herbert Smith Freehills, Hogan Lovells, King & Wood Mallesons, Knoetzi, Latham & Watkins, Norton Rose Fulbright, Skadden Arps Slate Meagher & Flom, Squire Patton Boggs, Vinson & Elkins, White & Case, Wilmer Cutler Pickering Hale and Dorr.**

The number of members having benefited from this rate is 123, adding 92 new members with 31 having benefited from a renewal of their membership at a discounted rate.

We have been delighted with the successful outcome of this first step. We plan to extend the programme further and hope that other law firms will demonstrate their commitment to diversity in 2017 and beyond. Our objectives are:

- Encourage the firms who have taken the corporate membership to renew their commitment for 2017.
- Offer the corporate membership to other law firms and in house counsel teams at major corporations.
- Prepare a flyer of information about the corporate membership programme and invite firms to distribute it to all members of their dispute resolution teams to make sure that all lawyers wishing to benefit from the discounted rate are duly informed of this advantage. It happens very often that members from law firms having subscribed a corporate membership are not aware about the programme their firm subscribed and subscribe individually.

Members and readers are encouraged to spread the information about the corporate membership to benefit from the many advantages ArbitralWomen offers in terms of visibility and of availability of profiles available on its website.

ArbitralWomen is the only prominent networking organisation exclusively for women in dispute resolution and very much a pioneer in this field. Its website is one of a very few websites which [lists details of potential dispute resolution practitioners](#) from arbitrators to marine surveyors. The '[Find Practitioners](#)' feature offers visitors the possibility to search for profiles by completing search criteria in various fields. The website is regularly visited to search for potential candidates including speakers, as many prominent practitioners reveal on various list serves. This feature should be heavily promoted to all members to encourage them complete their profiles and add their publications, and to visitors seeking candidates.

We are delighted that **Dechert and Linklaters** have so far signed up for a corporate membership for 2017 in addition to the existing ones. Other firms have requested to sign in. An update will be provided in the next Newsletter.

For any information, you can use the 'Contact us' service available at the bottom of ArbitralWomen webpages on [www.arbitralwomen.org](http://www.arbitralwomen.org).

### *How can you join ArbitralWomen?*

To become a member, submit an application together with your CV and a photo, directly on the homepage under "[Apply Now](#)". Payments are made online.

- ✓ Annual membership fee: 150 Euros
- ✓ Corporate membership fee for 5 members: 650 Euros (for each member in addition to the corporate membership fee: 135 Euros)

*Lucy Greenwood, Norton Rose Fulbright US LLP, ArbitralWomen Marketing Director & Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director*

## THE ARBITRALWOMEN PARTNERSHIP WITH THE GLOBAL POUND CONFERENCE



**GLOBAL POUND  
CONFERENCE SERIES  
2016-17  
GLOBAL PARTNER**

We reported in Newsletter N° 18 that ArbitralWomen is delighted to be partnering with the Global Pound Conference Series (the “GPC Series”). This involves each organisation promoting the other on their respective websites.

The GPC Series 2016-2017 was initiated by the International Mediation Institute. It is a global project that aims, through a series of conferences currently being held throughout the world and involving a broad range of dispute resolution stakeholders, to find out what dispute resolution users need and want and to shape the future of commercial dispute resolution.

For those unfamiliar with the GPC Series, I highly recommend a visit to their website, [www.globalpoundconference.org](http://www.globalpoundconference.org), where you can sign up for or become involved in a GPC event in your region of the world. So far, events have been held in Singapore, Lagos, Mexico City and New York. Next up are Geneva, Toronto, Madrid and Karachi.

The GPC Series also has a blog platform focusing on dispute resolution and access to justice. <https://blog.globalpoundconference.org>. ArbitralWomen member and GPC Series Blog Editor Natasha Mellersh is currently looking for contributors to the blog and editing assistance. The ideal candidate would be someone looking to gain experience in writing and editing who could assist on a voluntary basis. The work would involve editing articles, writing and researching relevant news items and short feature articles on themes/trends (300-800 words) and interviewing prominent professionals in the field. The suggested commitment would be approximately 1-2 hours a week. Any ArbitralWomen member interested should email [blog@gpcseries.org](mailto:blog@gpcseries.org) and include a short writing sample (200-300 words). The Contribute page can be viewed here: <https://blog.globalpoundconference.org/about/contribute>.

*Gillian Carmichael Lemaire, advisory member of the ArbitralWomen Board and executive member of the Paris GPC committee*

*(The Paris GPC event will take place on 26-27 April 2017).*

## MARK YOUR AGENDAS

The following events will be held in various locations worldwide. Save the dates and follow us on our website for further information on such events and other that we regularly add.

Date	Venue	Event
14 December 2016	Hong Kong	ArbitralWomen Holiday Festive SpeedNet Hong Kong
19 January 2017	Stockholm	ArbitralWomen & SWAN Lunch Seminar
26 January 2017	Mexico City	ArbitralWomen SpeedNet Mexico City
2 February 2017	London	ArbitralWomen & Hogan Lovells Seminar
16 February 2017	Sao Paolo, Brazil	ArbitralWomen Arbitration Conference
22 February 2017	Hartford Connecticut	Women Who Build Summit
23-24 February 2017	San Jose, Costa Rica	ArbitralWomen & ICC Conference
24 February 2017	Vienna	Vienna Arbitration Days 2017 (10 <sup>th</sup> Anniversary)
10 March 2017	Edinburgh	Multi-Tier Dispute Resolution in Practice
30-31 March 2017	Milan	IBA Arbitration Day & ArbitralWomen Breakfast
4 April 2017	Ljubljana, Slovenia	UNCITRAL/LAC Conference & ArbitralWomen seminar
26 April 2017	Paris	Global Pound Conference
12-13 June 2017	Paris	Equal Access to Information & Justice – Online Disputer Resolution

### Shaping the Future of Dispute Resolution & Improving Access to Justice: GPC Conference 26 April 2017 Equal Access to Information & Justice – Online Dispute Resolution: ODR Conference 12 & 13 June 2017

Shaping the future of dispute resolution and giving equal access to information and justice through online dispute resolution will be the centre of discussions in Paris at the Global Pound Conference (GPC) on 26 April 2017 and at the Online Dispute Resolution Conference (ODR) on 12 & 13 June 2017. Both conferences will engage in collective thinking about the future of dispute resolution.

The GPC Series currently taking place around the world involve thousands of key stakeholders in commercial dispute resolution, including litigation, arbitration, conciliation, mediation and mixed modes of dispute resolution. The Series has the capacity to stimulate real, positive changes in how commercial disputes will be handled in the 21<sup>st</sup> century. This affects all types of disputants and stakeholders, including multinationals, small and medium-sized enterprises, entrepreneurs, law firms, court houses, arbitration and mediation centres, NGOs, governments and regulatory agencies.

Information technology has greatly impacted our societies and our lives in all its aspects and has generated increased expectations from the users, including the capacity of resolving disputes online. The 17<sup>th</sup> edition of the ODR conference will bring together stakeholders from around the world, judiciaries, academics, dispute resolution institutions, online dispute resolution providers and start-ups who will share their expertise in ODR and its integration into court and alternative dispute resolution systems, and illustrate the impact of ODR on access to justice. They will show how such online programmes may be implemented to benefit the administration of dispute resolution, and the direct benefits to our civil, societal and commercial life in general. The ultimate results are the benefits that individuals, societies, businesses and courts draw from facilitated resolution of disputes and avoidance of bureaucracy.

Mark your agendas for the GPC conference to be held at the Maison du Barreau in Paris and the ODR conference at UNESCO in Paris. Updates and programmes will be soon provided.

*Mirèze Philippe, ArbitralWomen Co-Founder, Membership and Website Director*

# ARBITRALWOMEN ACTIVITIES, SERVICES & BENEFITS

## ArbitralWomen enjoys a global presence in dispute resolution

- ✓ **Networking:** We encourage our members to participate in and organise networking events in their respective countries and we assist them in doing so. Regular networking events are held around the globe. Some of these are informal, such as the SpeedNet events. Others are more formal events on a larger scale such as Gala Dinners, conferences and our traditional breakfast panel at IBA. Firms and organisations wishing to co-organise events or have their events supported by ArbitralWomen should contact us at [events@arbitralwomen.org](mailto:events@arbitralwomen.org).
- ✓ **Young ArbitralWomen Practitioners (YAWP):** AW believes that inclusion, collaboration and knowledge-sharing are vital for bridging generational gap in dispute resolution. YAWP provides a forum in which young women practitioners can share experiences and practical advice on how to meaningfully advance women's careers and accelerate their success.
- ✓ **Find a Practitioner:** we provide dedicated multi-search tool to source appropriate and qualified dispute resolution practitioners and speakers.
- ✓ **Mentorship:** we conduct a very successful mentorship program where more experienced members generously share their experiences with more junior members so that the role of women in the field can continue to grow and strengthen.
- ✓ **Moot Competition Support:** we provide financial bursaries to support the participation in moot competitions of law student teams consisting of at least 50% women, teams who would not, otherwise, be able to participate.
- ✓ **Publications:** we provide opportunities to enable our members to make valuable contributions to the publication of articles in our Newsletter, news on the AW News webpage and posts on [Kluwer Arbitration Blog](#), as well as in special publications such as the TDM Special Issues. Members can also upload their articles onto their profiles on the AW Website and, in that way, publicise matters of interest, expertise and skill.
- ✓ **Weekly Alerts:** we keep our membership informed of [events](#) and [news](#) through weekly alerts.
- ✓ **Visibility:** one of our goals is to showcase our members by increasing their visibility in the international dispute resolution community and by facilitating referrals. In addition, all Members are listed online in the ArbitralWomen Membership Directory which is increasingly being used as a reference tool for appointments and referrals.
- ✓ **Co-operation:** we co-operate with kindred organisations and programmes, such as the Global Pound Conference [www.globalpoundconference.org](http://www.globalpoundconference.org), which aims to find out what dispute resolution users need and want and to shape the future of commercial dispute resolution, and the Pledge for Equal Representation in Arbitration [www.arbitrationpledge.com](http://www.arbitrationpledge.com), which is a call for the international arbitration community to commit to increase on an equal opportunity basis the number of women appointed as arbitrators. Firms and organisations who wish to co-partner with ArbitralWomen on their website and cooperate with AW should contact us at [contact@arbitralwomen.org](mailto:contact@arbitralwomen.org).
- ✓ **Projects:** Since promotion of women in dispute resolution is one of our main goals, we are committed to assisting members with projects that are in line with our objectives.
- ✓ **Support:** ArbitralWomen members provide mutual beneficial support to each other, whether they are younger generations, newcomers to the field or women from developing economies. Our mentoring scheme is an example of such support.

- ✓ **Training and Competitions**: ArbitralWomen publishes information about dispute resolution programmes, scholarships, training etc. If you are interested in promoting such programmes send a message to [contact@arbitralwomen.org](mailto:contact@arbitralwomen.org).
- ✓ **Gender Equality**: AW contributes to the general jurisprudence of gender diversity and equality in a variety of ways.
- ✓ **Ensuring equality of representation at conferences**: some of our work involves cajoling conference organisers to ensure equality of representation on speaking panels. The under-representation is often not intentional and, from experience, most organisers have rectified it when we have pointed this out by ensuring there are women speakers too. We are not pressing or looking for token representation. We recommend or nominate names to them who are every bit as experienced and reputable practitioners as the men participating on the panel.
- ✓ **Honourable Man Award**: Acknowledging the support of our male colleagues around the world by granting an Honourable Man Award to men who have furthered the goals of ArbitralWomen or have been of real assistance to women in any manner in the field of dispute resolution.
- ✓ **Job Offers**: ArbitralWomen publishes job offers. You may communicate any offer in the dispute resolution or legal field in general by sending a message to [contact@arbitralwomen.org](mailto:contact@arbitralwomen.org).
- ✓ **Questions**: If you have any queries please contact us at [contact@arbitralwomen.org](mailto:contact@arbitralwomen.org).

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*Newsletter Directors: Jo Delaney & Erika Williams*

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