



President's Column

BE BOLD FOR CHANGE: It's very heartening to see that the campaign for gender equality continues to grow in strength, worldwide.

This year's theme for the **International Women's Day (IWD)** celebrations urges us to embrace and push actively to bring about change more quickly. The campaign for gender equality remains a constant struggle but one we cannot let up on until we have achieved our goals. There is always something that you can do to contribute to changing the picture, by challenging the status quo.

The IWD's stated actions for challenging bias and inequality include:

- querying all-male speaking panels;
- pulling people up on exclusive language;
- challenging stereotypes;
- calling it out when women are excluded;
- monitoring the gender pay gap;
- pointing out bias and highlight alternatives;
- calling for diverse candidate shortlists;
- embracing inclusive leadership; and
- redefining the status quo.

These actions reflect so accurately what ArbitralWomen has been doing and continues to do actively, collaboratively and effectively. I urge you all to use this action list as guidelines for your interactions with people on a daily basis.

In the first quarter of 2017, ArbitralWomen members have been busy in the campaign of promoting the role of women in dispute resolution globally.

We had a great start to the year by winning the **National Association of Women in Law (NAWL) Video Competition** on What Success Means. The video was produced by Lucy Greenwood (Director responsible for Marketing) and Trinidad Alonso. The competition was based on number of hits on YouTube and our video came out on top with 982 views. It was a tremendous

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ArbitralWomen thanks all contributors for sharing their stories.

effort to produce and promote. Well done to everyone who contributed by sending in their thoughts, comments, photos and videos about what success means to them.

You can see the video here:

<https://youtu.be/IMNhRYsK56o>

ArbitralWomen's success and broad international recognition continues, with Mireze Philippe being interviewed by the **GQual Campaign (GQual) about gender parity** on the occasion of IWD. GQual is a global campaign that seeks to promote gender parity in international tribunals and monitoring bodies. ArbitralWomen and many members individually have signed up to the campaign. As it is a kindred organization seeking to achieve the same goals as ArbitralWomen, we also promote GQual on our website. We encourage you all to look into it and sign the declaration. Mireze's interview can be found here: <http://www.gqualcampaign.org/podcastforparity-on-iwd2017-week-mireze-philippe/>.

Although, we want the support of our male colleagues to help us achieve our goals, it is to women that we still need to turn to ensure that we are all pulling in the right/same direction. I have had first-hand experience of women in leadership roles doing everything possible to suppress, obstruct or hinder the advancement of other women into leadership roles. Like so many insecure people there still exists the mentality of “pulling up the drawbridge” once they have reached the safe harbour or apex of their careers in order to keep everyone else out, to exclude other women, exclude other great talent. Such behaviour is clearly counter-productive to the cause. We need to bring other women with us as we climb the podium, not knock them down and out. This brings to mind Madeleine Albright’s now famous quote: “there is a special place in hell for women who do not help other women”! I also rather like Ruth Bader Ginsburg’s response to the question, “how many women will be enough women on the USA Supreme Court bench?” She said, “9”!

The world needs women who will be forthright and strong in pushing for and speaking up about equality of opportunity and equality of treatment for women without fear of retribution or personal attack. I have been accused many times (often by women) of being pushy, aggressive, disruptive even in situations where I have specifically been asked to attend in order to debate what can be done to ensure that women’s voices are heard and how they can get a seat at that male dominated table. These attacks are demoralising, to say the least, but for me they are of extreme concern and disappointment. In the same breath as they criticise me and others like me, they lament the lack of strong, forceful women who can take up the baton against discrimination. We cannot have it both ways: put up or shut-up and get with the program!

These shallow, narrow minded responses only show peoples’ biases and their blinkered confirmation of the status quo. One key area of focus for us has been unconscious bias and the challenges of assumptions, expectations, stereotypes, implicit associations and even the language of the workplace. Even though it is fair to say we are trying to stop people from looking for the “Best Man” for the job and for everyone to acknowledge that we should be looking for the “Best Person” – male, racial, ageist, regional, heterosexual norms continue to underlie so much of how we think about merit and potential.

ArbitalWomen recognises that women must engage with all the stakeholders in order to succeed in our goals. We need to attract the attention and the

collaboration of arbitration professionals of every type, of professionals drawn from the whole spectrum of geographical, ethnic and gender backgrounds.

This is part-and-parcel of the work that ArbitalWomen has been developing for some time. We continually refer to the importance of education in the field of diversity; emphasising at all times, the need for continual research and exploration of ideas to the benefit of society as whole but of particular importance is the need for diversity in international arbitration and, indeed, in the legal profession as a whole and the need to keep pushing the diversity agenda forward. Something that we regard as a universal truth is that education can change lives, but more importantly it can change the world. But education does not and should not stop at the end of our tertiary education years; it is a continually changing and developing process which should be embraced by all at every level and every stage of our careers. ArbitalWomen aims to do that with everything it does for and on behalf of women.

And so, it is with great pleasure that as a result of earlier work in the field, I have the privilege to announce that we have been successful in obtaining funding from the **AAA-ICDR Foundation to develop, implement and disseminate an unconscious bias toolkit** for use in the legal community (but also capable of being used in other industries). Being recognised by the AAA-ICDR Foundation as worthy of such a grant is a very prestigious achievement for us.

The Foundation was formed for charitable and educational purposes, and in particular to promote the use and improvement to dispute resolution processes in the USA and internationally. The Foundation’s purposes align very much with ArbitalWomen’s and in support of our proposal to the AAA-ICDR Foundation, we submitted as the rationale behind the project that,

“We realise the awful truth that there is no such thing as natural progression or improvement of the essentially unfair, unjust and unjustifiable situation of gender bias. It requires action but more importantly it requires a social and psychological shift to ensure people who are in a position to bring about those changes are on board.

Too many people talk the talk but in reality fail to deliver. Many organisations, firms, companies, universities, even state organisations responsible for judicial appointments, claim they are committed to diversity and to gender equality, equality of

opportunity and equality of treatment. Unfortunately, these claims to commitment are not translated in action and the final result remains static. Annually, we see meagre growth (if any) but figures remain unrepresentative of the gender & ethnic mix in society. The ArbitralWomen Unconscious Bias Toolkit is intended as a means of bringing about the social and psychological change necessary for the advancement of women.”

The AAA-ICDR Foundation has granted us USD\$25,000 towards a total estimated cost of \$55,000 for the development of the toolkit and a one-day conference in mid-2018, at which we propose to launch the ArbitralWomen Unconscious Bias Toolkit. A small committee has been formed to spearhead the work comprising myself, Lucy Greenwood and Trinidad Alonso. We will need plenty of assistance to ensure that the work gets done according to the time and within the budget submitted to the AAA-ICDR Foundation. Most of the Board will be involved but I welcome contribution from interested members too.

It has now been 2 years since we last awarded our **Honourable Man** award. We sent out a request for members to submit their nominations. If you have not yet done so please get them in as soon as possible. In keeping with changes to the language and discussion surrounding diversity and inclusion, the Executive Committee has implemented a change to the title of the Award to “**Champion for Change**”. We believe that this more readily describes the nature of the award and the recognition we wish to bestow on our male colleagues. The name change does not alter the importance of the award for those who went before. Rather, it is an acceptance of moving with the times and remaining relevant.

We all know or are aware of men who unstintingly support their female colleagues and support the work of ArbitralWomen in its objectives of achieving equality of opportunity and equality of treatment. As the pre-eminent international network of women in dispute resolution and acknowledging with gratitude the invaluable contribution of our male colleagues, we believe that they should be recognised and rewarded as Champions for Change.

As usual the Newsletter contains reports of the numerous events that have taken place in this first quarter of 2017, all around the globe. The progress amazes me every time I read the events alert. There is

so much going on in the name of ArbitralWomen. Each event is attracting more and more participants and our members are spreading the word about the significant work we now undertake. Don't ever forget that you are all ambassadors of ArbitralWomen. Don't give up the struggle for equality until it has been achieved and consolidated.

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



*Rashda Rana SC, 6 St James Hall International,
President, ArbitralWomen*

SPECIAL ANNOUNCEMENTS

ArbitralWomen has had a number of amazing, profile raising opportunities over the last few months. We outline a few of these here.

Mirèze Philippe's Interview with 'GQual's "Podcast for Parity"

On **9 March 2017**, **Alexandra McAnarney** of GQual spoke with **Mirèze Philippe**, ArbitralWomen founding co-president and Special Counsel at the Secretariat of the ICC Court of Arbitration, for GQual's "Podcast for Parity" series in celebration of International Women's Day.

Mirèze started by providing insights on the opportunities offered in dispute resolution 30 years ago and the opportunities young generations now have. She explained that because no arbitration-specific courses or LLMs existed in the 1980's, her generation of lawyers learned "the job of arbitration by practicing it." In comparison, young lawyers today have ample opportunity to attend specialised courses in arbitration

and to speak and publish, but she noted that the competition has become “quite wild”. Her generation did not suffer from competition, but suffered from the difficulty of publishing, speaking and being visible. In addition, women were not taken seriously, would not be nominated to higher positions, never – except for a few – being appointed as arbitrators or lead counsel. This has motivated her in getting engaged in the adventure of ArbitalWomen.

Addressing the topic of unconscious bias, Mirèze reflected that unconscious attitudes have been deeply anchored in our societies for centuries. One of ArbitalWomen’s core missions is to raise awareness about bias and discrimination and to work towards leveling the playing field. The goal is not reaching equality in numbers; rather, it is about “offering equal opportunities to equally qualified women”. Mirèze stressed that to make women more visible, transparency within the practice is key. For example, since 2013, Mirèze has been publishing numbers of female arbitrators in ICC arbitrations. Last year, all major dispute resolution organisations published statistics about female arbitrators. It is also important that likeminded organisations and campaigns, such as GQual and the ERA Pledge, collaborate and unite in their causes. Mirèze commented, “[l]et us [] capitalise on this momentum where practitioners have understood that the under-representation of women is unfair, not justified, can no longer be accepted, and that things must change.”



When asked how ArbitalWomen sees its role in addressing the lack of women in arbitration positions from various regions of the world, Mirèze stated that when ArbitalWomen first began, it was much easier to recruit members from Europe and North America, where most practitioners were based. ArbitalWomen has since expanded its reach: ArbitalWomen’s membership in Latin America is growing steadily, and members in Asia are becoming more and more active. ArbitalWomen looks forward to growing its presence in

the Middle East and Africa. Ultimately, the most effective and sustainable growth comes from ArbitalWomen’s local members. Thus, ArbitalWomen is committed to providing means for members to organise local events in order to attract other female practitioners. ArbitalWomen also connects women through its mentorship programme, supports moot teams from emerging economies provided that 50% of their teams are composed of women, and organises SpeedNet events. Importantly, ArbitalWomen encourages events’ organisers to invite women to their panels, by proposing qualified speakers and promoting events with women panelists. While there is still work to be done, Mirèze is “confident and positive that the change and the progress will continue, because ArbitalWomen has succeeded to break the ice and the taboos about female practitioners in the dispute resolution field” and that others have joined the movement such as the Pledge and GQual.

The full podcast is accessible here: https://blog.globalpoundconference.org/2017/03/16/podcast-for-parity-with-mireze-philippe/?iframe=true&theme_preview=true

Report by Lena J. Wong, associate at Schindler Cohen & Hochman LLP, member of GQual

ArbitalWomen recognised as first place winner of the National Association of Women Lawyers contest

ArbitalWomen was recently recognized as the 1st place winner of the National Association of Women Lawyers (NAWL) inaugural YouTube contest depicting women lawyers succeeding. Board member **Lucy Greenwood** and one of ArbitalWomen’s young members, **Trinidad Alonso**, produced the video (over the Christmas holiday to meet the 31 December 2016 submission deadline). The first place achievement was recognized at the NAWL awards ceremony luncheon in Chicago on **10 March 2017** together with a viewing of the video. The video, entitled *Success Has Many Mothers*, portrayed the obstacles that women lawyers face in arbitration and highlighted how ArbitalWomen is addressing this issue by challenging assumptions in the field. The video shows some of the milestones achieved as well as ingredients for success. The viewing of the video received extensive applause at the event. The video can be viewed here: <https://youtu.be/IMNhRYsK56o>

ArbitralWomen awarded a generous grant by the AAA-ICDR Foundation for an Unconscious Bias Toolkit

Although already mentioned in the President's Column, we must also recognise the achievement of ArbitralWomen board members **Rashda Rana SC** and **Lucy Greenwood** for obtaining a generous grant from the AAA-ICDR Foundation for ArbitralWomen's project on Unconscious Bias. The funding will go towards the development, launch and dissemination of an "Unconscious Bias Toolkit" intended for a variety of different businesses. Well done!

WOMEN LEADERS IN ARBITRATION: WENDY MILES



Interview with Wendy Miles by Nathalie Allen Prince, ArbitralWomen Newsletter Committee member

Wendy Miles QC has recently joined Debevoise & Plimpton as a partner in its International Dispute Resolution Group. She was previously global head of arbitration at Boies, Schiller & Flexner and a partner in WilmerHale's International Arbitration Group. She is qualified in England and New Zealand. Wendy has represented multiple international companies, states and state parties in international arbitration proceedings in various jurisdictions. Her key sectors include natural resources, energy, manufacturing, financial services, pharmaceutical, licensing, telecommunications, insurance, construction and gaming. She was lead co-counsel for South Sudan in the Abyei Arbitration, a major boundary delimitation proceeding conducted under the auspices of the

Permanent Court of Arbitration in The Hague. Wendy is currently a vice president of the International Chamber of Commerce's Court of Arbitration and a representative on a number of professional bodies, including vice chair of the IBA arbitration committee, chair of the IBA arbitration committee working group on climate change and member of the ICC Commission on Arbitration and ADR, where she co-chaired the task force on costs in arbitration. She is a former chair of the board of trustees and fellow of the Chartered Institute of Arbitrators, and a member of the British Institute of International and Comparative Law's investment treaty forum and the ICC New Zealand international arbitration committee.

Nathalie Allen Prince, Counsel at Boies, Schiller & Flexner, has worked with Wendy for many years at both Boies, Schiller & Flexner and WilmerHale. She met with Wendy to discuss 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 and how did you become interested in international arbitration?

In New Zealand we start law school straight from secondary school. At 18, from the time I entered law school, I knew I wanted to become a litigator. I practised as a litigator in New Zealand for just over four years, regularly appearing in court arguing commercial disputes at all levels. I left New Zealand to gain both public international law and international dispute resolution experience. At the time, I was not aware that the best way to achieve both was through international arbitration. It was only when I arrived at WilmerHale (then Wilmer Cutler & Pickering) in 1999 that I became aware of the rich opportunities for international disputes resolution lawyers in the field of international arbitration. In my interview with Gary Born, as I outlined what I enjoyed doing, he concluded that international arbitration really would be my "dream job". He was absolutely right.

Do you have any specific goals that you would like to achieve in your new role at Debevoise?

Debevoise & Plimpton has a pre-eminent, world class international dispute resolution (IDR) practice. There is incredibly strong senior leadership within the IDR group and the firm as a whole, and enormously talented IDR lawyers at every level at both sides of the Atlantic. I grew up with many of the IDR partners in New York and they are longstanding friends. My goal is to help maintain the firm's global positioning, further strengthen its London, European and Asian reputation, and ensure that the IDR group retains its position as an

innovator and thought leader in the field of international dispute resolution.

What professional experiences do you draw satisfaction from?

There are very few aspects of my role that I do not enjoy. I find clients and their different business issues to be tremendously interesting; I draw satisfaction from assisting them in resolving disputes and solving problems in a strategic and commercial manner. I am interested in law firm business and how to advance the partnership's interests as a whole. I enjoy working with associates to develop their potential and become fantastic advocates and experts in their field, and teaching various law school classes. From a public service perspective, two particularly memorable experiences are my period in Dharamsala, India working for an NGO and working with the southern Sudanese in the Abyei Arbitration. More recent initiatives include the work that I am undertaking in relation to climate change and my involvement with the Equal Representation in Arbitration (ERA) pledge, both of which are deeply satisfying and important. I genuinely care about utilising the law and my skills as a lawyer to change things for the better and it is satisfying to work on projects that can positively affect others now and in the long term.

Can you tell us about some of your more surreal experiences?

Surreal moments tend to arise during the intensity of cross-examination and several come to mind. First, during my cross examination of a state's fact witness that was webcast into the break-out room, the person sitting next to me in the hearing room received an email from the team in the break-out room telling him to stop my cross examination. One of the webcast microphones had picked up the Arabic-speaking arbitrator's comment to his co-arbitrator that the Arabic interpreter was "interested with the Government" (i.e., misinterpreting questions and answers to benefit the other side). We stopped the cross and changed interpreter immediately. In the second, a key witness was unfathomably evasive and insisted on having his personal lawyer in the room during cross (sitting behind him taking notes). Upon further investigation overnight (while he remained under cross) local co-counsel uncovered a share sale agreement whereby the witness had been paid a large sum by the counterparty subject to certain representations and warranties, which was voidable if the facts we were seeking to prove (contradicting the reps and warranties) were true. When we confronted him with this the next morning to challenge his

evasiveness, his attitude changed completely and he began to cooperate. The third situation involved a foreign law expert and another interpreter. Unbeknown to us, the interpreter had come into the hearing room with a written answer (in English) to a redirect question that had not yet been put to the expert. When the question was put, the interpreter waited for the foreign law expert to answer in his native language, then proceeded to read out his own pre-prepared answer instead of translating what the witness had said. Finally, in another case where my colleague was conducting the cross, about one hour into his questioning he put to the witness the single most challenging question in the case. Instead of answering the question the witness looked at the arbitrators and asked if he could please meet with them in a separate room – alone. They agreed (with senior counsel from each side present) and the witness proceeded to inform them of a recent family bereavement. We did not require him to come back into the hearing room to answer any further questions; the timing of his unusual reaction spoke for itself.

You mentioned that you are involved in the ERA pledge with Sylvia Noury. Why do you think that this is so important?

The pledge is about fair representation of women on arbitral tribunals. To me, this is an issue for arbitration more than women. As arbitration becomes an increasingly used form of dispute resolution for commercial and investment treaty disputes, demand for top quality arbitrators continues to grow. By continuing to omit women from the selection of tribunals, we are depriving ourselves and our system of a bank of valuable talent. One of the problems is our unconscious bias: we tend to recommend and nominate white men of a certain age because that is what we and our clients are used to seeing and expect to see. By shaking this up through the pledge initiative, we have already improved not just gender diversity on tribunal but also age, geographic and ethnic diversity. Sometimes it just takes a simple initiative to force people to think about the reasons behind their behaviour in order to change it.

What are the next steps for the ERA pledge?

There is still a way to go with gender diversity. It would also be wonderful to see a broader initiative for age, geographic and ethnic diversity. What has struck me as we have rolled out the pledge globally is that in many jurisdictions, senior women leadership in the law is much better represented than in the UK and US, for example. Finland, Columbia and India all come to mind. One initiative we are pursuing within the auspices of the

pledge is a film project to demonstrate the prominence of senior women arbitrators in other jurisdictions and, hopefully, to enable other women to learn from their success. At a local level, in order to broaden the pool of women for appointment in the UK, we recently held a speed networking event at which law firms and female barristers who are either arbitrators or interested in becoming arbitrators could meet and interview with those who make the nomination decisions (law firms, clients and institutions).

How did you first become appointed as an arbitrator? What advice do you have for women seeking their first appointment as arbitrators?

Anne-Marie Whitesell, then Deputy Secretary General of the ICC Court of Arbitration, advised me in the early 2000s not to take UK nationality although I was eligible. She pointed out that my exclusively New Zealand nationality, coupled with my common law training and UK legal qualifications, made me an ideal appointee in English seated and/or English law governed cases where there was an English party and therefore nationality restrictions on arbitrators. Indeed, my first appointment from the ICC arose from precisely that scenario soon after. It is important to make yourself known to the appointing institutions and national committees and to highlight factors that set you apart, such as language, nationality or particular experience.

What do you think constitutes a good arbitrator?

The qualities of a good party appointed co-arbitrator differ in some respects from those of a good chair. Any tribunal member must be smart, reliable, responsive and read the papers. A good party appointed arbitrator needs to be someone that you or your client is confident has the necessary industry, commercial, substantive legal and/or procedural experience to appreciate and understand the core elements of your case, i.e., the elements you need to prevail on in order to win. For the chair, the key is to have a firm, meticulously organised and thoroughly responsive person with strong leadership and diplomacy skills, who you are confident has the legal skills and availability to write a sound and timely award.

You are also involved in climate change projects. What can you tell us about those projects?

I became involved in climate change projects when my sons highlighted to me the magnitude of the problem and the legacy my generation was leaving for them and their children and grandchildren. As international lawyers, there is much we can do to facilitate the implementation of policies at national and international

law level that promote the objectives of the recent Paris Agreement pursuant to the UN Framework Convention on Climate Change (UNFCCC). The 2014 IBA Task Force Report on Climate Change Justice and Human Rights sets out a series of critical action items, including a number of actions to be implemented by the arbitration community. I am working with the IBA arbitration sub-committee to implement these and promote the objectives of the Paris Agreement.

How have you seen the world of international arbitration change since you first started working in this area?

The beauty of arbitration as a dispute resolution mechanism is that it has been utilised for all manner of commercial and political disputes for centuries. Its enduring appeal as a flexible, party driven, final and binding method of dispute resolution is unchanged. As international trade and investment grows, so too does commercial and investment treaty arbitration. That said, the system of international arbitration has certainly evolved over the last 20 years. First, there has been a resounding call for greater transparency, in particular in disputes involving states or state assets. This is in response to criticisms of the legitimacy of a secret, behind closed doors form of justice. Secondly, despite my initial sense that investor state arbitration cases would dwindle after a flurry of activity in the 2000s, the opposite has proved to be true. This is despite the political backlash in some sectors and the drive in the EU for an international investment court. Thirdly, in commercial arbitration, the introduction of emergency arbitrator proceedings has changed the landscape for certain disputes and will, in the future, give rise to some interesting challenges. Finally, the proliferation of new institutional rules and 'soft' law guidelines dealing with ethics, conflicts of interest and representation has almost certainly improved the legitimacy of the process and raised the standard of conduct across the board.

How do you feel that women can advance their own career in international arbitration?

Women are joining the profession in equal numbers to men, having excelled at university, law school and in the application, training contract and pupillage processes. In the first five years, associate numbers of men and women broadly match, if not with a predominance of women. During those early years in international arbitration, it is important for women and men to identify strong mentors, and if possible sponsors within the workplace, and to seek out early opportunities to develop an arbitration profile. This involves simply

becoming involved in young arbitration groups, publishing, speaking and joining task forces or industry initiatives. The arbitration associate's case load is already enormously demanding and additional initiatives add to that, but this community is served by its members and our participation in preserving and promoting our broader system of arbitration. After the fifth year, it becomes increasingly important for women in particular to have in place the scaffolding support necessary to stay in the profession. This might be in the form of the mentor/sponsor, membership of ArbitralWomen, use of a career coach or simply strong friendships within the community at all levels – ideally all of the above. In my experience, too many women lack the confidence that their talent deserves and many highly talented women in international arbitration would benefit from being more assertive about their skills and their ambitions. It is important for women in senior positions to encourage female talent. In addition, I think that women need to be confident about becoming known; too many women stand back and wait for someone to come to them to recognise their talents instead of speaking up.

What general advice do you have for women seeking to further their careers in dispute resolution?

I would urge women to think about their careers, and to think about the balance that they would like to strike between their personal and professional lives. A career is a long-term project and not every milestone needs to be achieved within a prescribed time limit. Every journey is different and flexibility is the key. I know a very successful senior woman arbitrator who took 10 years off when her sons were in their teens. I know many other women who took one, two or even five years off when their children were very small. And I know a number of men, including my husband, who agreed to go part-time to take on the primary caregiver role to give a woman space professionally to run at the same time as being a mother. Everyone is different but within the law firm model we should be able to accommodate whatever works and permit women to pursue this amazing career and at the same time choose, if they wish, to have families as well. Ultimately, if we get it right, men will benefit just as much as women and, critically, so will the business and the clients.

What do you think lies in the future of international dispute resolution?

At a micro level, we still need to improve diversity of arbitrators and counsel, and not just gender diversity. We need to improve the pricing model to ensure that dispute resolution achieves its objectives in a manner that is not prohibitively expensive or lengthy for business users. And we need to listen to, understand and deal with the criticisms aimed at the system that risk undermining its legitimacy.

At a macro level, we are facing a tumultuous time in world trade, policy and politics. International arbitration has at multiple critical points in history stepped up to the breach to avoid gunboat diplomacy when national judicial systems have failed. The current conflicts in the Middle East and elsewhere, the enormity of the refugee crisis, and the devastating impact of climate change all sit outside the jurisdiction of existing organs of state and international institutions. Arbitration is capable of providing a dispute resolution mechanism where there is otherwise a lacuna, as in South Sudan, and I look forward to seeing it take a starring role in resolving significant international and geopolitical issues in the near future.

What would you like to say to our readers?

Have fun. We get one journey through this life and our career preoccupies the vast majority of it. The law and international disputes resolution is not for everyone. But if you do feel a passion for it then grasp it and pursue every opportunity that presents itself; and look for or create those that don't. And don't underestimate the importance of your peers, who you should always treat with the utmost respect, and community which will provide you with that all important scaffolding when you need it most. Finally, remember that as international lawyers we are uniquely qualified and experienced to get involved in helping resolve some of the deeply troubling events currently facing society, all of which can and should be dealt with in accordance with the rule of law.

EVENTS

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

Unconscious Bias II in Vienna on 21 October 2016

Following the success of the first Unconscious Bias Workshop in Vienna, ArbitralWomen and VIAC organized the Unconscious Bias Workshop Part II, with generous sponsoring of Knoetzl law firm. The workshop was a true success; around 50 people followed the discussion with active participation.

The topic was explored in three parts: (1) Unconscious bias workshop led by **Rashda Rana SC** and **Emma Vidak Gojkovic**, (2) Panel discussion moderated by **Alice Fremuth-Wolf**, and (3) Negotiation coaching session led by **Bettina Knoetzl** and **Charlie La Fond**.

After the warm words of welcome by **Patricia Netal** on behalf of the host Knoetzl, the audience was led deeper into the topic by Emma and Rashda.

Emma and Rashda announced a provocative spin on their talk, by adding a question mark to the title "*Unconscious Bias – Recognized & Managed?*". And indeed it was thought-provoking: after explaining the way the unconscious bias works, and the neurological and social context surrounding it, Emma and Rashda gave a detailed analysis of the five most common biases we experience every day. All the while, they pushed the audience to think of the ways to remove or limit their effect on rational decision-making.

Emma and Rashda explained the following common biases:

- The halo effect, which conveys the impression that someone must be an extraordinary adjudicator if he or she has particular skills in one area. Your mind then produces a spill-over effect to areas where the "genius" has far less experience.
- The confirmation bias, which is very much connected to the "coherence bias". Emma and Rashda summarized it simply as: people like to be right. Because of that, once they have made a decision, any information that counters the validity of their decision risks being overlooked or disregarded. When a person draws a conclusion on the basis of information acquired and integrated over time, the information acquired early in the process is likely to carry more weight than that acquired later. Translated to arbitration, in the words of Prof.

Sussman: "arbitrators will make every effort to fit their perceptions of the facts and circumstances of the case into the story they have formed... Once a narrative has become firmly visualized, arbitrators will rarely change their opinions about what happened".

- The affinity bias, which Emma and Rashda summarized simply as: people like people who are like them. Because of that, we are often more easily impressed or persuaded by individuals who are similar in appearance or in personal history to ourselves. An extension of this bias is that men often prefer men, and women often prefer women. We show a bias against people who are different.
- The coherence bias: almost all humans strive to be coherent. In this context, the words of Justice Cardozo are often cited according to which every adjudicator dreams of the state where his or her "judgment reached with so much pain has become the only possible conclusion, the antecedent doubts merged, and finally extinguished, in the calmness of conviction". However, this conviction bears the risk that unconsciously we eliminate the facts and evidence presented on the way to finding your decision.
- Stereotyping: which happens when because of an experience with one individual or a couple of individuals belonging to the same group, we assume that every single individual in that group is of the same characteristics. This is especially important for gender stereotyping, where because we are accustomed to thinking in terms of typically female (gentle, warm, nurturing, sacrificing) and typically male characteristics (strong, decisive, provider, leader) – in our profession we often disregard tremendously capable young women. Moreover, seeing only male model of leadership, we often do not register female leadership as "leadership" or success.

Instead of a conclusion, Emma and Rashda invited the audience to do one concrete thing in their respective work places, to make it more inclusive: radically change recruiting and promoting practices.

In recruiting, Emma and Rashda proposed blind-CV viewing, which should help remove many of the biases we unconsciously employ when interviewing a job candidate. Emma and Rashda proposed that the first round of CV-review is done in the following way. The decision-makers in the employing office (likely the law firm partners but also others) should prepare a list of the desired professional credentials and personal

characteristics (e.g. leadership potential). An HR officer would then do the first review of all the CVs by simply ticking the boxes on the list of characteristics, based on the provided professional details. The list of satisfied requirements would be provided to the decision makers – but name, gender, race or nationality would not be disclosed. It would be a recruiting equivalent of the famous blind jazz-orchestra auditions in New Orleans. Once the top candidates are chosen, the decision makers would realistically want to meet with them. It is hard to avoid any bias in that second step – but at least in the initial step, some bias would be removed, giving diverse candidates a better chance.

Analyzing the promoting practices, Ema and Rashda pointed at the fact that many law firms do not have a clear written list of promoting criteria. This lack of transparency makes it easier for the stereotyping to take the wheel, and squash rational decision-making. Ema and Rashda argued that more transparency about the promotion criteria will make a truly merit-based promotion likelier. Furthermore, Ema and Rashda recognized that many of the existing promotion criteria reward a typical male leadership model. Unfortunately, many women leaders became that through “acting the role”, with very little space to develop a different model. Ema and Rashda called for a more inclusive approach to what success and leadership means, and for including that in a transparent list of promotion criteria.

Following Ema and Rashda’s workshop, Alice Fremuth-Wolf, the Deputy Secretary General of VIAC, led the audience into a panel discussion “How to tackle unconscious bias at work and in arbitration” between **Wernetta Eberhardt**, head of legal of the Kwizda group, **Prof Daniel Girsberger**, professor at the University of Lucerne and counsel at Wenger & Vieli, and **Nils Schmidt-Ahrends**, partner at Hanefeld Rechtsanwälte.

A short introductory video showing a charming 9-year-old girl get justifiably angry over the sexist clothing in a department store, differentiating unfairly between girls’ (“hello with flowers”) and boys (“conquer the world” with superheroes) clothes, reminded the audience that stereotyping is not natural, but an outcome of social conditioning that develops from an early age.

Being part of a multinational group, Kwizda Holding, Wernetta Eberhardt was talking about cultural differences as well as gender bias, and their impact on her work. She noted that according to her own experience, women tend to be more critical about their competences than men. She also noted that because of that, when she is looking for a new law firm for one of

our subsidiaries, she might in fact favor women believing that they will scrutinize themselves better on whether they are competent to take on the job.

Kwizda group has its larger subsidiaries in France and the CEE region. When, almost a decade ago, Wernetta started to build the legal department, she went out to the subsidiaries to choose together with the respective General Managers the law firm they wanted to work with. And interestingly enough, she found that the GMs in France were very comfortable to choose women as often as men – there was no preference. Meanwhile, in the CEE region, she noticed that the General Managers favored a female lawyer only if she was an attractive woman as well.

In Austria, Wernetta noted that seniority (age) seems to be a big issue. No matter how smart, experienced, or renowned the lawyer was, she learned that it was better to bring along a senior partner of the law firm. Not so in Romania, for example. She was almost bewildered to find that the oldest person at the table across was a guy in his early thirties.

Nils Schmidt-Ahrends was asked to identify a situation in which his view may have been negatively affected by cultural bias. Being in Vienna Nils recalled situations where he had to evaluate the performance of the students in the Willem C. Vis Arbitration Moot. He pointed out that he would certainly try at all times to evaluate the students exclusively by the quality of work, he would be surprised not to have been unconsciously affected by other criteria: body language, tone of voice, talking speed – which much depend on the student’s culture.

Daniel Girsberger gave an overview of biases that frequently arise in arbitration settings and proposed steps to be taken to limit their impact on our thoughts and behaviors, on an individual and institutional level. He recommended that everyone reads **Daniel Kahneman’s** book “Thinking fast and slow”, and on arbitration in particular, to **Edna Sussman’s** Article in 24 American Review of International Arbitration (2013). In addition to what Ema and Rashda had presented, Daniel talked about the following blinders that appear particularly important in the arbitral context:

- The “ego-centricity blinder”: most people, men more than women, overestimate their intuition and knowledge.
- The “familiarity blinder”: you intuitively follow the opinion of someone with whom you can identify better than with others (mostly because that person

has communalities with yourself), and that is how majorities in arbitral tribunals are often achieved.

- The “hindsight blinder”: it reflects the phenomenon that one is always wiser in the aftermath. This bias is particularly important in liability cases where one cannot always distinguish sufficiently whether the person breaching a legal obligation could have foreseen the damage to occur.
- The “framing blinder”, according to which the form of communication, in particular the way a story is presented, has a great impact on the perception of the decision-maker. Most of us will remember vividly some excellent presentations by counsel in arbitration cases (followed by state-of-the-art cross-examination by that same counsel) that appeared so convincing that you were tempted to decide on the spot because the outcome was presented as being so obvious to the world. Again, only an open mind and discussions with your peers prevent you from falling prey to this type of bias.

Nils supplemented Daniel’s speech by a tentative proposal for a check-list that may help reduce unconscious bias during the decision making in an arbitration. Here are some of his proposals:

- Accept or at the very least presume that your decision will always be influenced by unconscious bias.
- Try to avoid unconscious bias from the very beginning of the case, because at the stage of the award your mind may have been already ‘corrupted’.
- Presume that the testimony of witnesses and experts is incorrect until you know better, for example, by applying the following tests:
 - The so-called “Zero-Hypothesis” (Nullhypothese) of the German Supreme Court according to which each testimony is to be presumed incorrect until such presumption is no longer tenable in light of the number and quality of indicators (see above) that it is correct. Such indicators are: directness, colourfulness, vividness, objectivity, psychological rightfulness, follow correctness, realism, concreteness, richness of details and originality of the witness or expert testimony which reflects an individual experience.
 - Thorough and skilled cross-examination.
- Use the transcript, if available, do not rely solely on your memory.

Alice concluded by a warning from an institutional perspective – noting that conscious and unconscious biases in the course of arbitration proceedings could and should lead to the challenge of the arbitrator if detected.

After the rich panel, the audience engaged in an equally rich Negotiation Training conducted by **Bettina Knoetzi** and **Charlie LaFond**. They led the audience through an interactive exercise based on a true story, where two teams were formed, tasked to negotiate a favorable business agreement for Mr. Theodore Roosevelt. The exercise was a lot of fun, but also a great experience in how the way we frame ideas affects the potential outcome we can achieve.

The success of the event, and of all other ArbitralWomen Unconscious Bias events around the globe, clearly screams for more, for “*Nothing is more powerful than the idea whose time has come*” (V. Hugo).

Contributed by Alice Fremuth-Wolf, ArbitralWomen member, Vienna International Arbitration Centre, Vienna; Rashda Rana SC, ArbitralWomen President, 6 St James Hall Chambers, Sydney and Ema Vidak Gojkovic, ArbitralWomen member, Omnia Strategy LLP, London

“Unconscious Bias” in Stockholm on 19 January 2017

On 19 January 2017, in connection with the Stockholm Chamber of Commerce (SCC) Centennial celebrations, ArbitralWomen hosted a luncheon on “Unconscious Bias” together with SWAN (Swedish Women in Arbitration Network) and Roschier law firm. The luncheon was divided into brief introductory presentations on the topic and a subsequent panel discussion with participants from law firms around the world.

About 90 participants attended the luncheon and were welcomed by **Sandra Hein Kaznova** (Hammariskiöld & Co) and **Pamela Lannerheim Angergård** (Ramberg), who are both Board Members of SWAN. They gave a brief introduction to the topic and of SWAN’s work. **Carita Wallgren-Lindholm** (Lindholm Wallgren Attorneys) continued with an inspirational speech on her experiences with unconscious bias during her years as an associate and, subsequently, a partner at different law firms. She shared many interesting and at times amusing anecdotes that highlighted the progress that has been made since she first started her career, but also the work that remains to be done. Carita concluded that she believes the greatest problem in tackling unconscious bias is the failure to understand that

pledges, internal rules, guidelines etc. are only the “opening statement”, i.e. the first stage in the transformational shift towards leveling the playing field. The transformation of the culture at law firms remains the labor intense part.



L to R: Mark Lawrence, Christopher Boog, Andrea Menaker and Jason Fry. Photo by Staffan Westerlund

Gisela Knuts and **Eva Storskrubb** (Roschier) followed with a presentation focusing on the facts behind the topic, namely statistics on the gender gap that still remains in major law firms in Sweden and in arbitrator appointments. The statistics show that while the majority of students at law schools in Sweden are women only a minority of the partners in law firms are female. This also has implications for arbitration as the pool of potential female actors in arbitration is diminished.

While there has been increased debate, awareness and transparency in relation to equality in arbitration in recent years, there is more to be done. Equality has together with diversity arguably become an issue of credibility and legitimacy for arbitration. Gisela and Eva also presented findings from the 2016 study “Women in the Workplace” carried out by McKinsey&Company. The study shows, amongst other things, that many companies still do not embrace a diverse leadership style and that women see less potential in themselves with respect to their possible impact on the firm.

Finally, there was a panel discussion moderated by SCC’s Vice Chairperson **Patricia Shaughnessy**. The panelists were **Christopher Boog** (Schellenberg Wittmer), **Jason Fry** (Clifford Chance), **Mark Lawrence** (Macfarlanes) and **Andrea Menaker** (White & Case). The discussion was animated and drew upon the panelists experiences in their careers and at their respective law firms. Amongst other issues, the panelists discussed why there are so few female partners, when women are a clear majority in positions at arbitral institutions and whether women should be expected to take an active role in changing gender bias in the workplace. The panelists also shared how they have attempted to take bias out of the hiring

or appointment process e.g. by redacting the candidates’ names from resumes and scoring interviews on the basis of a set of specific questions rather than general impressions.

The tone of the debate was hopeful, but the panelists were still careful to point out the many steps that need to be taken to level the playing field, including becoming aware of your own biases.

Contributed by Eva Storskrubb and Shirin Saif, Roschier, Stockholm

ArbitralWomen SpeedNet Event in Mexico on 26 January 2017

On 26 January 2017, Von Wobeser and ArbitralWomen organized the first ArbitralWomen SpeedNet event in Mexico. The event, generously sponsored by Von Wobeser (Mexico), took place at the prestigious *Club de Industriales* in the trendy area of Polanco in Mexico City.

Montserrat Manzano, who organised the event on behalf of ArbitralWomen and Von Wobeser, welcomed our female guests and shared how difficult it has been for women in Mexico to practice dispute resolution and constitute a network of professional contacts. Montserrat also mentioned that Von Wobeser was committed to the promotion of diversity and supported the career of women in dispute resolution in Mexico.

ArbitralWomen Secretary and Events Coordinator Director, **Asoid Garcia Marquez**, spoke about the importance of the role of ArbitralWomen in the promotion and development of women in dispute resolution, as well as the need for our female peers to unite by joining ArbitralWomen and helping the association fulfill its role. Throughout the evening, around 40 female guests were invited to network and share their stories about gender issues they are facing on a day-to-day basis. The SpeedNet was followed by drinks and delicious Mexican canapés.



Attendees at the SpeedNet event in Mexico

Our female guests, none of whom had ever participated in an ArbitalWomen SpeedNet event before, were pleasantly surprised with the outcome of the evening, and the new professional contacts that they gained, from a range of women from different age groups and background.

Contributed by Asoid Garcia-Marquez, ArbitalWomen Board member, UNESCO, Paris and Montserrat Manzano, Von Wobeser & Sierra, Mexico

“How Biased are We?” Event at the ICC in Paris on 31 January 2017

An awareness-raising session was organized by ICC World Business Women (**WBW**) and ArbitalWomen on 31 January 2017 at ICC. The idea was born after **Charlotte Strandberg**, Senior Project Manager, ICC Training & Conferences, had heard her colleague, **Mirèze Philippe**, Special Counsel at the Secretariat of ICC International Court of Arbitration and ArbitalWomen Founding Co-President, speak about unconscious bias on a panel organised at the occasion of the 13th ICC Miami Conference in November 2015. Following the successful event, ArbitalWomen decided to replicate the conference and has since then organised similar panels regularly around the world. At the Hong Kong edition organised on the occasion of the 2nd ICC Asia Conference, **Vanina Sucharitkul**, lawyer at Herbert Smith Freehills in Hong Kong and ICC Court member, was one of the panelists and shared her experience. After having heard both Mirèze and Vanina, Charlotte invited them to address this topic at ICC.



L to R: Vanina Sucharitkul and Mirèze Philippe

“We have discussed unconscious bias around the world and have never done so at home, so it is high time we share this experience with you”, said Mirèze to her colleagues.

Mirèze and Vanina sought to demonstrate that even those who consider themselves to be impartial and open minded remain unaware of their ingrained pre-conceptions. Unconscious bias in the workplace is a hidden force that undermines diversity and impacts our daily decision making. Mirèze and Vanina challenged a full room of participants of ICC staff with a test to expose how bias exists in every one of us.

“The decisions we make are dictated by feelings anchored within us,” said Mirèze, who also explained that unconscious bias was not inherently bad and serves us well when it helps us to identify and flee danger. “Our choices and decisions are based on thoughts and impressions built from childhood, without us being conscious of them.” Presenting case studies, including several of her own experiences, Vanina called on participants to send the message that a lack of diversity in today’s work environment is unacceptable.

Vanina and Mirèze outlined over twenty actions that could be taken to address our inner bias and contribute to better decision making. Here we bring you five of them:

1. Recognise the problem: recognising our bias is the first step to addressing it as acknowledgement of the problem leads to a willingness to question our own judgement.
2. Analyse the data: wherever possible collect data and analyse it to identify where bias exists. In 2013, Mirèze began publishing statistics on the gender balance of ICC tribunals as part of the Court’s drive to improve transparency and diversity in international arbitration. Underrepresentation of women on tribunals is a widespread issue across arbitration institutions but it is hoped that the Equal Representation in Arbitration Pledge will raise awareness of the issue among the worldwide arbitration community.
3. Make decisions collectively: bias is reinforced by culture and manifested through our behaviour, said Mirèze. Involving others or making decisions collectively can help balance opinions and make the decision making process more objective.
4. Expose yourself to the unfamiliar: everyone has the capacity to change preconceived ideas and prejudices. Just spending time with people who are different from yourself can help you see and think differently and overcome bias.

5. Be supportive of others: “Be a scientist of your own behaviour: Small changes can have a significant impact,” said Vanina, who urged those in leadership roles to lead by example. Vanina’s tips for leaders include giving credit where it is due and highlighting the work of those whose cultural backgrounds might make them less likely to promote themselves and/or their work.

The feedback from participants was very positive and many recognised that they never thought about bias and that we could all be biased. The presentation was welcomed by all and discussions continued in small groups afterwards.

About World Business Women (WBW): launched in 2012, WBW is ICC’s staff-driven initiative which aims to bring the benefits of diversity and better gender balance to the world business organization. WBW objectives include working to evolve ICC culture and practice and to ensure that ICC’s internal policies, leadership and representative bodies better reflect the diversity of the business and professional world today.

Contributed by Dawn Chardonai, ICC Media Relations and Web, Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director, Charlotte Strandberg, ICC Training & Conferences, and Vanina Sucharitkul, ArbitralWomen member, Herbert Smith, Hong Kong and member, ICC International Court of Arbitration

“Winning Communication” Event in London on 2 February 2017

On 2 February 2017, Hogan Lovells hosted an evening event titled “Winning Communication” at its offices in London. The aim of the evening was to promote an interactive and frank discussion on the practical impact of how women use their voices in business and advocacy. **Kate Wilford** – Hogan Lovells – moderated the panel discussion, which focused on women’s voices and communication from the perspectives of experienced lawyers, **Julianne Hughes-Jennett** of Hogan Lovells, **Wendy Miles QC** of Debevoise and Plimpton LLP and an expert witness, **Liz Perks** of Haberman Ilett, with **Tessa Wood** providing her views as an experienced vocal coach.

The topic was introduced by reference to the meeting strategy adopted by female White House staffers during the Obama administration known as “amplification”, which was used as a way of ensuring that their voices were heard. When a woman made a key point, other women would repeat it, thereby giving credit to the

point and forcing men in the room to recognize the contribution, which also prevented them the opportunity of claiming these ideas as their own. At the outset, it was highlighted that communication is an essential part of what the members of ArbitralWomen do on a daily basis and that being able to do this effectively is key. Tessa explained how breathing and physicality can impact the way a person sounds. Tension can cause the sound of a person’s voice to change; however, a few simple exercises can help to minimize the effect of this. For example, a little shake or a deep breath down to the diaphragm can relieve tension. Further techniques that may assist women in particular were discussed, such as speaking more slowly, maintaining eye contact, employing positive body language, and finishing what you are saying.

This was an interactive session throughout which each panelist offered up opinions, personal experiences, lessons learned, and advice to the audience. A wide range of views and experiences were shared by members of the audience; some positive and some negative. Recommendations and suggestions for how to ensure that everyone’s voice is heard included: ensuring that you are authentic to your voice whilst also making sure that you maximize it for full effect; remaining self-aware and aware of the culture that you are living and / or working in, and linked to this point was a recommendation to assess your audience and use varying tactics accordingly; and a reminder that our role as an advocate or expert is not necessarily to be liked. Ultimately, it was agreed that practice and preparation are key.

Wine and canapés were provided following the panel session and the lively discussions continued.

Contributed by Georgina Barlow, ArbitralWomen member, Vinson & Elkins, London

ArbitralWomen SpeedNet Event in Geneva on 3 February 2017

On 3 February 2017, on the occasion of the annual conference of the Swiss Arbitration Association (**ASA**) in Geneva, ArbitralWomen organized its first SpeedNet event in Switzerland. In addition to support from ASA, the event was co-organized and sponsored by Sidley Austin LLP (ArbitralWomen members **Tanya Landon** and **Sabrina Schnyder**). The event took place at the President Wilson Hotel. It attracted over 60 participants from Switzerland, Germany and France, and included a diverse group of women arbitration practitioners from firms large and small, arbitral institutions and academia.



Tanya Landon and Gabrielle Nater-Bass

Gabrielle Nater-Bass, Vice-President of ArbitralWomen, gave the opening remarks, in which she described the mandate and activities of ArbitralWomen and then explained the speed networking concept and rules. Tanya Landon also welcomed participants and highlighted the importance of networking events for female arbitration practitioners to build their networks and be source of support and encouragement for each other. After an hour of speed networking, punctuated by the ring of a cowbell, the lively dialogue continued at a reception with drinks and canapés. Feedback from participants was very positive, with many expressing interest in attending future ArbitralWomen events in Switzerland and continuing the dialogue.



Reception following the SpeedNet event in Geneva

Contributed by Tanya Landon, ArbitralWomen Member, Sidley Austin LLP, Geneva

“Is Winter Coming in the Land of International Arbitration” conference in São Paulo on 16 February 2017

On 16 February 2017, the "Is Winter Coming in the Land of International Arbitration" conference was held in São Paulo.

During the morning session panels aimed at discussing some of the adverse effects faced by international arbitration. The first Panel, moderated by **Isabel Cantidiano** (Cantidiano Advogados), **Rashda Rana SC** (President of ArbitralWomen) and **Gilberto Giusti** (PinheiroNeta) had the opportunity to discuss “What is wrong with international arbitration?”. After acknowledging that there are problems in international arbitration, Gilberto highlighted the issues regarding gender equality. As a man he gave his personal experience working with women and showed the importance of increasing the number of women in the arbitration workplace. Rashda raised and discussed the problems regarding the duties of the arbitrators in relation to corrupt practices. She presented a case in which the tribunal had to step down from his duties due to a well-founded and reasonable doubt that the parties were using the arbitral proceedings for money laundering purposes. In addition, Gilberto expressed his concerns about the quality of some arbitral awards. He pointed out that some arbitrators lack commitment with the memoranda, the exhibits and the procedure. In fact, some arbitrators have the tendency to pick a point in the arguments presented by the parties and deciding solely based on it. Rashda shared the concerns raised by Gilberto and also demonstrated how this is a problem in international arbitration.

The second panel, moderated by **Eleonora Coelho** (Eleonora Coelho Advogados), **Ligia Maura Costa** (FGV-EAESP Professor), **Luciano Timm** (Carvalho, Machado e Timm Advogados) and **Sandra Gonzales** (Ferrere Abogados) was able to discuss the effects of economic crisis in arbitral proceedings. Leading to an increase of procedures, economic crisis are a reality in Latin America. Sandra highlighted how Uruguay, for example, is dealing with the crisis of Brazilian national corporations that have been affected by the so called “operation lava jato”. Ligia Maura had the chance to present important data regarding corruption in international arbitration and brought to the discussion the duties of the arbitrators: are they bound by a mandatory duty to inform the authorities of the existence of corruption? Luciano, in turn, explored the theme of how financial difficulties might affect the conduct of arbitral proceedings. Could a tribunal stop a

proceeding due to the lack of monetary solvency of one party? What is the role of the third party funder? How much the parties should tell the tribunal about the existence of the third party funder?

After the lunch break, the audience was gathered with a unique panel aiming to discuss gender equality and the presentation of practical tools to achieving it. **Monica Costa** (TozziniFreire Advogados) presented some questions to the audience about the remuneration of women, especially in the arbitration field. She presented the experience of her law firm, but also the discrepancies that exist in this field. She also reported the challenges that a woman faces to achieve a higher position in a law firm. In addition to Monica's comments, the audience participated with contributions dealing with the difficulties for the young to pursue the paths in international arbitration.

Dealing with young children, **Alice Moreira Franco** (Ferro, Castro Neves, Daltro e Gomide Advogados) presented her experience as a mother of two and as a leader of a school. She highlighted the difficulties to raise a girl, but also to raise a boy who understands and respects the differences and acknowledges the achievements of women.

An important contribution was brought by **Ana Rita Nery**, a judge of the State Court of São Paulo. At first, she showed the difficulties that exist in the legal community. She shared recent statistics which showed that lawyers made more complaints against female judges than male judges. Also she showed that in the State of São Paulo, although more women are successful in the exams to become a judge, more men are approved. In addition to that, she presented some evidence of decisions regarding violence against women.

Finally, **Ana Carolina Weber** (Eizirik Advogados) dealt with unconscious bias. After showing a video that presented different adjectives attributed to men and women when facing the same situation, she pointed out the external bias and the internal bias. Women tend to put themselves in a lower position, she said. Many studies show that in order to achieve gender equality the work is not only related to making men aware of the different treatment of women, but also showing women their power and the path to enhance their abilities.

The afternoon session was very productive as the audience actively participated. Many young women showed how they have faced difficulties or bias in their law schools. A male participant made some considerations related to what is a real bias and to what could be "myth".



L to R: Luciano Timm, Eleonora Coelho, Ligia Maura Costa and Sandra Gonzalez

After the afternoon session, the audience and the panelists concluded that there is a lot of discrepancy between men and women in the arbitration field and also in some correlated ones – such as the judiciary. One aspect that has been pointed out was the number of names of women in the lists of arbitrators of arbitral chambers. In addition, the panel concluded that it is necessary for law firms to think more and more about how to enhance the participation of women and to give them the same opportunities as are given to men.

Contributed by Ana Carolina Weber, ArbitralWomen Board Director

Third Sarajevo Arbitration Day: Chasing efficiency in International Arbitration – Lessons for BiH in Sarajevo on 16 February 2017

The Association ARBITRI hosted its third annual arbitration conference on 16 February 2017 at Hotel Europe in Sarajevo, Bosnia and Herzegovina (**BiH**). This is now a traditional project of the Association, which aims to promote arbitration among the business and legal community in BiH, and to provide a platform for networking between local and international practitioners.

The Third Sarajevo Arbitration Day was dedicated to one of the most important current issues in the field, attaining and improving efficiency in international arbitration. BiH as a new developing arbitration forum faces the need to adequately adjust to a developed and sophisticated global arbitration system. The conference paved the way towards preparing practitioners, arbitrators and other interested parties for the necessary changes.

The event hosted an ArbitralWomen presentation on unconscious bias in international arbitration given by **Ileana Smeureanu**, Board Member of ArbitralWomen and associate attorney with Jones Day (France), **Emma Vidak Gojković**, Committee Member with YAWP and senior associate with Omnia Strategy LLP (UK) and **Senka**

Nožica, Ademović, founding partner of Nožica & Partners Law Office (BiH). After briefly explaining the psychological aspects of the phenomenon, Ileana and Ema looked at how unconscious bias impacts gender and nationality in arbitrator appointments. A presentation of the PLEDGE, its reach and aspirations ended the first part of the presentation. In the second part, Senka shared her experience as female prosecutor and practitioner in BiH.

Another panel looked at multi-tier clauses as a tool to increase efficiency, the cost/time efficiency of arbitration compared to litigation in BiH, the pros and cons of (over)regulation of arbitration, and the institutional efforts to enhance arbitration. A separate panel explored the topic of due process paranoia, looked at costs as a tool to achieve efficiency, and dwelled into efficiency as reflected in the rules of the Arbitration Court attached to the Foreign Trade Chamber of BiH and the Ljubljana Arbitration Centre at the Chamber of Commerce and Industry of Slovenia. The last panel proposed methods to improve efficiency from the counsel and arbitrator's perspective.

The discussion ended with a keynote speaker address by Professor **Christoph Schreuer** Zeiler.partners (Austria).

The conference was organized with the support of local law firms, Maric & Co, Law Office Stevanovic and Ademovic, Nozica and Partners, as well as regional and international sponsors, Baker McKenzie, Ljubljana Arbitration Center (LAC) and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

The full report from the conference is available here: http://associationarbitri.com/?page_id=1494



L to R: Peter Riznik, Ana-Maria Tamminen, Filip Boras, Tamara Manasijevic, Professor Milena Djordjevic



Ileana Smeureanu



Ema Vidak Gojkovic

Contributed by Ileana Smeureanu, ArbitralWomen Member, Jones Day, Paris and Nevena Jevremovic, Pace University, New York.

2nd Annual Women Who Build Summit Hartford Connecticut on 22 February 2017

On 22 February 2017, over 200 women and men from the construction industry attended this sold out event in Hartford Connecticut, organised by Hartford University's Construction Institute. The Construction Institute is a non-profit industry group that promotes education and relationship building among construction professionals

The Summit featured both American and international speakers. Through panel discussions covering a wide range of issues, participants in this year's Summit learned strategies and skills for developing and leveraging professional resources, including negotiating skills and financial acumen. Attendees also enjoyed presentations from keynote speakers **Paulette Brown**, Immediate Past President of the American Bar Association, and **Rashda Rana SC**, International Barrister and Arbitrator and President of ArbitralWomen, both groundbreaking and inspiring women.



Joanna Kripp and Rashda Rana SC

The positive response since the event has been overwhelming. Here's what our attendees had to say:

"...this was hands down the most organized and informative conference I have ever attended. The experience and caliber of the panelists and speakers was top notch. ...having the opportunity to hear from women who serve in a wide variety of capacities and functions was very interesting. Knowing that I can reach out to these women with questions is an invaluable resource." – Laura Yellick

"High energy, informative, empowering, especially for younger women. It broadened the world and showed what is possible for and available to women in business." – Marie Maia

"It was a fantastic program. I felt inspired and motivated to speak up and be the solution in my workplace." – Victoria Pancoast



Paulette Brown, the First African American Woman to hold the post of President of the ABA

Conflict Prevention & Resolution in Coral Gables, Miami on 2-4 March 2017

The International Institute for Conflict Prevention & Resolution (CPR) held its 2017 Annual Meeting on March 2-4, 2017, at The Biltmore Hotel in Coral Gables, Miami, convening corporate general counsel, leading arbitration

practitioners, noted academics and jurists, and expert international arbitrators and mediators. The theme of the meeting was *"Pathways to Partnership,"* referring to successful collaboration between in-house counsel, outside counsel and neutrals. The panelists and moderators included several members of ArbitralWomen.

"We live in challenging times," CPR President & CEO **Noah Hanft** explained in his opening remarks. "And that is why CPR's 40-year-old mission ... is more important than ever: to find ways to work together, to compromise, to find win-wins and to arrive upon the most effective ways to prevent and resolve disputes. CPR is proud to be working with some of the world's top legal and business leaders to accomplish these critically important goals." Mr. Hanft highlighted the importance of diversity in ADR and CPR's long-standing commitment to diversity initiatives. Mr. Hanft explained that in 2006, CPR established a National Task Force on Diversity in ADR, which in 2013 launched a Diversity Commitment encouraging corporations, outside counsel and institutions to include diverse neutrals on their lists. Last year, CPR signed the Pledge for Equal Representation in International Arbitration.

Keynote addresses were given by **Jan Paulsson** of Three Crowns LLP and **David Seaton**, Chairman and CEO of Fluor Corporation. Mr Paulsson highlighted the need for arbitral selection processes that ensure independence, transparency and diversity.

During the meeting, panels addressed key and innovative aspects of dispute prevention and resolution. **Dana MacGrath** (ArbitralWomen Board Member) of Sidley Austin LLP in New York, Chair of CPR's Y-ADR program for young attorneys in dispute resolution, organized a panel on cross-examination in international arbitration. This panel featured a mock cross-examination and re-direct, followed by a panel discussion moderated by Dana MacGrath. The mock arbitral tribunal was chaired by **Lucy Greenwood** (ArbitralWomen Board Member) of GreenwoodArbitration in Houston. Other members of the tribunal included **Brian King** of Freshfields Bruckhaus Deringer in New York and **Stephen L Drymer** of Woods in Montréal. **Vanessa Alarcon-Duvanel** (ArbitralWomen member) of White & Case in Geneva and **C.J. Mahoney** of Williams & Connolly in Washington, DC, served as counsel in the mock examination. Y-ADR Vice-Chair **Alberto F. Ravell** of ConocoPhillips in Houston acted as the witness.

Other highlights of the meeting included the second annual Inspiring Innovation Award Dinner, honoring ConocoPhillips and **Laura Robertson**, Deputy General Counsel, Litigation & Arbitration, for their innovative ADR thinking and excellence in execution and an awards luncheon ceremony at which CPR announced the winners of its 34th Annual Academic Awards.

Dana MacGrath, Chair of Y-ADR, and **Bart R. Schwartz**, General Counsel of Assurant, also presented CPR's inaugural Y-ADR Annual Writing Award for Efficient & Effective Collaboration Between Corporate Counsel and Outside Counsel. At the awards luncheon, **Olivier André**, Vice President, International and Dispute Resolution Services at CPR, recognized and thanked Dana MacGrath, as the founding Chair of Y-ADR, for her excellent work and contribution to CPR and dispute resolution generally. The Y-ADR program was launched in 2009 by **Lorraine M. Brennan** (former ArbitralWomen President) to educate the younger generation of lawyers about corporate perspectives on dispute resolution. Under the leadership of Dana MacGrath as Chair, Y-ADR has grown significantly both in terms of membership and initiatives.



Olivier Andre and Dana MacGrath

Contributed by Olivier P. André, International Institution for Conflict Prevention and Resolution, New York

ArbitralWomen on International Women's Day in New York on 8 March 2017

On the occasion of International Women's Day on 8 March 2017, **Lorraine Brennan** (former ArbitralWomen President) and **Dana MacGrath** (ArbitralWomen Board Member) delivered remarks regarding ArbitralWomen at the Vis Pre-Moot organized and hosted by Cravath Swaine & Moore in New York City, attended by Vis Moot teams from around the world and arbitrated by many of New York's leading arbitrators and arbitration practitioners. Lorraine Brennan described the history of the organization and Dana MacGrath described ArbitralWomen's recent activities and achievements relevant to young lawyers, including (1) the launch of

the Young ArbitralWomen Practitioners (**YAWP**) group in April 2016, (2) ArbitralWomen's sponsorship of Vis Moot teams comprised of a majority of women in need of funding to be able to participate, (3) ArbitralWomen's mentoring program, and (4) the grant by the ICDR-AAA Foundation to support ArbitralWomen's unconscious bias project. At the networking reception that followed the Cravath Vis Pre-Moot pleadings, several students asked to learn more about ArbitralWomen. Students were encouraged to visit ArbitralWomen's website. Additionally Cravath made available hard copies of ArbitralWomen's brochure.

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

ArbitralWomen SpeedNet Event in London on 8 March 2017

On 8 March 2017 Latham & Watkins, London hosted an ArbitralWomen SpeedNet session in celebration of International Women's Day. The event, organised by Latham Senior Associates **Hanna Roos** and **Catriona Paterson**, saw ArbitralWomen come out in full force to mark the occasion, to mingle with old friends and colleagues, and to forge new networks.

Opening remarks were given by **Sophie Lamb** and **Claudia Salomon**, Co-Chairs of the Latham International Arbitration Practice, based in London and New York, respectively. Sophie Lamb observed the remarkable power of female relationships and how encouraging it is to see an increasing number of women in positions of power. Commenting on the support that women ought to extend to one-another, Claudia Salomon urged junior lawyers to always reach up towards senior female mentors and, correspondingly, urged senior females to endeavour to pull their junior colleagues up through the legal profession.

The floor was then given to **Louise Woods**, Senior Associate at Vinson & Elkins, to explain the "SpeedNet" rules of the evening. After 45 minutes of SpeedNet chat and sufficient amounts of champagne the conversation properly kicked off. Spirits were high, as a diverse group of approximately 40 women – including barristers, partners, associates, trainees, litigators, arbitrators, funders, in-house counsel and academics – shared war stories, triumphs and challenges.

The evening's resounding success is testament to the ease with which female relationships are forged and the enthusiasm for celebrating women's successes

Contributed by Laila Hamzi, ArbitralWomen member, Lathan & Watkins, London

Unconscious Bias presentation to Sciences Po students in Paris on 13 March 2017

Invited by **Emilie Gonin**, barrister at Doughty Street Chambers and ArbitralWomen member, **Mirèze Philippe** spoke about unconscious bias to Emilie's law students at Sciences Po in Paris. Emilie's initiative was very wise. In a move away from unconscious thinking and behaviour that must be addressed in the workplace, this presentation was addressed to students preparing for a career. The discussion was welcomed by the students. A male student was even very passionate and could not understand the discrimination towards women, especially in the 21st century. A female student shared her feeling about the bias she experienced the day before, when she was participating to a pre-moot session. Among the comments conveyed to her by arbitrators who heard her pleading, one has particularly shocked her, and she asked me whether such statement was true. The arbitrator indicated to her that women may be successful at the Vis competitions if they are nice and smiling! I admit that this came as a surprise to me and shocked me too. I do not think I had heard such statement before. If I did without being surprised, I may have been biased myself. Imposing on female mooties to be nice and smiling undermines their capacities and performance. I consider this to be a flagrant bias. If this comment is part of the practice and the way it has so far been done, then it is probably time for change, now that we have been alerted about such discrimination.

Contributed by Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director

Unconscious Bias event in Singapore on 14 March 2017

On 14 March 2017, ArbitralWomen and Freshfields Bruckhaus Deringer (**Freshfields**) co-hosted a seminar on Unconscious Bias in honor of International Women's Day. The seminar featured a panel comprised of **Mary Thompson** (Arbitrator, Pacific Chambers and St Philips Stone Chambers), **Amanda Lees** (Simmons and Simmons, Of Counsel), **Wendy Lin** (Wong Partnership, Partner) and **Lexi Menish** (Freshfields, Associate) and was moderated by **Nicholas Lingard** (Freshfields, Partner).

The theme of the seminar was "Unconscious Bias: Understanding, Identifying and Overcoming". The panelists discussed the origins of unconscious bias, which they defined as attitudes or stereotypes that affect our decision-making in an unconscious manner. They explored how such biases influence our

perceptions and conduct in everyday life and the workplace, and specifically in the legal community, where it contributes to a leakage in the pipeline of potential female partnership and arbitrator candidates. The panelists also shared the findings of numerous recent studies discussing the negative impact that a lack of diversity can have on decision-making within organizations and, ultimately, their bottom line.

The panelists then discussed how we can overcome unconscious biases, both at the individual and institutional levels. The panelists shared ideas regarding training initiatives, retention and mentoring programs, hiring and promotion criteria, the importance of messaging within organizations and the potential to leverage our positions in the marketplace as potential means to combat the negative effects of bias. They also discussed the Equal Representation in Arbitration as an example of individuals and institutions coming together at the industry-level to bring issues of gender parity into focus and promote the profiles and representation of women in the arbitration community.

The event was attended by representatives of corporations, financial institutions, law firms, consultancies and arbitral institutions, and was followed by a lively discussion and networking reception.

Contributed by Lexi Menish, Freshfields, Singapore

Unconscious Bias presentation in Paris on 16 March 2017

Maria Irene Perruccio, ArbitralWomen member, and **Fiona Candy**, both lawyers at White & Case, invited **Mirèze Philippe** to address unconscious bias at a breakfast at White & Case with a group of young lawyers. The discussion in a small group was welcomed. It was noted that addressing such issues without taboo was indispensable in the workplace.

Contributed by Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director

New York Bar Association Vis Pre-Moot in New York on 17 March 2017

Dana MacGrath (ArbitralWomen Board member) organized the annual New York City Bar Association Vis Pre-Moot that took place on 17 March, 2017 in New York that included ten law school Vis Moot teams. There was at least one woman on almost every arbitral tribunal for both rounds of Vis Moot practice arguments, including **Lorraine Brennan**, **Clara Flebus**, **Stephanie**

Cohen, Linda Wayner, Hattie Middleditch and Tong Wang. The event was capped off with a networking reception for arbitrators and teams.



L to R: Stephen Skulnik, Joseph Neuhaus, Dana MacGrath, Matthias Pitkowitz, Shashi Dholandas

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

ArbitralWomen event in San Jose, Costa Rica on the occasion of the VII ICC Congress on International Arbitration on 23 March 2017

On 23 March 2017, **Andrea Hulbert** moderated an exciting panel discussion during the ICC Congress on International Arbitration in San Jose Costa Rica, on the topic “Diversity Initiatives around the Globe: Will they achieve the goal of equality & diversity?”

Andrea kicked off the breakfast event with details of the level of female participation in arbitration in Latin America. The Panel comprised very interesting domestic and international speakers. Andrea, who is a domestic and international arbitrator, **Ana Garita**, President of the National Women Institute (**INAMU**) as a representative of the Costa Rican Government, **Adriana Alvarez** a business woman and gender expert, **Arlen Obando** a litigation attorney from Nicaragua and **Rashda Rana SC**, the President of ArbitralWomen.

Amongst other initiatives, Ana Garita explained how the INAMU has been promoting different programs to support women’s economic independence, amongst them the quota system in some of their programs as well as having created the “Gender Certificate”, a certification scheme for companies and governmental offices, which certifies that the relevant company has implemented gender diversity and inclusion policies, Ana explained this certification and its importance.

Arlen Obando, a litigation attorney from Nicaragua addressed the gathering about the position of gender equality more generally in Central and South America. She pressed everyone to take note and urged that there is much more that can and should be done.



L to R: Ana Garita, Arlen Obando, Adriana Alvarez, Rashda Rana SC and Andrea Hulbert

Adriana Alvarez, a business woman, who has been working and studying gender for many years, addressed a variety of issues concerning the economic impact of gender diversity on board of directors, companies and arbitration tribunals. Interestingly, Adriana and Andrea are also involved with ALAS, an association devoted to the empowerment of women which has more than 60,000 women in the group.

Rashda Rana SC, the President of ArbitralWomen, made the keynote speech in which she addressed the participants on what is happening in international arbitration, examining whether there has been any improvement in the role and status of women and, in particular, how unconscious bias is affecting the legal community. She then drew the comments from the other panelists together to show what can be done to improve the role of women internationally as well as within Central America.

MEMBERS ON THE MOVE AND DISTINCTIONS

ArbitralWomen is pleased to announce the following movements and distinctions of our members recently.

Dr Beata Gessel-Kalinowska vel Kalisz, Senior partner and founder of Gessel Attorneys at Law, has been distinguished by a prestigious Chambers Global 2017 ranking in 'Most in Demand Arbitrators' category. The Chambers commentary notes that



Beata is often called 'the first lady of arbitration in Poland'. Beata advises both domestic and international clients in high-stakes arbitration matters.

Amanda Lee has been appointed as the first female chair of the Chartered Institute of Arbitrators' Young Members Group. Previously, Amanda was public relations officer for CI Arb's London Branch and co-chair of



the CI Arb's London and South East Young Members' Group. She will continue in these roles while serving as Chair of CI Arb's Young Members Group. Amanda will also maintain her position on the Website Committee of ArbitralWomen. Amanda is a London-based consultant in the commercial litigation and international arbitration practice of Seymours.

Ingeborg Schwenzer, is now available as independent counsel, arbitrator and expert after retirement from Basel University. Ingeborg Schwenzer is Dean of Swiss International Law School and Professor emerita of Private Law at the University of Basel/Switzerland. Ingeborg is active in all areas of legal practice.



In particular, she regularly acts as arbitrator, counsel and legal expert in international disputes, with an emphasis and contract law and law of sales.

Lucy Greenwood, a current member of the Board of ArbitralWomen has left private practice and launched GreenwoodArbitration, where she will practice exclusively as an arbitrator. Lucy began her career with Linklaters and spent 10 years practicing in London and Paris before joining Norton Rose Fulbright in Houston in 2008. She is dual qualified in Texas and England and Wales and is a Fellow of the Chartered Institute of Arbitrators. Lucy was recently



recognized as a "Future Leader in Arbitration" by Who's Who Legal. Lucy is particularly known for her work in relation to diversity and inclusion in international arbitration, having published widely on the topic.

ARBITRALWOMEN REPRESENT AT THE ICCA

ArbitralWomen have gained huge momentum with the recent announcement from the International Council for Commercial Arbitration (ICCA) that **Gabrielle Kaufmann-Kohler**, partner at Lévy Kaufmann-Kohler and Professor at the University of Geneva, will become the first female President of the ICCA. Gabrielle will be President-Elect until she becomes President in April 2018. Gabrielle has been and ArbitralWomen member since its inception. Further, long-standing member of ArbitralWomen, **Olufunke Adekoya**, partner at ÆLEX in Lagos, will begin a two-year term as one of two ICCA vice-presidents of the ICCA.

Not only do we celebrate Gabrielle and Olufunke's elections, we congratulate members **Loretta Malintoppi** and **Vera van Houtte**, both founding members of ArbitralWomen, to their positions as new members of the ICCA's Governing Board.

HIGHLIGHTS FROM KLUWER ARBITRATION BLOG

Transparency and Diversity standing out in the GAR Awards 2017 shortlisted as the Best Innovation by an Individual or Organisation

Global Arbitration Review ('GAR') released **on 7 March 2017** shortlists for the GAR Awards 2017. Half of the ten shortlisted best innovations by an individual or organisation happen to involve women and ArbitralWomen members. Moreover, all five are guided by the same principles of transparency and diversity, both trends having stood out mainly in the last two years. They are mentioned hereafter in the order listed by GAR.

1. Dispute Resolution Data: founded by former American Arbitration Association president **Bill Slate** goes live. It offers 100 data-points on every case heard by a variety of institutions, including the ICC.

The President and COO of Dispute Resolution Data is **Debora M. Slate**, former ArbitralWomen Board member and ArbitralWomen member. The availability of dispute resolution data is important for dispute resolution practitioners who seek helpful data which may not be available otherwise. The transparency of data is thus the main objective of this innovation.

2. The launch of the Equal Representation in Arbitration Pledge: a call to increase, on an equal opportunity basis, the number of women appointed as arbitrators.

The project was initiated by **Sylvia Noury** and immediately supported by ArbitralWomen. Three ArbitralWomen Board members are members of the Pledge Steering Committee: **Lucy Greenwood, Gabrielle Nater-Bass and Mirèze Philippe**. The Equal Representation in Arbitration Pledge seeks to improve the profile and representation of women in arbitration on an equal opportunity basis. Transparency and diversity are at the heart of this innovation which gathered several hundreds of signatories who are willing to contribute to the change.

3. **Gabrielle Kaufmann Kohler** and **Michele Potestà**: suggest that the UN Convention on Transparency in Treaty-based Investor State Arbitration (Mauritius Convention) could be basis for reform to investor-state arbitration system.

Gabrielle Kaufmann Kohler is a founding member and member of ArbitralWomen. In the reform suggested, the authors refer to the UN Convention on Transparency as a model. Transparency is again the guiding principle.

4. **Michael McIlwrath, Lucy Greenwood** and **Ema Vidak Gojkovic**: propose that arbitrators should identify their procedural preferences and case management techniques in a questionnaire. Lucy is an ArbitralWomen Board member and Ema is member of the Executive Committee of ArbitralWomen Young Arbitrators Practitioners. The transparency suggested by the authors offer predictability to the parties seeking to select and appoint arbitrators.
5. Arbitrator Intelligence: **Catherine Rogers'** initiative to level playing field when it comes to the selection of arbitrators through information and feedback on their performance.

Catherine is an ArbitralWomen member and Lucy Greenwood and Mirèze Philippe are members of the Board of Advisors of Arbitrator Intelligence. The previous innovation and this innovation are both about transparency of arbitrators. Arbitrator Intelligence website will offer access to information which is not otherwise available.

The five shortlisted innovations steered by diversity and transparency inspired a blog on "**The Winner of 2017 GAR Awards for Best Innovation?: Transparency & Diversity**", posted on 12 March 2017 by **Lucy Greenwood, Michael McIlwrath, Mirèze Philippe and Catherine Rogers**, and in which the authors shared their views about the collective purpose of three of the innovations.

The authors indicated that what is notable about this year's shortlist is that of the ten innovations on the list, six directly address transparency and/or diversity in international arbitration. From an online directory of African arbitration practitioners, to the launch of Dispute Resolution Data, which offers 100 data points on cases heard by a variety of institutions, to a clarion call to increase the number of women appointed to

tribunals, international arbitration may be finally shaking off its 'pale, male and stale' image.

The 21st century makeover that international arbitration has needed for so long may at last be here.

They emphasised that they are delighted that three innovations in particular have been recognized by GAR this year: **the Pledge, Puppies or Kittens and Arbitrator Intelligence**. All three are close to our hearts. As champions of these three projects, we are writing this collective blog post because we believe that the process of selecting a single project as the award winner blurs the collective purpose of our work. Each adopts a different approach and methodology, but they all three aim—individually and cooperatively—to promote diversity and transparency. For this reason we believe that, whichever innovation among the many deserving shortlisted projects actually receives the actual award at the GAR Gala end March 2017 in Milan, 2016 marked a year for great strides in innovations promoting Transparency and Diversity. Read more here: <http://kluwarbitrationblog.com/2017/03/12/the-winner-of-2017-gar-awards-for-best-innovation-transparency-diversity/>

Contributed by Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director

PS: The GAR Awards Ceremony took place on Wednesday 29 March 2017 in Milan. The award for Best Development went to the **Pledge**, and the award for Best Innovation was attributed to the **Dispute Resolution Data**. ArbitralWomen congratulates the winners.

ARBITRALWOMEN CORPORATE MEMBERSHIP

The initiative launched by ArbitralWomen in November 2015 is attracting many firms. The corporate membership offers the possibility for several members from the same firm to join Arbitralwomen at a special rate.

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.

The response has been overwhelmingly. Nineteen firms subscribed a corporate membership for 2016 including: 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 in 2016 was 123, adding 92 new members with 31 having benefited from a renewal of their membership at a discounted rate.

Other firms subscribed a corporate membership in 2017 and include: Addleshaw Goddard, Berwin Leighton Paisner LLP, Clyde & Co, Curtis Mallet, Debevoise & Plimpton, Dechert, Homburger AG, Lalive, NERA Economic Consulting, Reed Smith LLP, Schellenberg Wittmer.

Our objectives are to:

- Encourage the firms who have taken the corporate membership to renew their commitment for 2017.
- Offer the corporate membership to other firms and in house counsel teams at major corporations.
- Continue promoting the corporate membership programme including among ArbitralWomen members in order to encourage their firms to subscribe a corporate membership.

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.

For any information, you can use the 'Contact us' service available at the bottom of ArbitralWomen webpages on www.arbitralwomen.org.

Lucy Greenwood, Greenwood Arbitration, ArbitralWomen Marketing Director & Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director

GLOBAL POUND CONFERENCE SERIES FINDINGS FROM 2016



GLOBAL POUND
CONFERENCE SERIES
2016-17
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ArbitralWomen has been partnering with the Global Pound Conference Series (**GPC Series**) since June 2016.

The GPC Series 2016-2017 was initiated by the International Mediation Institute (**IMI**). It is an unprecedented, ambitious, innovative and 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. See www.globalpoundconference.org, where you can sign up for or become involved in a GPC event in your region of the world. In 2016 events were held in Singapore, Lagos, Mexico City, New York, Geneva, Toronto and Madrid. Several more events have already taken place this year, with a total of 25 events planned for 2017, culminating in the closing event in London on 6 July 2017.

Each event uses information technology and various data collection methods to obtain and analyse delegates' responses to a series of Core Questions. The broad outline of these questions, addressed over four sessions is: (i) What do parties want, need and expect from dispute resolution processes? (ii) How satisfied are they with the services currently on offer? (iii) What gaps and obstacles can they identify so that supply and demand can be better aligned? and (iv) Who can make improvements, how and when?

In December 2016, IMI and the Central Organising Group for the GPC published the Singapore Report, which is the analysis of the first GPC Series event that took place in Singapore on 17-18 March 2016. An Executive Summary and a full report (both authored by Emma-May Litchfield and Danielle Hutchinson) are available. For me, two key conclusions noted in the Executive Summary stand out. The first is that various solutions which stakeholders appear to prefer are not being put forward for their consideration, for example, how adjudicative and non-adjudicative processes might be combined. Secondly, in the long-term, stakeholders seem to favour and be moving away from the usual

adversarial processes and towards bespoke processes which take account of costs, time and outcomes. The need to address these and other issues is mirrored in the aggregated voting results from the first seven GPC events held last year and a summary of this data authored by Jeremy Lack, Global Coordinator of the GPC Series. I certainly subscribe to the view expressed by the GPC when distributing these results, when it was noted that all stakeholders have a role to play in "helping disputants to obtain "Appropriate" (and no longer "Alternative") Dispute Resolution services."

As a member of the Paris GPC organising committee, I would make special mention of the Paris GPC event, entitled *Le règlement des différends à l'horizon 2050*, which will take place on 26 April 2017. We hope that many stakeholders, whatever their role in commercial dispute resolution, will join us at the Paris conference and are especially keen to hear the views of users of dispute resolution processes.

Gillian Carmichael Lemaire, Carmichael Lemaire Ltd. UK/France, advisory member of ArbitralWomen Board and member of the Paris GPC committee

MARK YOUR AGENDAS

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

Date	Venue	Event
4 April 2017	Ljubljana	Joint UNCITRAL-LAC Conference on Dispute Settlement
24-28 April 2017	Paris	Paris Arbitration Week
24 April 2017	Paris	1st ICC European Conference on International Arbitration
26 April 2017	Paris	Global Pound Conference 2016-2017: Shaping the Future of Dispute Resolution & Improving Access to Justice
27 April 2017	Paris	Round table on Equality in arbitration and signature of the Pledge for Equal Representation in Arbitration at the Paris Bar
27 April 2017	Miami	Latin Lawyer – GAR Arbitration Summit
18 May 2017	Helsinki	Helsinki International Arbitration Day 2-017: Taking a Close Look at Today's Arbitral Process and Who Pays for It
18-19 May 2017	Warsaw	2017 Dispute Resolution in M&A Transactions: Tactics, Challenges, Defences
23 May 2017	Washington DC	3 rd Annual GAR Live BITs
12-13 June 2017	Paris	Equal Access to Information & Justice – Online Dispute Resolution – 17 ODR Conference
16-18 June 2017	Milan	CIArb Accelerated Route towards Fellowship Course

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.

Both GPC and ODR conferences are must-attend events as they will address inter-related issues on the future of dispute resolution.

Do not miss the chance to register online:

- GPC conference on 26 April 2017: <http://paris2017.globalpoundconference.org/>
- ODR conference on 12 & 13 June 2017: [Equal Access to Information & Justice Online Dispute Resolution](#)

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

ARBITRALWOMEN ACTIVITIES, SERVICES & BENEFITS

ArbitalWomen 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 ArbitalWomen should contact us at events@arbitalwomen.org.
- ✓ **Young ArbitalWomen 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 ArbitalWomen 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, 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, 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 ArbitalWomen on their website and cooperate with AW should contact us at contact@arbitalwomen.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:** ArbitalWomen 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.
- ✓ **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.
- ✓ **Questions**: If you have any queries please contact us at contact@arbitralwomen.org.

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