

ARBITRAL WOMEN

President's Column

"ONLY TWO"!

At this time of the year, we traditionally celebrate two significant events in the calendar: a review of the success of female teams in mooting competitions and a review of female appointments or promotions to higher echelons. This year, to some extent, is only half celebratory: women at mooting competitions excelled beyond all expectations but the number of female partner appointments across the world was bitterly disappointing.

This Newsletter is again dedicated, in large part, to the advances made and success achieved by women in the mooting competitions as well as the tremendous support given by female practitioners to these competitions. The winning Vis East Moot team, West Bengal National University of Juridical Sciences, Kolkata, India, was one that ArbitralWomen had sponsored with our Mooting Bursary. The bursary has become a key part of what we do and in the past few years we have garnered the support of law firms around the world. We'd like to see this become a multi-year commitment which would give many more teams into the future a chance to do something they would not be able to do without such support. I'd like to thank all our Moot Sponsors:

- Kathmandu School of Law;
- West Bengal National University of Juridical Sciences – Skadden Arps, Hong Kong and Steptoe & Johnson
- Diplomatic Academy of Vietnam – Dentons, Hong Kong
- Royal University for Women, Kingdom of Bahrain - Lazareff Le Bars, Paris
- Universitas Indonesia - White & Case LLP, Paris

This year the President's Award (the team I sponsor) went to Kathmandu School of Law.

At the recent celebrations to mark the first anniversary of the launch of the ERA Pledge, Wendy Miles QC rightly acknowledged that although we should be celebrating

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*ArbitralWomen thanks all contributors
for sharing their stories.*

the success of the Pledge, particularly in the role it has played in raising awareness, there was still much more that is needed to be done to bring about real change. Arbitral institutions are certainly pulling their weight – as they have done in the past. But, as she pointed out and as I have experienced, law firms could certainly do a great deal more.

Ruth Bader Ginsburg said recently, *"Women will only have true equality when men share with them the responsibility of bringing up the next generation."* She was there referring to the equal division of labour at home. But, it applies equally to men "bringing up" the next generation at work. Unfortunately, men are continuing to "bring up" only men in their own image at work. In a recent announcement of partner promotions (like many others this year), a major global law firm announced "24 partners appointed, *including 2 women*". Not only is the announcement in fact a disgrace, its result flies in the face of that law firm's public pronouncements concerning their *"commitment to diversity and equality"*. Thus, the correct and more accurate communication, without any marketing spin, should have stated, *"only 2 women"*. This was the trend this year, nearly all major law firms appointed around

20-odd partners with only 1 or 2 women. And yet, all of them have publicly expressed their commitment to equality & diversity.

After the 4th or 5th announcement these past few months heralding a paltry number of female appointments, I felt deflated. The situation is all the more startling when one realises, as I did, that the current layer of senior associates in most major law firms is populated largely by women. So, why is it that this layer has so few women worthy of promotion? It simply defies belief that only the handful of men in this pre-partner layer in each firm was deemed “good enough” or “deserving of” promotion to partnership.

What does this do to the growing clamour for greater equality and diversity? Maybe it is just that: clamour - noise without any action. Maybe it is another bald example of unconscious bias very much operating against women and minorities. The consequence, however, is grave. It means the pipeline/pool of female talent is being interrupted every time there are minimal numbers of women being appointed. In another 5-10 years as the current senior women leave, retire, step down from the profession there will be a gap in female leaders (again). Younger women will lament the lack of female role models in senior roles and we will have come full circle in a never ending cycle of ups and downs. This cycle of 2 steps forward, 1 step back must be broken for good. There is no reason why it can't be done.

In the best interests of all industries but more particularly arbitration as it faces a backlash and the possibility of dying a painful death as isolationist, protectionist policies begin to sweep the world, we need more action not less. We need more and better people involved in all forms of dispute resolution. We need wholesale structural change in how we think about it, how we do it and who does it.

Here is why change is necessary. We all know and have certainly heard that diversity is an important ingredient in corporate success since it:

- Creates greater creativity/reduction of “groupthink”: people’s experiences influence the way they see and resolve problems. Therefore, the more diversified a team is (be it lawyers or the arbitral panel), the more ideas will be presented and the greater the chance will be of obtaining the best possible result;
- Improves transparency/corporate governance;
- Increases performance (for corporates this includes financial performance); and

- Results in greater retention of talent, which is especially important for law firms.

What do we need to do in order to achieve that success? I accept 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.

Hence, an essential component of bringing about change is inclusion of and by those groups that can effect change. I am not advocating an overthrow of the regime but a structural change that enables greater inclusion of others by those presently seemingly threatened by diversity. One of the questions in the [Queen Mary survey of 2015](#) about Improvements and Innovations in International Arbitration, was “*If users could have any improvement made to international arbitration what would it be?*” The myriad of answers included “*broadening the pool of arbitrators in number as well as in ethnic and gender diversity*”. This applies equally to associates, counsel and partners. There is no doubt that gender diversity is viewed as being a necessary improvement. But in order to improve we need to pull together collectively and collaboratively.

Without inclusivity/inclusion any diversity program is unlikely to succeed. I agree with Jan Gooding (AVIVA) when she said, “*the strategy is the inclusion of everyone but the outcome is diversity.*” Moving beyond tolerance to inclusion means it is not enough to hire people from diverse cultures if the business does not embrace and galvanise those diverse views. Embracing and galvanising those diverse views means giving different people with different views and voices a place at the table – inclusion. Sadly, it cannot be said that the partnership layer in most law firms can claim to be either inclusive or diverse.

My criticism about the lack of inclusion is largely targeted at senior male practitioners/powerbrokers but it includes some women too. I want to give you one more rather damning statistic about the dispute resolution world, one that involves my own position and one that highlights the plight of most women, including their relationship with other women. It dawned on me only recently whilst reading a lecture by Mary Beard on *Women in Power: From Medusa to Merkel* (brilliant piece)¹, that in the past 5 years, even though I have been very busy with my arbitration, litigation,

¹ <https://www.lrb.co.uk/v39/n06/mary-beard/women-in-power>

transactional and teaching work, as well as with my extra curricula work with organisations such as ArbitralWomen and the Chartered Institute of Arbitrators, I have **not**, in that time – in half a decade – been nominated, appointed or instructed by a woman. That is to say, all my appointments as arbitrator and instructions as counsel have been from, by or through men. That may speak volumes about me, even though I'm not sure what it means, but it certainly says something about the female dispute resolution population too.

Despite my profile and hopefully good work, I am simply not on their radar or if I am then I am being summarily dismissed. It makes me wonder, what it might be like for those with profiles which are not as high as mine? Something needs to be done. That 'something' is that we really need, first and foremost, to help each other. That was and is the raison d'être of ArbitralWomen and continues to be. My realisation of my own situation has only spurred me on, more determinedly, that we do all in our power (even if my situation remains unchanged) to ensure it does not happen to other women especially those coming up through the ranks and who will and should be our future leaders and role models.

I'd welcome comments from our readership about women helping women which I'd gladly talk about (anonymised) in my next Column in September.

In the meantime, I leave you with the inspiring call for change by Mary Beard from the same lecture referred to above:

You can't easily fit women into a structure that is already coded as male; you have to change the structure. That means thinking about power differently. It means decoupling it from public prestige. It means thinking collaboratively, about the power of followers not just of leaders. It means above all thinking about power as an attribute or even a verb ('to power'), not as a possession: what I have in mind is the ability to be effective, to make a difference in the world, and the right to be taken seriously, together as much as individually. It's power in that sense that many women feel they don't have – and that they want.

That power is equality.

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

Rashda Rana SC

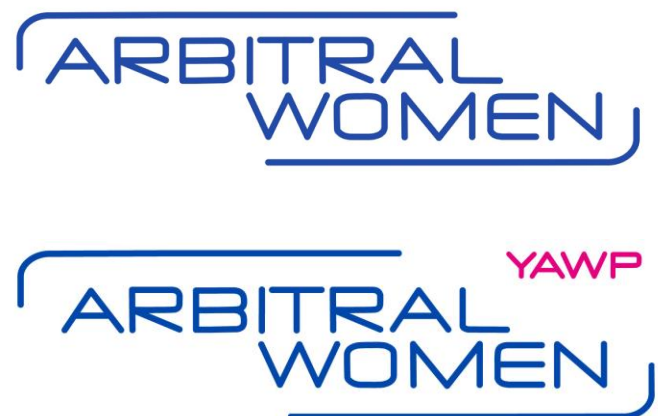


Rashda Rana SC, 6 St James Hall International;
President, ArbitralWomen

New ArbitralWomen and YAWP logos

We have been in the process of revising our look to bring it up to date with our marketing and promotional efforts on behalf of our members and to give it a refreshing new look. The revision started with our website which is now a fabulous resource providing greater and enhanced connectivity with up to the minute features. In a similar exercise of revision, we have revamped our logos. Importantly, "ArbitralWomen" remains one word.

We think the new logos and website demonstrate the strong and confident organisation that we have become and better reflect our standing in the international dispute resolution community. We hope you like the new look too!



Member Contributions

Dubai Getting into & out of Arbitration!!!

"Go to work mum" and two arbitration centers were set up ...

It is quite common for women to use references to children and family when talking business unlike men, hence my choice of my child's words, to reflect my motherly feelings towards the projects I ventured in passionately to realize Dubai's vision in setting itself up as an Arbitration hub with not one but two arbitration centers. My involvement with ADR was not planned, subsequently the hostility and apprehensiveness of many was quite unsettling, but the pride I felt recently, watching the Dubai International Arbitration Center (**DIAC**) and the Dubai International Financial Centre – London Court of International Arbitration (**DIFC-LCIA**) Centre, growing into the top ADR institutions in the region, successfully setting the scene for arbitration at its best albeit the varied and contrasting opinions and legislative reach was to say the least, beyond words.

Joining the Dubai Chamber of Commerce & Industry (**DCCI**) as a legal researcher in 2002 was a decision I made while on my way back home from my son Majid's nursery on 4 September 2002, after being a house wife and mother for more than 5 years. When he said softly "go to work mum" while waving goodbye, I realized that it was time for me to look for something I love to do besides looking after my beautiful family.

I was introduced to ADR officially at the DCCI acting as a mediator then working on arbitration cases filed with the "Centre for Commercial Conciliation and Arbitration" created in 1994. The Committee running the Center, was formed of 5 members of DCCI board. The chairman of the committee was Khalifa Juma Al Nabooda who was a keen supporter of Arbitration as an Alternative Dispute Resolution mechanism and was keen to take the practice to the next level where the Dubai International Arbitration Centre was to be created as an autonomous, permanent, non-profit institution to be located on the 14th floor of the magnificent glass quarters of the DCCI overlooking the creek, aimed at providing the regional and international business communities with an exclusive service of conciliation and arbitration at affordable rates.

The DIAC

A year later I was asked to move to the 14th floor when the offices were ready and I started working with the

DCCI advisor on the set up of the DIAC as the Centre Manager. The highlight of my work with the DCCI was the DIAC initial set up and the letter addressed to his Highness Sheikh Zayed Bin Sultan AlNahyan (May he rest in peace), urging the UAE legislator to join the New York Convention. Prior to the UAE's accession to the New York Convention in 1996, the enforcement of foreign awards before the UAE courts was, save for the application of relevant bilateral or other multilateral conventions, subject to the application of Article 235 of Federal Law No.11 of 1992 (the UAE Civil Procedures Code), which governs the enforcement of foreign judgments in the UAE. The distrust of arbitration was common among the majority of UAE legal practitioners and UAE courts, and more specifically the idea of ceding jurisdiction to foreign arbitrators, hence convincing the UAE government with our argument for the New York Convention signing was a great achievement and setting up the DIAC was a brave initiative.

As I was leaving the DCCI, the DIAC in 2005 had a director, a board of trustees was being set up and a draft of the Rules was in place. Replacing the former Conciliation and Commercial Arbitration Centre of the DCCI, the Dubai International Arbitration Centre (**DIAC**) was inaugurated in May 2003. It is currently the busiest arbitration Centre in the Gulf region. The DIAC issued its own Arbitration Rules (**DIAC Rules**), applicable to all DIAC arbitrations commenced from 7 May 2007, consequently replacing the DCCI Rules of Commercial Conciliation and Arbitration of 1994 (**DCCI Rules**) which were drafted mainly with domestic arbitration in mind. When the DIAC was conceived in 2003 the case load was 34 cases. In 2005 the caseload reached 60. Over 200 cases were registered in 2009. In 2011 the case load was at its peak with 440 cases during the property crisis of Dubai before coming down to 310 cases in 2013.

The DIFC

When I got pregnant with my third child, I left the DCCI. In January 2006, I had my youngest child Shahab, and being the mother I am, I planned to stay home until he went to nursery as I did with his older siblings. But who said we could ever know what is coming?

In June 2006 I joined the DIFC. My law drafting skills, acquired at the DCCI were very much on demand at the DIFC since the authority was very busy drafting the DIFC laws and relevant rules. I was thrilled to be asked to join the DIFC Arbitration Centre where negotiations with the LCIA were on going. My office as an Arbitration Centre Manager was at the DIFC Courts building and with the temporarily appointed Director I was asked to travel to London to have the DIFC-LCIA agreement signed.

The DIFC- LCIA

In 2008 the DIFC negotiated an agreement with the LCIA pursuant to which arbitrations under DIFC-LCIA Rules would be managed and administered with LCIA's assistance was signed. The DIFC-LCIA Arbitration Centre was established in 2008 and was described at that time by the Chief Justice Sir Anthony Evans as "essentially a joint venture between the DIFC and the LCIA, one of the leading players in the arbitration world". The DIFC-LCIA Arbitration Centre's Arbitration and Mediation rules were a close adaptation of the LCIA Rules, with minor changes to align them with the DIFC-LCIA Arbitration Centre's needs. Adrian Winstanley, LCIA Director-General was personally involved with the adaptation of the rules and I remember the long phone calls we had over certain matters to be considered in adapting the rules.

The launch event was held on 17 February 2008 and the DIFC-LCIA was inaugurated by His Highness Sheikh Maktoum Bin Mohammed Bin Rashid Al Maktoum, Deputy Ruler of Dubai. The Centre did close very soon after I quit the DIFC in 2008 due to issues arising as to the constitutionality and jurisdictional reach of DIFC-LCIA and its ability to provide services to UAE and other companies incorporated outside the DIFC territorial jurisdiction. In 2014 these issues were addressed by the passing of legislation to amend and restructure DIFC so that the technical objections to DIFC-LCIA would be put to rest. Having carried out the legislative steps, following renegotiated arrangements between the LCIA and the DIFC Dispute Resolution Authority the DIFC-LCIA has been relaunched, then reopened last year with new arbitration rules (2016 Rules) replacing the former 2008 DIFC-LCIA Arbitration Rules for arbitrations commencing on or after 1 October 2016. Recently the former Registrar of the DIFC-LCIA left and was replaced in May 2017 by my dear friend Robert Stephen as the new registrar.

With the short-lived beginnings of the DIFC LCIA and its relaunch not so long ago, the case load seems not significant enough to publish. However the LCIA in 2016 mentioned that the case load at the DIFC-LCIA was 28 opened procedures, arbitration and other. The DIFC-LCIA does have a woman on its board of trustees, Jackie van Haersolte-van Hof (Director-General, LCIA).

Attempted Suicide!!!

Do you still believe in Arbitration? My 1st year law school daughter asked me...

When you have spent many years of your professional life working closely with legal practitioners and

institutions promoting ADR and advocating arbitration hoping ultimately to position the UAE as an attractive seat for arbitration, and when you have personally worked on modern rules and drafts of an Arbitration Law and wrote about it, as I did in the National in my Legal Affairs Column in 2011, <http://www.thenational.ae/thenationalconversation/comment/complex-legal-minefield-in-need-of-a-federal-overhaul> you feel rather sad when your daughter choosing her elective subjects for her second year in law asks you whether arbitration is something she should consider, and you say you are not sure in light of the latest developments.

Our concern for years over the limited number of provisions pertinent to arbitration under the UAE Code and the lack of certainty as to how those provisions will be applied by the courts in validating arbitral awards seems now the least of our concerns when the UAE decided suddenly to make a change to the UAE Penal code Penal Code No. 3 of 1987, amended by Federal Decree Law No. 7 of 2016 adding arbitrators to experts and translators in Article 257 where criminal liability is imposed on those who issue decisions and opinions in contradiction with their duties of impartiality and neutrality.

Where did this amendment come from? Is it a result of the lack of regulatory initiatives deemed necessary for the practice to be lawful or might it be the quality of arbitrators included in the arbitration centers' lists? Or is it related to the fact that arbitration is not working as it should be? What had gone wrong? "Was ADR really just an empty promise? We believed it was not, but lack of success with ADR at so many companies prompted us to take a closer look at how managers were implementing the ADR process". This is a quote from the Harvard Business Review report on ADR, which found that ADR as currently practiced too often mutates into a private judicial system that looks and costs like the litigation it is supposed to prevent. At many companies, ADR procedures now typically include a lot of excess baggage in the form of motions, briefs, discovery, depositions, judges, lawyers, court reporters, expert witnesses, publicity, and damage awards beyond reason (and beyond contractual limits). <https://hbr.org/1994/05/alternative-dispute-resolution-why-it-doesnt-work-and-why-it-does>

The UAE sweeping regulatory initiative caught the entire legal market by surprise. Despite the comforting calls that cases in which the prosecution has been involved where parties filed criminal cases against arbitrators, it has been held that those arbitrators did not act

randomly, ignorant of the profession standards, and indeed all such claims were dismissed, this did not stop a number of arbitrators from rejecting the appointment. This was not even the end of the saga, but was followed by Dubai Decree No. 19 of 2016 late last year establishing a new judicial committee in Dubai, empowered to determine conflicts of jurisdiction between the Onshore Courts and the DIFC Courts to rule on conflicting judgments between the two. The Committee is comprised of seven members: three judges from the DIFC Courts, three judges from the Dubai Courts and the Secretary General of Dubai's Judicial Council, with the President of the Dubai Court of Cassation (one of the three Dubai Court judges) having the casting vote. The committee was established following a series of much-publicized recent judgments, where the DIFC Court confirmed that DIFC law permits the use of the DIFC Court as a "conduit" to enforce both foreign and domestic arbitral awards against award/judgment debtors located in Onshore Dubai, even where the award/judgment debtor has no connection with the DIFC whatsoever.

Is this what you may call an attempted suicide, as many practitioners do choose to call it already? Or is this a step in the right direction for the regulatory mechanism to pave the way for an arbitration practice that will uniquely stand out as the new regime able to handle the believer, the non-believer and the ADR atheist?



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Are People Waking Up To Online Dispute Resolution?

This post was first published on the [GPC Blog](#) on 22 May 2017, for the original please [click here](#).

Technology is playing an increasingly important role in all aspects of our lives. Digitalisation has transformed the way we communicate, work, access information and consume goods. However, while making many things easier, the use of technology also creates new problems – in the form of unprecedented complex disputes and the constant evolution of the online services.

The changing nature of the internet and the way we use it, in turn presses us to reassess the way we approach

these issues. As a consequence the use of technology in the legal process appears to be inevitable.

Alternative dispute resolution (ADR) is no exception, with dispute resolution services being made available online through a number of initiatives – such as the European online dispute resolution platform which deals with consumer disputes within the EU, or Ebay and PayPal's dispute resolution portals. Online dispute resolution (ODR) has also been seen as a valuable tool in addressing access to justice issues, providing an accessible service at a low cost to a wide range of people.

Hot topic

The role of technology in dispute resolution was also a hot topic at last month's Paris Arbitration Week (PAW), as well as at the Paris Global Pound Conference on 26 April which included a panel entitled the 'Stakes of the digitisation of dispute resolution', in the same week, a round table discussion organised by Wake-up with Arbitration addressed the topic of 'Arbitration and Legaltech'. In addition, the ICC Institute Training for Tribunal Secretaries event, Erik Schäfer trained participants on the use of technology and organisation of digital files.

The discussions during PAW, highlighted not only the need for further incorporation of technology in dispute resolution processes, but also the existing tools available to users and advisors. In addition to the continued development of ODR, there has also been debate on the ethical principles and standards for ODR, and the challenges posed by artificial intelligence, predictive justice, data collection & analysis, data protection, privacy and cyber security. These issues are crucial in ensuring the effective application and upholding appropriate standards of ODR.

A crucial evolution

Although innovation and technological advancements are occurring at a rapid pace, services to resolve disputes online remain extremely slow or even nonexistent in many countries. The absence of such services providing access to justice can potentially end up in an effective denial of justice.

Even though we do everything online from buying a sandwich to paying taxes, the crucial function of dispute prevention and resolution is not yet widely available. Nevertheless, technology has invaded our social and economic lives in the last two decades including the dispute resolution field, inspiring a number of effective programmes online.

What is most significant about this emerging area is the way in which ODR will develop in the future. With a number of pilot projects and ODR platforms in use all across the world, there is huge scope for further development. A number of different countries have been at the forefront of applying ODR in courts, such as Singapore, Korea, the Netherlands, the UK and the United States among others.

Although most programmes are currently focusing on civil and consumer disputes, there is room to expand such practices to larger commercial disputes or even in the area of employment and family law and even criminal disputes. In 2016, Malaysia started its first cyber court specialising in hearing cyber crime cases, including bank fraud, hacking, falsifying documents, defamation, and spying, online gambling.

Written by Mirèze Philippe and Natasha Mellersh



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.

Event jointly organized by Hogan Lovells, DIS 40, and Young ArbitralWomen Practitioners on "Experts in International Arbitration" 9 March 2017

On 9 March 2017, Hogan Lovells Munich hosted an event in cooperation with DIS40 (initiative of the German Institute of Young Arbitrators established by the German Institute of Arbitration (DIS) and Young ArbitralWomen Practitioners (YAWP) about the specific role played by both legal and technical "Experts in International Arbitration".

The discussion was preceded by several talks and activities, including a SpeedNet for female practitioners, a presentation of the Pledge for Equal Representation in Arbitration, and a keynote speech about the evolution of diversity in international arbitration by one of the world's most prominent lawyers in the field: **Yas Banifatemi** (Shearman & Sterling).

YAWP Co-Chair **Annabelle Möckesch** (Schellenberg Wittmer) launched the SpeedNet session after introducing YAWP's mission. Once again, the success of this SpeedNet reflected the growing number of female lawyers in international arbitration.

The room reached its maximum capacity as even more participants (including a significant number of men) joined the general event, which began with a presentation of the Pledge by **Mrinalini Singh** (Freshfields Bruckhaus Deringer). Since its inception in 2015, the Pledge has been endorsed by nearly 1,700 signatories across the world, a testament to the mindfulness of the arbitral community to render the field more diverse.

In her keynote speech on "*Diversity in International Arbitration*", Yas Banifatemi depicted the background of the main actors in international arbitration as well as their evolution throughout the past three decades. While acknowledging that the "male, pale and stale" had traditionally dominated all levels of the field and that a lot remained to be done in order to overcome this monopoly altogether, Yas Banifatemi also stressed that the situation had improved for all minorities including women, some of whom are now the unparalleled leaders of certain sectors.



L to R: Inken Knief, Catherine Anne Kunz, Evgeniya Goriatcheva, Anna Masser, Jane Rahman, Roula Harfouche

Delving into the heart of the event's theme, an eclectic panel of leading practitioners in the field, including **Catherine Anne Kunz** (Lalive), **Evgeniya Goriatcheva** (Permanent Court of Arbitration), **Anna Masser** (Jones Day), **Jane Rahman** (Wilmer Hale), and **Roula Harfouche** (Accuracy), and moderator **Inken Knief** (Hogan Lovells), analyzed at great length the role of experts in arbitral proceedings. The discussions revolved around several key issues, including the need for experts in certain types of cases and how to make the most of them, the similarities and differences between party-appointed and tribunal-appointed experts, the differences between legal and technical experts, the ideal point in

time at which to retain the services of an expert, the best methods to cross-examine experts, and the weight and power to be given to them in light of counsel's and arbitrator's own duties.

The debate between the panelists was lively and gave rise to very insightful comments not only from each of them, but also from the attendees. The combined experiences of the speakers resulted in the consensus that:

- The role of an expert in arbitral proceedings varies considerably, depending on whether they are legal or technical experts, appointed by a party or by the tribunal, in civil or common law-oriented proceedings;
- There are several means to keep control over their function and findings, such as early integration into the case, cross-examination by counsel or another expert, hot tubbing, and detailed terms of engagement.
- The role of experts should be clearly demarcated from that of counsel and arbitrator;
- Experts need not only to appear as objective but also to be objective and express their true belief / opinion to help the tribunal reach a decision;
- Experts should be engaged early in the case once the key factual and legal questions have been established and be given access to all relevant information to arrive at a robust and supported opinion;
- The protocol Klaus Sachs devised to have two tribunal-appointed experts chosen from a list of experts put forward by the parties could be an appealing and cost-effective compromise.

ArbitralWomen/LILA SpeedNet 24 March 2017

Hogan Lovells hosted an ArbitralWomen / Leaders in Litigation and Arbitration (**LILA**) SpeedNet event in its Hong Kong office on 24 March 2017, just before the commencement of the 14th Vis East Moot. **Mariel Dimsey** organized the event on behalf of Hogan Lovells and ArbitralWomen. By way of introduction, she spoke briefly about the firm's internal diversity and citizenship programs and how they aligned with ArbitralWomen's goals of empowering women and raising their profile.

Louise Barrington, co-founder of ArbitralWomen, welcomed the participants. She spoke about the history of the organization and the changes she has observed in the role of women in arbitration between when ArbitralWomen was set up and now.

The event was well-attended by a diverse group of about 40 female practitioners, academics, arbitrators, and even a few students who were in Hong Kong for the Moot. After the "SpeedNet" part of the evening ended, many attendees stayed on to further enjoy the wine and canapés and to chat further with their new contacts. A great time was had by all!



Attendees at Arbitration/LILA event

Breakfast event on 27 March 2017 and the University of Pennsylvania Law School International Arbitration Conference on 27 March 2017

On the occasion of the University of Pennsylvania Law School's International Arbitration Conference on 27 March 2017, there was an ArbitralWomen breakfast panel discussion on "*Women in International Arbitration*" co-sponsored by Sidley Austin LLP. The panel included **Marinn Carlson** (Sidley Austin LLP), **Danielle Morris** (WilmerHale), **Professor Catherine Rogers** (Penn State Law School), **Meriam Al-Rashid** (Dentons), **Betsy Hellmann** (Skadden, Arps, Slate, Meagher & Flom LLP) and **Professor Susan Franck** (American University, Washington College of Law). This event was a very interactive discussion among the panelists sharing their experiences in the field of international arbitration, followed by comments on career prospects for young women and men looking to enter the field of international arbitration.

Following the ArbitralWomen breakfast, there was a full-day International Arbitration Conference at the University of Pennsylvania Law School. Several panels included ArbitralWomen members as speakers. The panel on "*Complexities of diversity in international arbitration and ways to reconcile different practices*" included ArbitralWomen members **Meriam Al-Rashid** (Dentons) and **Professor Susan Franck** (American University, Washington College of Law). This panel discussed topics ranging from advocacy styles and language issues to document production and ethical

considerations. The panel on *“Enforcement issues in international arbitration [Yukos Case] including post annulment enforcement”* included ArbitralWomen members **Betsy Hellmann** (Skadden, Arps, Slate, Meagher & Flom LLP), **Marinn Carlson** (Sidley Austin LLP) and **Danielle Morris** (WilmerHale). This panel included a discussion about the Yukos case, enforcement of awards against non-parties, enforcement of awards by courts in the US where the award has been set aside at the seat, and issues regarding enforcement of awards against a foreign sovereign. The panel on *“Conflicts of interest in international arbitration in the context of third party funding”* included ArbitralWomen member **Professor Catherine Rogers** (Penn State Law School). The evening event included a keynote address by **Gary Born** on Arbitrator Intelligence and how this tool could be used to increase fairness, transparency and accountability in the selection of arbitrators in international arbitration. The final panel on *“The future of international arbitration in a Trump and Brexit Era and its impact on the other ‘Seats’ with other legal and political developments”* included ArbitralWomen member **Janet Whittaker** (Clifford Chance LLP).

Submitted by Krishnendu H. Sayta (LL.M at University of Pennsylvania Law School, Class of 2017)



–L to R: *Marinn Carlson, Professor Susan Franck, Meriam Al-Rashid, Professor Catherine Rogers, Danielle Morris and Betsy Hellmann.*

Breakfast Seminar in Milan during the IBA Arbitration Day on 31 March 2017

“Gathering and Weighing Evidence in Parallel Emergency Arbitration Proceedings”

In conjunction with DLA Piper and the Swiss Chambers' Arbitration Institution (SCAI), ArbitralWomen organized a breakfast seminar on the topic *“Gathering and Weighing Evidence in Parallel Emergency Arbitration Proceedings”*.

The event was organized to coincide with the 20th IBA International Arbitration Day being held in Milan and it was hosted at the office of DLA Piper. Despite the early start (7.15 AM), the event was over attended.

After a short introduction of **Gabrielle Nater-Bass** (Vice President of ArbitralWomen, President of the Arbitration Court of SCAI, partner at Homburger), a panel of three speakers - **Domitille Baizeau** (partner at Lalive and Vice President of the Arbitration Court of SCAI), **Francesca Mazza** (Secretary General of DIS) and **Shannon Lazzarini** (Head of Group Litigation, Unicredit) - shared their experiences on evidence in emergency arbitration proceedings.

The lively discussion was moderated by **Wendy Miles QC**, who welcomed the recognition by GAR of the Pledge, which won the Best Development in Arbitration Award at this year's GAR Awards.

Notwithstanding the important time constraints placed on emergency arbitrators, Domitille Baizeau challenged the view that EA applications did not afford the opportunity to test the parties' evidence fully. Citing one example where the emergency arbitrator was extremely interventionist, much to the parties' surprise, Domitille suggested that provided the emergency arbitrator is well prepared it is perfectly possible to conduct a rigorous examination of the evidence, including witness evidence. With a targeted Q&A of counsel, the parties' representatives and any witnesses, the emergency arbitrator can get a real understanding of the commercial imperatives to assess whether the applicant meets the test for urgency and risk of irreparable harm.

Shannon Lazzarini said that her prime concern as in-house counsel was on the effectiveness of emergency arbitration. The difficulty posed in respect of enforcement of orders, decisions or awards made by emergency arbitrators means that, in her experience, it is rare that she could recommend to her internal client emergency arbitration over recourse to national courts. In any event, in Italy it is currently not possible for an arbitrator to order interim relief in an arbitration seated in Italy, or for the Italian courts to enforce interim orders issued by tribunals seated outside Italy.

Wendy Miles closed the session by noting the timeliness of the event which coincides with an imminent change of this unusual aspect of Italian law to bring it into line with other pro-arbitration jurisdictions.

Stefano Modenesi, Head of the DLA's arbitration team in Milan commented *“We were delighted to host this event and DLA Piper strongly supports such initiative which promote diversity in international arbitration.”*

Submitted by *Federica Bocci and Ben Sanderson, DLA Piper*

CPR Y-ADR Event in Geneva on 4 April 2017 “How in-house counsel view their role in international arbitration”

On 4 April 2017, ArbitralWomen member **Vanessa Alarcón Duvanel** (White & Case) moderated a Y-ADR seminar on “*How in-house counsel view their role in international arbitration*” that took place at White & Case’s office in Geneva, Switzerland. Y-ADR is the young practitioners group of the New York-based International Institute for Conflict Prevention and Resolution Institute (CPR). Panelists included **Olivier Merkt** (General Counsel of SGS Group), **Nicole Appert** (Managing Counsel at GE), and **Olivier André** (Vice President, International and Dispute Resolution).

The in-house corporate counsel panelists shared their experience and ideas on how they manage international arbitration disputes, what works well for them and where they believe there is room for improvement (and why). Surprising to some, the in-house panelists expressed reservations about multi-tier arbitration clauses. They also spoke about the role of outside counsel in settlement negotiations, the importance of training of their legal department, and approach toward costs of arbitration proceedings. Olivier André provided the perspective of an arbitration institution. In her closing remarks, Vanessa Alarcón Duvanel observed that the discussion confirmed that international arbitration work most effectively when all involved in the process (in-house counsel, outside counsel and the institution) participate actively.



L to R: Oliver Andre, Nicole Appert, Olivier Merkt and Vanessa Alarcón Duvanel

This evening event was sold out and attended by a diverse audience including in-house counsel, private practitioners and arbitrators based in the Geneva area, representatives from the Swiss Chambers’ Arbitration Institute (SCIA) and students at the Masters in

International Dispute Settlement. It was followed a networking reception.

Submitted by *Vanessa Alarcón Duvanel, White & Case LLP (Geneva)*

Paris Bar takes the Pledge on Equal Representation in Arbitration 27 April 2017

On 27 April 2017, during Paris Arbitration Week, the Paris Bar hosted an event on Equality in Arbitration, taking place in the splendid setting of the Bibliothèque de l’Ordre des Avocats in the Palais de Justice. This event was organised at the initiative of our very own **Miréze Philippe** (ICC), **Laurence Kiffer** (Teynier Pic), **Caroline Duclercq** (Altana Avocats) and **Isabelle Michou** (Quinn Emmanuel).

The proceedings began with the signing of the Pledge by **Dominique Attias**, Vice-Battonnière of the Paris Bar, after a presentation on the Pledge’s origins and objectives. The Vice-Battonnière noted the importance of a better representation of the profession across the legal profession as a whole, and was delighted to bring the full weight of the Paris Bar behind the Pledge.



L to R: Miréze Philippe and Dominique Attias

The panel of speakers, moderated by Isabelle Michou, then provided a whistle-stop tour of key statistics, initiatives to improve diversity at the level of institutions, counsel, corporations and the Paris Bar, and some thought-provoking reflections on unconscious bias and the reasons for promoting diversity, both within and beyond the world of international arbitration. The speakers included ArbitralWomen members **Valence Borgia** (K&L Gates), **Gillian Carmichael Lemaire** (Carmichael Lemaire), **Caroline Duclercq**, **Miréze Philippe** and **Gisèle Stephens-Chu** (Freshfields Bruckhaus Deringer), as well as **Eliséo Castineira** (Castineira Law).



L to R: Isabelle Michou, Miréze Philippe and Dominique Attias

Recent statistics and initiatives to improve diversity across the international arbitration community show that the debate first started by ArbitralWomen, and now by the Pledge, has gained real momentum. However, there is still room for improvement in the composition of arbitral tribunals and the representation of women in international arbitration. To continue this debate with the Paris arbitration community and the Paris Bar, a conference on diversity will be organised in the coming months. This will be announced on the ArbitralWomen website and in Upcoming Events alerts.

Gisèle Stephens-Chu, Freshfields Bruckhaus Deringer, ArbitralWomen member



L to R: Gillian Carmichael Lemaire, Miréze Philippe, Isabelle Michou, Eliséo Castineira, Valence Borgia, Gisèle Stephens-Chu and Caroline Duclercq

ICC Pre-Moot in Paris on 27 April 2017

In April 2017, the ICC held its 12th Annual Willem C. Vis, International Commercial Arbitration Moot at its headquarters in Paris in addition to other cities around the world. The Pre-Moot is a lead up to the Willem C. Vis, International Commercial Arbitration Pre-Moot Competition held each year in Vienna. The ICC Pre-Moot is one of a number of Pre-Moots held all over the

world in preparation for the main competition. In Paris, 32 teams comprised of law students from around the world gathered over two days to argue before practitioners, arbitrators, and experts sitting as arbitrators who also traveled from as far away as Brazil. Students argued before the arbitrators who provided constructive feedback designed to help the students polish and finalize their presentations for Vienna.

Each year the competition consists of a complex multi-issue dispositive motion argument before three arbitrator/judges. This year the problem concerned current issues confronting practitioners in the area of international arbitration including the enforceability of escalation clauses and the appropriateness of security for costs.

Among the significant ways in which the Pre-Moot provides value to the students as they prepare to compete in Vienna is the way in which it helps common law students test their arguments with civil law arbitrators and similarly civil law students can explore issues more likely to be identified by common law arbitrators. For practitioners, it is a wonderful opportunity to help shape the future of international arbitration through their feedback to the talented students who will be the practitioners of the future. For those whose practice does not routinely include sitting as an arbitrator, the Pre-Moot is also an opportunity to experience the perspective of the arbitrator and to gain insights that will no doubt be valuable in future arbitration arguments and presentations.

The students work very hard at the ICC Paris Pre-Moot. The schedule consists of four rounds each of the two days. Each round lasts for approximately one to one and a half hours. The teams are comprised of four students competing two at a time. All students must argue both the Claimant and Respondent's side in order to qualify for individual awards in Vienna and most generally do so. The judges are generally arbitration advocates, arbitrators, and experts who expose the students to the rigors of an actual arbitration hearing with challenging legal and factual questions.

All of the students compete in English, regardless of their native language. Additionally, briefs are researched and written in English. For most of the students, the area of international law is unlike their usual course study and is both complex and intellectually challenging.

In addition to the substantive rewards of participating in the Pre-Moot and its value to the students' finalizing their preparation for Vienna, the event is also a wonderful opportunity to connect with other students

and professionals. The ICC Pre-Moot includes many opportunities for students and practitioners to socialize with one another. The competition concludes with a lovely reception and awards ceremony at the ICC.

In all, the Pre-Moot is always a wonderful opportunity for students, coaches, and practitioners to meet new colleagues and reconnect with old friends. Since all of the students and coaches and most of the practitioner/arbitrators go on to Vienna, new Paris colleagues can quickly become good friends in Vienna.

The Pre-Moot is a lot of hard work, but also a lot of fun for students and practitioners. Participation in the ICC Paris Pre-Moot is always a rewarding experience. The 2017 ICC Paris Pre-Moot was again a wonderful success.



Joan Sterns Johnsen, Professor at University of Florida Levin College of Law

A Fireside Conversation: Career Building Advice from Leading ArbitralWomen in London on 11 May 2017

On 11 May 2017, Latham & Watkins and Young ArbitralWomen Practitioners (**YAWP**) hosted a “fireside conversation” with leading ArbitralWomen **Sophie Lamb**, Co-Chair of Latham's International Arbitration Practice; **Dominique Brown-Berset**, former Executive Director of ArbitralWomen and partner at Brown & Page; **Noradèle Radjai**, partner at Lalive; and **Philippa Charles**, head of international arbitration at Stewarts Law.

The aim of the evening was to create an intimate and informal setting in which younger women working to establish themselves in arbitration could ask for career building advice from more established practitioners.

Claire Morel de Westgaver, Senior Associate at Bryan Cave and YAWP Co-chair, got the evening started with a warm welcome to everyone present and some words on the mission of YAWP to support and raise-up young women in the field.

Each of the discussion leaders took the floor to share their experiences and insights on career building. First up was Sophie Lamb who discussed whether “The Pledge” has yet had an impact on the representation of women on international arbitral tribunals and set out some creative strategies that all young women in the

field could adopt to increase their visibility and build their public profile.

Dominique Brown-Berset followed up with a discussion on arbitral appointments and how to maximise chances of getting a first appointment. Dominique spoke of her own experiences getting appointed to act as arbitrator, and emphasised the role of senior members of the profession in promoting, training, and giving opportunity to young women.

Noradèle Radjai then addressed progression and promotion, observing that while there are now more women in leadership positions there are also more women leaving the profession altogether. Noradèle noted that promotion is not “one-size fits all” and gave a number of tips for securing a sought-after promotion. These included identifying and honing our unique skill sets; not feeling pressured to fit a particular stereotype; and remembering to pace ourselves in a profession that lasts a lifetime.

Last, but not least, Philippa Charles gave a number of pointers for networking. Her engaging talk revealed that so many of us have the same hesitations when it comes to working a room, but that with a few handy tricks up our sleeves, it need not be overly difficult or daunting.



L to R: Catriona Peterson, Noradèle Radjai, Dominique Brown-Berset, Hannah Roos, Sophie Lamb, Philippa Charles and Claire Morel de Westgaver

The discussion leaders each then sat at tables of 8 to 10 young practitioners, spending 10 minutes at each table, to field questions and dole out practical tips and advice on how to build a successful career. Candid and lively discussions were had all around, which continued well into the evening as a healthy dose of bubbles and macarons flowed.

With thanks to **Claire Morel de Westgaver** and Latham Senior Associates **Catriona Paterson** and **Hanna Roos**, who organised the event.

Submitted by Laila Hamzi.

'Barriers To Entry: Dealing With Diversity' at the 2nd International Chamber of Commerce (ICC) Africa Regional Arbitration Conference in Nigeria on 16 May 2017

The session on Diversity titled "Barriers to Entry: Dealing with Diversity" was held on the 16 May 2017 during the 2nd ICC Africa Regional Arbitration Conference. The highly-interactive session was attended by over 100 professionals both male and female including arbitrators, lawyers and representatives of arbitral institutions.

The session on diversity was moderated by **Adedoyin Rhodes-Vivour**, Managing Partner, Doyin Rhodes-Vivour & Co, Lagos. Other members of the panel were **José Ricardo Feris**, Deputy Secretary General ICC International Court of Arbitration, Paris; **Yejide Osunkeye**, Managing Partner YBO Legal Lagos; **Rose Rameau**, Fulbright Scholar, University of Ghana, Faculty of Law and **Greg Nwakogo**, Partner, Roseberg Legal Practitioners & Arbitrators, Lagos.

The Panel discussion commenced with a PowerPoint presentation by Adedoyin Rhodes-Vivour. She defined diversity as the inclusion of different types of people in a group or organization and stated that, "*Arbitrators should vary in background, race, gender, education, age, culture, ethnicity etc but still possess the skills, experiences, creativity, knowledge of the process and the necessary qualifications or qualities needed to resolve disputes by arbitration.*" She provided statistics to highlight the problems of diversity in international arbitration and further stated that, "*It is generally agreed that there is a small pool of arbitrators dominating the field and there is a need to remove barriers preventing the entry of other high-quality arbitrators.*"

Adedoyin Rhodes-Vivour highlighted the initiatives to tackle lack of diversity particularly the Equal Representation in Arbitration (ERA) Pledge. She stated that the ERA Pledge is a global initiative to promote gender diversity in international arbitration, in particular to increase the number of women sitting as arbitrators on an 'equal opportunity basis' not 'equality basis'. The Pledge establishes concrete and actionable steps aimed at ensuring that women are appointed as arbitrators on an equal opportunity basis. She further stated that as at

the 24 April 2017, there were 1875 signatories to the Pledge.

She emphasised that the ERA Pledge is a first step in the direction of achieving more equal representation of all under-represented groups in the arbitration community and highlighted some achievements of the ERA Pledge including:

- Increased awareness of the need for gender diversity
- More appointment of female arbitrators, female representation in conferences, boards of arbitral institutions etc.
- The new Arbitrator search tool launched on the ERA Pledge website.
- Arbitral institutions International Chamber of Commerce (ICC), Stockholm Chamber of Commerce (SCC), Swiss Chambers' Arbitration Institution (SCAI) have started publishing data and disclosing the statistics on the number of female arbitrators appointed in their cases for the first time.
- The Board of the Swiss Arbitration Association (ASA) has decided to include "gender" as criteria on the search tool of its website and app along with an explanation on the reasons for including a new criterion.
- The International Chamber of Commerce (ICC) and Milan Chamber of Commerce have also started publishing the names of arbitrators sitting in their cases on their websites.

Adedoyin announced that the ERA pledge which had been launched in various parts of the world would soon be formally launched in Nigeria.

José Feris noted that from the ICC point of view, there are 3 main types of diversity:

- Geographical diversity – He stated that it was important for an arbitrator to understand the peculiarities of a geographical area, how and why things are done by persons in that area and their culture, as issues will be perceived differently. He further stated that parties often trust arbitrators who understand their language rather than being interpreted to.
- Gender diversity – Jose noted that the world is half male and half female thus it was impossible to remove or neglect one part of the population in favour of the other.
- Generation diversity – He emphasised that there was a need to appoint younger arbitrators to ensure

that there is a generation available to take the place of the former.

He also noted that the ICC at all times, makes an effort to tackle all 3 types of diversity and that the ICC Rules emphasize the need for arbitrators to take into account the trade customs and language of the parties as diversity is important for legitimacy of the process. Jose stated that the ICC upon signing the ERA Pledge, has taken concrete steps to implement the pledge. He stated that the ICC published for the first time in 2016 statistics on gender representation in arbitral tribunals, showing that women arbitrators represented just over 10% of all appointments and confirmations in 2015. He further stated that the ICC published in May 2016 a Note to the ICC National Committees and Groups about the selection of arbitrators, encouraging them to favour diversity, including gender, in proposing candidates to become arbitrators. Jose stated that the ICC on its part has begun to take deliberate steps to increase the participation of young arbitrators by appointing young arbitrators in disputes involving small value and low complexities. He concluded by stating that *'diversity matters because it is the right thing to do.'*

Yejide Osunkeye highlighted the significant role played by ArbitralWomen as a network of women from diverse backgrounds and legal cultures active in international dispute resolution, set up to offer opportunities for women to meet other women in the field, exchange ideas, mentor new practitioners and celebrate the future of women in arbitration. She stated that ArbitralWomen is a resource for arbitrators, mediators, experts, lawyers and practitioners from jurisdictions around the world and also operates as a source of referrals for women and men. She further highlighted the achievements of ArbitralWomen which include providing support for a number of teams competing in the Vis and Vis East Moot competitions, in Vienna and Hong Kong, respectively. The Vis competition is an international moot court competition which provides law students with an invaluable opportunity, effectively to handle a major international commercial arbitration, from pleadings to argument, invariably involving tricky issues, both procedural and substantive.

Greg Nwakogo elaborated on the standpoint of young arbitrators by giving his personal observations. He stated that young arbitrators attend trainings and retraining but never get appointed up until they get to the age of 35 or thereabout. Greg also stated that older counsel seldom considers appointing a young arbitrator as registrar or even as counsel and that a prejudice exists against young arbitrators. He noted that appointing sound young arbitrators could actually help

reduce the cost of arbitration as *"Young doesn't mean inexperienced"* and they should be allowed to undertake smaller and less complex cases that relate for example, to cases that have a cost of less than one million dollars.

On what young practitioners need do in order to be appointed as arbitrators, the panellists advised young practitioners to get involved in arbitration, take up courses in arbitration, accept registrar appointments, get a mentor and be generally proactive to make their selves attractive to mentors and be visible in the arbitration community.

Rose Rameau explained the impact of explicit and implicit bias as a cause of lack of diversity in international arbitration. She gave her personal experience and concluded that whilst *'implicit bias is an unconscious act, explicit bias is blatant racism.'* She stated that a person from an underrepresented group with the same level of experience, expertise and success as the other counterparts may be selected less frequently as an arbitrator because implicit bias prevents equally qualified arbitrators from being perceived as equally qualified. She concluded by advising the underrepresented groups in arbitration to be resistant to failure and urged them to remain visible and volunteer a lot.

There was active participation by the audience. Adedoyin invited the participants to make a commitment to sign the ERA Pledge. The following confirmed their commitment to the pledge and indicated they would formally sign the pledge:

Arbitral Institutions

- Chartered Institute of Arbitrators (Nigeria Branch)
- Lagos Chamber of Commerce International Arbitration Centre (LACIAC)
- The Lagos Court of Arbitration (LCA)

Law firms

- Ajumogobia & Okeke
- Banwo & Ighodalo
- Josephine Akinwunmi & Co
- Marcus Okoko & co
- Olawoyin & Olawoyin
- Olukunle Oyewole & Co
- Punuka Attorneys & Solicitors
- Sterling Partnership
- Stream Source Synergy LP

- Templars

Individuals

- Mrs Folashade Alli, VATAD Solicitors
- Eresi Tracy Uche, Associate at Babalakin & Co
- Jennifer Igwebike of Duale Ovia & Alex-Adedipe

Enforcement of Arbitral Awards at BVI Arbitration Week on 31 May 2017

On 31 May 2017, on the occasion of the BVI Arbitration Week and the International Arbitration Conference entitled, *Raising Our Gaze: Arbitration the Next Horizon*, ArbitralWomen organized a panel event on Enforcement of Arbitral Awards. Panelists included AW members **Shan Greer** (Floissac, Fleming & Associates), **Yasmine Lahlou** (Chaffetz Lindsey LLP), **Dana MacGrath** (Sidley Austin LLP), **Natalie Reid** (Debevoise & Plimpton LLP) and **Angeline Welsh** (Matrix Chambers). Dana MacGrath introduced the panelists. Natalie Reid gave an overview of the New York Convention and Washington Convention and their importance and role with respect to enforcement of arbitral awards. Angeline gave an overview and comparison of English and Belize case law on the New York Convention public policy exception to enforcement of awards. She discussed the approach of the English Court of Appeal in *Westacre* and the different approach adopted by the Caribbean Court of Justice (CCJ) in *BCB Holdings v. Attorney General of Belize*. Dana MacGrath discussed the approach of the U.S. Court of Appeals for the D.C. Circuit in *BCB Holdings Ltd. v. Government of Belize*, 650 Fed.Appx. 17 (May 13, 2016) with respect to confirmation of an arbitral award against the Government of Belize. With respect to the public policy exception under the New York Convention, the public policy at issue is the public policy of the enforcing jurisdiction. She quoted a key portion of the decision that read: *“But courts should rely on the public policy exception only ‘in clear-cut cases’ where ‘enforcement would violate the forum state’s most basic notions of morality and justice.’”* (quoting *TermoRio S.A. E.S.P. v. Electranta S.P.*, 487 F.3d 928, 938 (D.C. Cir. 2007)). Shan Greer discussed how the Caribbean court have dealt with public policy issues and raised points of contrast to the CCJ decision discussed by Angeline Welsh. Yasmine Lahlou discussed some arguably unique procedural aspects of award enforcement proceedings in U.S. courts, including the requirements of personal jurisdiction over the award debtor, *forum non conveniens* as a basis for a U.S. court to refuse enforcement of an arbitral award, and the three-year limitations period to confirm an award in the U.S. The panel was very well-attended and prompted a lively

discussion of award enforcement issues over the course of the following days of the arbitration conference.

Submitted by Dana MacGrath. ArbitralWomen Member, Sidney Austin LLP, New York



L to R: Natalie Reid, Angeline Welsh, Dana MacGrath, Shan Greer and Yasmine Lahlou

Global Pound Conference (GPC) in Paris on 26 April 2017

This post was first published on the GPC Blog, for the original please click [here](#).

The [Paris GPC](#) drew a huge crowd, with approximately 300 attendees, and was jam packed with discussions from 8am until 8pm. Taking place during [www.parisarbitrationweek.com](#), with numerous events held across the French capital, there was a strong emphasis on arbitration alongside other ADR mechanisms.

Expertly organised by **Diana Paraguacuto-Maheo**, Partner at Ngo Jung & Partners, who served as the President of the GPC Paris Organising Committee, it was the biggest GPC event in Europe to date. With speakers and delegates from all stakeholder groups, and from many different countries. Users were especially well represented, making up 24% of all attendees.

The conference had a [slightly different structure](#) to other GPC events, running panel discussions on the [Core Questions](#) in the morning and offering a choice of workshops in the afternoon ranging from digitalisation of dispute resolution or optimisation of dispute management, to the role of experts in dispute resolution processes.

Much to discuss

Following some initial technical blips, the event flourished into active debates and discussions, with panelists comparing [aggregated data](#) from previous events to key trends in France. A number of issues were widely discussed throughout the day, such as education and cultural aspects of dispute resolution, as well as the role of the courts in promoting mediation in France.

What was particularly evident throughout the day was the strong interest from the wider legal profession, especially from the French judiciary. There was a wide

consensus for enacting more effective policies to further promote ADR, particularly in regards to arbitration – with panelists emphasising the pivotal role of lawyers in developing arbitration and its use.

Many panelists believed more encouragement from courts, providers and advisors is necessary to promote mediation as an alternative or in combination with other proceedings – as well as the creation of specialist chambers to facilitate these processes. One panelist stressed the need to combine adjudicative and consensual dispute resolution mechanisms on the national level, by stating: “The [rule of law and consensus](#) should not be the two extremes of the spectrum, but two sides of the coin.”

Aside from more general support of ADR mechanisms, the need for cultural change on both a national and a corporate and social level was also widely debated.

Mandatory mediation

Another key topic was the use of mandatory mediation clauses – many speakers felt that these would defy the very purpose of mediation. Some felt that the forced nature of such clauses would be ineffective – due to the potential unwillingness of the parties to come to a compromise.

One panelist noted that simply going through the motions before moving on to an adjudicatory process was highly ineffective – stating that the parties must come to the process voluntarily and with the aim of finding a mutual solution. However, others believed it was a good way to introduce mediation into the dispute resolution process as a whole.

Education and innovation

An issue that came up a number of times was the role of education in widening the use of ADR, with several speakers noting that the promotion of dispute resolution mechanisms is simply not enough. Many panelists spoke of the need for more general [training in negotiation](#) and ADR processes in law schools and universities. The emphasis on creating a litigation culture at law school could be at the root of limiting progress in the field, with many law students being unaware of ADR altogether. One panelist noted that young lawyers must be taught how to effectively manage disputes rather than how to fight them.

Another panelist went further, suggesting that training should start in primary school with a focus on non-violent communication. Fostering a culture of respect and effective conflict resolution at a young age, which continues at higher education levels could be a key

driver in effecting cultural change across entire societies.

Technology and innovation was also high on the agenda, with afternoon workshops dedicated to discussing digitalisation and dispute resolution of the future. Speakers discussed the growth of [online dispute resolution](#) (ODR), as well as the global trend towards the use of consensual dispute resolution mechanisms – issues that will be more widely discussed in Paris again next month at the International Chamber of Commerce’s [ODR Conference](#) on 12 and 13 June 2017.

High demand

The event showed a growing demand for more constructive debate and engagement within the wider legal community, bringing together all stakeholder groups to identify gaps and facilitate better communication between them. With such a wealth of information, the Paris GPC appeared only to scratch the surface of a much wider debate on culture, efficiency and general development of dispute resolution – something that will take far longer than a day to address. Hopefully for France and other countries, this is only the beginning.

Natasha Mellersh, GPC Blog, Netherlands



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MEMBERS ON THE MOVE AND DISTINCTIONS

ArbitralWomen is pleased to announce the following recent moves and distinctions of our members.



Iryna Akulenska FCI Arb has been appointed as a Member of the UAE Branch Committee of the Chartered Institute of Arbitrators. Iryna is a Consultant with HKA based in Dubai. She is a qualified engineer with an MSc in Construction Law & Dispute Resolution, and is a listed arbitrator in the Dubai International Arbitration Centre. Iryna is a Fellow of the Chartered Institute of Arbitrators and currently administering their Module 3 on International Arbitration Practice & Procedure being run in Dubai.



Jo Delaney has been appointed as a partner at Baker McKenzie. Jo is a current member of the Board of ArbitralWomen. Jo has nearly 20 years experience in commercial, construction and investment arbitrations practising in the arbitration team at Clifford Chance in London for many years and now at Baker McKenzie in Sydney. Jo is a Fellow of the Chartered Institute of Arbitrators, a Councillor of the Australian branch of CI Arb and a member of the CI Arb Practice and Standards Committee. She is also a Fellow of ACICA and a member of the ACICA Practice and Procedures Board.



Janice Feigher has been appointed as a new co-chair of the French Arbitration Committee's under-40 group, CFA-40. Janice is a Senior Associate at Norton Rose Fulbright in Paris. She is a dispute resolution lawyer with a focus on international commercial arbitration and has appeared before tribunals in both ad hoc and institutional arbitrations. Janice speaks French, English and Italian.



Athina Fouchard has recently been named as one of the new members of the steering committee of the Chartered Institute of Arbitrators' Young Members Group. Athina is counsel at Lazareff Le Bars in Paris. She has acted as counsel, arbitrator or administrative secretary in commercial and investment arbitrations in the energy, banking and finance, mining, construction and telecommunication sectors. Registered with the Bar in Paris and in Athens, Athina speaks English, French, Greek and Spanish.



Marily Paralika, a current member of the Board of Arbitral Women, has been appointed as alternate member of the ICC Court for Greece. Marily is an Associate at White & Case, Paris with experience of arbitral proceedings conducted under the auspices of the ICC, as well as ad hoc proceedings. Marily speaks English, French, German and Greek.



Erica Stein has been promoted to National Partner at Dechert. Erica previously spent six years at the ICC International Court of Arbitration before her six years with the arbitration boutique Hanotiau & van den Berg, and three years at Dechert prior to making Partner. Erica focuses her practice on international arbitration, including both commercial and investment arbitration matters. In addition to her arbitration practice, Erica has been appointed Vice President of the Standing Committee of the ICC International Centre for ADR.



Anna-Maria Tamminen has been appointed as new international co-chair of the Swiss Arbitration Association's (ASA) under-40 group. Anna-Maria joins another ArbitralWomen member and co-

chair, **Melissa Magliana**. She is the Managing Associate at Hannes Snellman and splits her time between the firm's Helsinki and Stockholm offices. Admitted to the Bar in Finland and New York, Anna-Maria is fluent in Finnish, English, German, French and Swedish.



Annet van Hoof was recently awarded the 'Best in Commercial Arbitration' Award at the seventh annual Euromoney Legal Media Group Europe Women in Business Law Awards 2017. Annet is a Partner at Bird & Bird in Paris. She is renowned for her international

commercial arbitration work, in particular for arbitrations with a strong IP element. Prior to joining Bird & Bird, Annet was a Counsel for the ICC International Court of Arbitration in Paris. Annet is fluent in Dutch, English, French and German.

Previous winners of this award were Gabrielle Kaufmann-Kohler in 2014 and Wendy Miles in 2015 and 2016.

Carita Wallgren-Lindholm has been awarded the Finland 100 – Special Medal of Merit by the Finland



Chamber of Commerce for her valuable effort to increase the awareness of Finnish arbitration and the Arbitration Institute of the Finland Chamber of Commerce (FAI) abroad.

Carita is a founding partner of the Finnish boutique law firm, Lindholm Wallgren Attorneys. Carita is also a member of the ICC International Court of Arbitration and Vice-Chair of the ICC Commission on Arbitration and ADR.

ARBITRALWOMEN REPRESENTATIVES AT THE ICC YAF

We are pleased to congratulate the following ArbitralWomen members who have been announced as the new regional representatives for the International Chamber of Commerce (ICC) Young Arbitrators Forum (YAF) for its 2017-2019 mandate:

- **Rachel O'Grady**, Mayer Brown International LLP, London – to represent United Kingdom
- **Maria Claudia Procopiak**, Dechert LLP, London – to represent United Kingdom
- **Flavia Mange**, Mange & Gabbay, São Paulo – to represent Brazil
- **Ana Carolina Weber**, Eizirik Advogados, Rio de Janeiro – to represent Brazil

ARBITRALWOMEN

CORPORATE MEMBERSHIP

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

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

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

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

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

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

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

ArbitralWomen is the only prominent networking organization 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, Norton Rose Fulbright US LLP, ArbitralWomen Marketing Director & Mirèze Philippe, Special Counsel ICC, ArbitralWomen Co-Founder, Membership & Website Director

MARK YOUR AGENDAS

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

Date	Venue	Event
12 September 2017	London	ERA Pledge Quantum Experts Seminar Series: Second Seminar
21 September 2017	Edinburgh	ArbitralWomen and SAC (Scottish Arbitration Centre) Breakfast: "Differences in domestic & international arbitration in the UK"
9 October 2017	Sydney	IBA Annual Conference 2017: ArbitralWomen Breakfast, "Innovative dispute resolution mechanism: curse or blessing?"
17 October 2017	London	ERA Pledge Quantum Experts Seminar Series: Third Seminar
21 November 2017	Perth	5th International Arbitration Conference Australia

ArbitralWomen Activities, Services & Benefits

ArbitralWomen enjoys a global presence in dispute resolution

- ✓ **Networking:** We encourage our members to participate in and organize 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 organizations wishing to co-organize events or have their events supported by ArbitralWomen should contact us at events@arbitralwomen.org.
- ✓ **Young ArbitralWomen Practitioners (YAWP):** AW believes that inclusion, collaboration and knowledge-sharing are vital for bridging generational gap in dispute resolution. YAWP provides a forum in which young women practitioners can share experiences and practical advice on how to meaningfully advance women's careers and accelerate their success.
- ✓ **Find a Practitioner:** we provide dedicated multi-search tool to source appropriate and qualified dispute resolution practitioners and speakers.
- ✓ **Mentorship:** we conduct a very successful mentorship program where more experienced members generously share their experiences with more junior members so that the role of women in the field can continue to grow and strengthen.
- ✓ **Moot Competition Support:** we provide financial bursaries to support the participation in moot competitions of law student teams consisting of at least 50% women, teams who would not, otherwise, be able to participate.
- ✓ **Publications:** we provide opportunities to enable our members to make valuable contributions to the publication of articles in our Newsletter, news on the AW News webpage and posts on [Kluwer Arbitration Blog](#), as well as in special publications such as the TDM Special Issues. Members can also upload their articles onto their profiles on the AW Website and, in that way, publicize matters of interest, expertise and skill.
- ✓ **Weekly Alerts:** we keep our membership informed of [events](#) and [news](#) through weekly alerts.
- ✓ **Visibility:** one of our goals is to showcase our members by increasing their visibility in the international dispute resolution community and by facilitating referrals. In addition, all Members are listed online in the ArbitralWomen Membership Directory which is increasingly being used as a reference tool for appointments and referrals.
- ✓ **Co-operation:** we co-operate with kindred organizations and programs, 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 organizations who wish to co-partner with ArbitralWomen on their website and cooperate with AW should contact us at contact@arbitralwomen.org.
- ✓ **Projects:** Since promotion of women in dispute resolution is one of our main goals, we are committed to assisting members with projects that are in line with our objectives.
- ✓ **Support:** ArbitralWomen members provide mutual beneficial support to each other, whether they are younger generations, newcomers to the field or women from developing economies. Our mentoring scheme is an example of such support.
- ✓ **Training and Competitions:** ArbitralWomen publishes information about dispute resolution programs, scholarships, training etc. If you are interested in promoting such programs 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 organizers to ensure equality of representation on speaking panels. The under-representation is often not intentional and, from experience, most organizers 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 Honorable 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.

Copyright and reference: *If you use any information from our Newsletters or from any support published online or otherwise, including bibliography communicated for information, we request that you refer to ArbitralWomen and to the material referred to.*

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