

President's Column

TRANSPARENCY AS AN AGENT OF CHANGE

Transparency has become a by-word for openness, communication and accountability. It applies in so many spheres of endeavour and in different social contexts. It is a buzz word in disparate areas of business, science, economics, politics, the law, and the humanities. But it is more than a mere buzz word. The reason it has taken on such significance is because it is intended to operate in such a way that it is easy for others to see what actions are performed, when and by whom. In business, transparency is defined as a

“lack of hidden agendas or conditions, accompanied by the availability of full information required for collaboration, cooperation, and collective decision making”

Transparency in government means, openness, accountability, and honesty. In a free society, transparency is the government's obligation to share information with its citizens. It is at the heart of how citizens hold their public officials accountable.

Recent examples of holding a corporation or a government to account abound. There have, for instance, been plans to improve the number of female MPs in Parliaments, to increase more Board members in corporations, enlist more female judges on judiciaries and tribunals and The Equal Representation in Arbitration (ERA) Pledge itself is an example of how transparency works to force change.

Many years ago, a report by Lord Davies, the then Trade Minister in the UK Government, highlighted the lack of women in top jobs and recommended that FTSE 100 companies should double the proportion of women in boardrooms to 25% by 2015. This was followed in many other countries, such as Australia and the USA. It also saw the creation of a kindred organisation with similar goals to ArbitralWomen but in the business field, Women on Boards. As a result of the extra push brought about by the exposure, the target has in fact been exceeded. What is worth noting, however, is that transparency provoked debate, scrutiny and action.

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ArbitralWomen thanks all contributors for sharing their stories.

The then Home Secretary and Minister for Women and Equality, Theresa May, said,

“Inclusive and diverse boards benefit from fresh perspectives, new ideas and broad experience. A company with a board that reflects the people it serves is better able to understand its customers, and there is growing evidence that companies with more women on their boards outperform their male-dominated rivals.”

More recently, examples of the exposure of the gender pay gap have shocked all into desperate (re)action. The gender pay gap exists in every industry just as does gender inequality in management, inequality of opportunity and inequality of treatment. It is not about equal pay but concerns people in the same roles and position being paid the same. As a result of intense recent pressure on companies to be more transparent on a variety of different issues, the commercial imperative for reporting the gender pay gap is stronger than ever. Gender pay gap transparency increases accountability and drives action to advance gender equality in the workplace. Gender pay gap reporting is not just the right thing to do; individual businesses and the economy as a whole will benefit from transparency. A good example of the very beneficial nature of transparency in closing the gender pay gap is the situation in Germany. Transparency has led to

Germany enacting legislation that enables employees to check as to what men and women in the same types of positions make, though the salaries will be anonymized. The law will also force companies with 500 or more employees to establish an internal process of reviewing and publicly reporting on equal pay efforts within the company.

It is only when the problem is described in detail that those in positions of power are obliged to respond. This is not only true of the gender pay gap but it is also true of gender equality, diversity and corporate governance in all its forms.

When the BBC was forced to be transparent about the pay levels of all those paid more than £150,000 per annum, the BBC Director General, Tony Hall, said that he hoped the BBC can close its gender pay gap sooner than 2020. This only occurred after an unprecedented intervention by more than 40 of its most high-profile female stars. But why do we need a narrative to closing the gender pay gap? Why do companies need a running leap at it? Why can an organization not do it immediately? I appreciate that it affects the bottom line but not doing it affects the bottom line even more. A fabulous example of how it can be implemented immediately is Australia Post. Australia Post eliminated the gender pay gap with a single stroke of the pen. It did so in part by removing employee names from job applications to discourage unconscious bias and recruited more women into senior and operational roles.

This achievement was referred to by commentators as “an extraordinary feat”. In truth, it is a “just and praiseworthy feat”.

Transparency, therefore, offers the best hope of improvement in all areas where discrimination and injustice exist. We must never forget that it needs to apply in everything we do and not allow hypocrisy or NIMBY-ism (Not In My Back Yard) to creep into our own situations as if one’s situation is different or are deserving of exemption from the requirements of democracy, equality, diversity and transparency. We cannot call out others and yet be guilty of the same ourselves.

This edition of the Newsletter includes reports on many magnificent events undertaken by ArbitralWomen members in many different parts of the world and all on different topics: our fabulous signature event SpeedNet,

shattering the glass ceiling, bias in international arbitration, the ERA Pledge, damages in international arbitration and undue behaviour in proceedings. I will leave the detail to the eloquent reports included in this Newsletter. We also include as a regular part of the Newsletter, the movement in careers and positions of our members, including the co-editor of the Newsletter, **Erika Williams**. Lastly, I am honoured to have been included in the Chairman’s Designation to the ICSID Panel of Conciliators and congratulate one of our wonderful supporters, **Olufunke Adekoya** who was appointed under the same designation to the ICSID Panel of Arbitrators.

One event that is significant and worthy of separate mention, not only for ArbitralWomen but also in promoting a change in the male psyche, is the *ArbitralWomen Champion for Change*. As members will be aware, this year we awarded the honour to **Michael McIlwrath**, GE Global Chief Litigation Counsel. We were fortunate enough to celebrate this award with him and his wife, **Maggi Adragna** (also a GE power house in her own right and a woman to be celebrated) on the eve of the Board Retreat in Milan. I congratulate Michael, again, for being a role model to all men in our industry. My speech, Michael’s acceptance speech and a report on the event are included in this issue.

Before I close, I must thank Board Member **Valentine Chessa** and ArbitralWomen Secretary **Asoid Garcia Marquez** for their hard work in making the *Champion for Change* evening and the whole Retreat a reality and an immensely pleasant one at that! My gratitude, on behalf of the Board, also goes to Castaldi Partners, of which Valentine is a partner, for hosting us so graciously at their offices in Milan over the weekend. Finally, my thanks to the whole Board for their unstinting and unwavering commitment to the goals of ArbitralWomen and to all those who attended the Retreat, worked so hard over the couple of days to hammer out the continuing successful future of ArbitralWomen and made it such a success. To those Board Members who were not able to attend, hope to see you at the next one!

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

Rashda Rana SC

President



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

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.

ArbitralWomen SpeedNet event in New York on 8 June 2017

On 8 June 2017, with the support of Dechert LLP, **Ana Carolina Weber** (ArbitralWomen Board Member – Eizirik Advogados) and **Erica Franzetti** (ArbitralWomen member – Dechert LLP) organized at the New York office an ArbitralWomen SpeedNet event. It took place in the morning, with a superb breakfast and with a great view of the city. At the event, women from Latin America, USA, Russia and France, had the chance to talk to each other for some minutes and later deepen their first contacts.



Submitted by Ana Carolina Weber, ArbitralWomen Board Member, Carvalhosa e Eizirik, Rio de Janeiro, Brazil

ArbitralWomen and CBMA breakfast with debate on bias in international arbitration in Rio de Janeiro on 7 July 2017

On 7 July 2017, ArbitralWomen together with the Centro Brasileiro de Mediação e Arbitragem (**CBMA**) promoted a breakfast with debate regarding different bias in international arbitration. **Gustavo Schimidit**, head of CBMA opened the event thanking ArbitralWomen for the opportunity to host such event. He also took the opportunity to sign the Equal Representation in Arbitration Pledge on behalf of CBMA. After that, **Ana Carolina Weber** (ArbitralWomen Board Member – Eizirik Advogados) talked about the “unconscious” bias regarding gender issues.



L to R: Nadia de Araujo, Natalia Lamas, Mariana Cuozzo, Ana Carolina Weber and Octávio Fragata

Ana presented some photos and asked the audience to try to identify if their “first” analysis of the photo was biased or not. With the moderation of **Mariana Cuozzo**, the panel continued the debates. **Natalia Lamas** (FCDG Advogados) talked about the objectives of arbitration and its natural roles in the dispute resolution world. **Octávio Fragatta** (TozziniFreire Advogados) made a presentation regarding the thinking and decision making process of the arbitrator and their inherent bias. Finally, **Nadia de Araujo** managed to show the bias regarding different scenarios in international arbitration.

Submitted by Ana Carolina Weber, ArbitralWomen Board Member, Carvalhosa e Eizirik, Rio de Janeiro, Brazil

Report from 2017 ICC Summer Course on International Commercial Arbitration held in Paris on 10 to 13 July 2017

It was a privilege to be welcomed by the ICC to such an engaging and insightful event providing its participants with an opportunity to experience the most significant and challenging aspects of international commercial arbitration. The Course proved to be perfectly designed to offer its participants, not only a new dimension in their understanding of international arbitration but also a unique experience of networking and connecting with other young practitioners and students from different legal and cultural backgrounds.

The ICC International Court of Arbitration organised this year's ICC Summer Course on International Commercial Arbitration in collaboration with the College of Law and Business in Ramat Gan, Israel. The Course (see also [ICC annual summer course on international commercial arbitration - ICC - International Chamber of Commerce](#)) took place from 10 to 13 July 2017, at the ICC Headquarters in Paris, France; gathering eligible LLM students and young practitioners all from different countries and legal backgrounds

This intensive Course, being designed for in-depth training, covered both theoretical and practical aspects of international commercial arbitration. The sessions were taught in English, by the ICC Court Secretariat staff and by international arbitration practitioners all from leading international firms.

On its first day, the Course commenced with a warm welcome speech of **Stephanie Goubelle**, Senior Manager of Arbitration and ADR Promotion at the ICC International Court of Arbitration, followed by the welcome remarks of **Ana Serra e Moura**, Deputy Secretary General at the ICC International Court of Arbitration.

The first speaker of the Course was **Professor George A. Bermann**, Director of the Center for International Commercial and Investment Arbitration at Columbia University School of Law in New York, the U.S. who conducted two-part-sessions on "Introduction to arbitration". In the first part Bermann led the participants through the untold history of arbitration starting with Greek guilds; the core definitions and principles of arbitration "efficiency", "party autonomy" and "neutrality"; set forth the effects of different legal

systems on arbitration such as the role of the counsel in arbitration deriving from the common law tradition. In the second part of the Introduction, Bermann addressed the legal constraints formed by the New York Convention, the legal framework and theory of international commercial arbitration.

The next session was on "Drafting an ICC arbitration agreement" conducted by **Nhu-Hoang S. Tran Thang**, Associate at Lalive in Geneva, who spoke about dysfunctional clauses to guide the participants to show them the common errors and bullet points to be taken into account while drafting such a clause and gave the participants a practical exercise to underpin the training.

The final session of the day was on "Advocacy in International Arbitration" conducted by **Gregory Travaini**, Senior Associate at Herbert Smith Freehills LLP in Paris, who set forth the rules of exemplary approach in case management that every accomplished arbitration counsel should adopt, also pointing out the different tactics of both written and oral advocacy and the correct manners to interact with arbitrators, witnesses, experts and other related parties.



Group of ICC Summer Course participants

On the second day of the Course, the first session was conducted on "Dispute resolution at the ICC" by **Alina Leoveanu**, Member of ArbitralWomen and Manager at the ICC International Center for ADR. In this speech, Leoveanu focused on other dispute resolution procedures available before, during or after ICC arbitration proceedings such as Mediation, Dispute Boards and DOCDEX, referring each time to the related rules. Several practical exercises followed the speech.

The next session was dedicated to the topic of “Introduction to the ICC International Court of Arbitration, its Secretariat, and the ICC Rules of Arbitration” conducted by **Marie-Odile Desy**, Member of ArbitralWomen and Deputy Counsel at the ICC International Court of Arbitration. She provided the participants with a general presentation on the practice and functional organization of the ICC International Court of Arbitration, Secretariat and Case Management Teams.

The topic of the following session was “The request for arbitration and the answer” studied by **Karen Laik**, Associate at Clifford Chance LLP in Paris, who shared with the participants some important hints to be taken into account while drafting a Request for Arbitration and an Answer, and, concluded the session with a practical exercise.

The last speaker of the second day was **Paul Di Pietro**, Deputy Counsel at the ICC International Court of Arbitration, who introduced “New features of the ICC Revised Rules: Expedited Procedure Provisions” to the participants.

In the first session of the next day, **Philippe Cavalieros**, Partner at Winston & Strawn LLP in Paris, gave a speech on “Case management techniques” including bifurcation, terms of reference and related checklists.

The following session was on “Emergency Relief under the ICC Rules (Emergency Arbitrator proceedings, interim and conservatory measures)” given by **Florence Richard**, Deputy Counsel at the ICC International Court of Arbitration who emphasized the application of the rules relating to the Emergency Arbitrator proceedings, emergency order, statement of acceptance, the urgency criteria and inadmissibility issues.

The topic of the third session was “Constitution of the Arbitral Tribunal” studied by **Constance Castres Saint-Martin**, Deputy Counsel at the ICC International Court of Arbitration, addressing selection and nomination of arbitrators from the point of view of the parties, to matters of independence, impartiality, availability, conflicts of interest, powers and duties of arbitrators as well as objections to confirmation, challenges and replacement of arbitrators.

The last session of the day was on “Complex arbitrations” conducted by **Christian Albanesi**, Counsel and Head of Latin American Arbitration at Linklaters LLP

in Paris, addressing consolidation, joinder of third parties, multi-party and multi-contract issues in arbitration.

The last day’s first speaker was **Gabriele Ruscalla**, Counsel at ICC International Court of Arbitration, who gave a speech on “The Award” including interim, partial on jurisdiction and final award and scrutiny process.

The last session’s topic was “Post-arbitral proceedings, enforcement of the award” conducted by **Cristián Conejero Roos**, Lawyer at Philippi, Prietocarrizosa Ferrero DU & Uria in Santiago, presenting the enforceability, arbitrability and public policy issues as well as annulment and enforcement procedures in accordance with international conventions.

Submitted by Ece Dayioglu, Member of ArbitralWomen, Intern at the ICC International Court of Arbitration, Master II at Paris-Sorbonne University in Arbitration and International Commercial Law

World Café in São Paulo to celebrate 1 year of the ERA Pledge on 27 July 2017

On 27 July 2017, AMCHAM Brazil hosted an event jointly organised with ArbitralWomen to celebrate the first year of the Equal Representation in Arbitration (ERA) Pledge, allowing the attendees (nearly 45 women and 3 men) to share experiences and ideas on how to further increase women’s participation in arbitration.

AW’s board member **Ana Carolina Weber** (Eizirik Advogados), **Flavia Mange** (Mange & Gabbay Sociedade de Advogados) and **Isabela Lacreata** (Valença Galíndez Arbitration) organized the event on behalf of ArbitralWomen alongside with **Carolina R. Morandi** (AMCHAM’s secretary general), **Daniela Gabbay** (Fundação Getúlio Vargas, Mange & Gabbay Sociedade de Advogados) and **Stephani Amantini** (Mange & Gabbay Sociedade de Advogados).

Introducing AW’s work, Isabela Lacreata spoke of the significance of having a group that provides an important forum for women to share ideas and support one another.



L to R: Carolina R. Morandi, Daniela Gabbay, Flavia Mange, Stephani Amantini and Isabela Lacreta

After a brief introduction from Carolina R. Morandi, Flavia Mange and Daniela Gabbay shared some alarming data regarding women's participation in law practice in general and in arbitration in particular. Following, the attendees were divided into eight tables dedicated to discuss gender issues in academy, as in-house counsel, in law firms and in arbitration.

Using the World Café method, the debate was divided into two parts. While the first round of debates was dedicated to the discussion of issues women still face in their respective fields of work and current obstacles to gender equality, the second was focused on the formulation of proposals for a future action plan and concrete steps that can further promote gender equality in arbitration.

As a result from a very lively debate that positively engaged all attendees, some interesting proposals were presented. It seems to be a consensus that personal/family life must receive more careful attention in the sense that as employees we must encourage men to take a more active role in parenting, allowing women to balance their professional and personal lives without guilt and, more importantly, without suffering any kind of negative repercussion.

Another proposal that was widely welcomed was a more firm commitment to boycott – either as a speaker or as an attendee – academic and networking events that do not have at least a third of the panelists being women.

Regarding arbitrators appointments, it seems to be a consensus that the name of at least one woman who can act as a potential arbitrator must always be included in lists submitted to clients and decision makers.

Although the event was a great success, it was clear that we need many more events of the kind to keep promoting discussions on gender (in)equality and to provide a safe forum for women to share obstacles they are facing to succeed in the field.

Submitted by Isabela Lacreta, Valença Galíndez Arbitration (São Paulo, Brazil)

PwC event on Damages in International Arbitration in New York on 3 August 2017

ArbitralWomen member **Marinn Carlson** (Sidley Austin LLP) was a speaker at a panel discussion on ***Damages in International Arbitration: Expectations and Awards*** that took place on 3 August 2017 at PwC in New York. The event welcomed international arbitration practitioners and attendees from more than 15 different countries participating in the Columbia Center on Sustainable Investment's Executive Training on Investment Treaties and Arbitration program. The panelists discussed the results from a *PwC International Arbitration Damages Research Study*, which confirmed a wide gap between the positions of claimants and respondents on damages claim values and some degree of correlation between the spread between the parties' claims and the amounts awarded by tribunals. A lively discussion followed, as the panelists shared their perspectives on presenting damages claims in international arbitration and related topics, including the use of DCF valuations, transparency in experts' assumptions and the sharing of damages models with tribunals.



L to R: Derek Soller, Marinn Carlson, Timothy Nelson, Marike Paulsson, Marc Goldstein

Panelists included ArbitralWomen member **Marinn Carlson** (Sidley Austin LLP), **Marike Paulsson** (University of Miami, International Arbitration Institute), **Derek**

Soller (Baker McKenzie LLP), **Timothy Nelson** (Skadden), **Marc Goldstein** (MJG Arbitration & Mediation) and **Sirshar Qureshi** (PwC). **David Daly** (PwC) moderated the discussion.

Submitted by Adi Yi, PwC

The Glass Ceiling: Challenges that Women Face in International Arbitration in New York on 25 September 2017

On 25 September 2017, on the occasion of the ICC New York Conference, Sidley Austin LLP co-organized an ArbitralWomen evening panel discussion and networking reception that took place at Sidley’s New York offices. The event was supported by YAWP and ICC-YAF. The event was titled, The Glass Ceiling: Challenges that Women Face in International Arbitration. **Dana MacGrath** (Sidley Austin LLP and ArbitralWomen board member) moderated the panel discussion. Speakers included **Katherine González Arrocha** (ICC International Court of Arbitration); **Hagit Elul** (Hughes Hubbard & Reed LLP and ArbitralWomen member); **Christian Leathley** (Herbert Smith Freehills LLP); and **Floriane Lavaud** (Debevoise & Plimpton LLP and ArbitralWomen member). All panelists spoke based on their personal experience and views and were not speaking on behalf of their respective institutions.

The discussion opened with a report by Katherine González Arrocha on recently published ICC statistics regarding female representation on ICC arbitral tribunals. The figures highlighted both the progress that has been made since prior years as well as room for improvement. One point that arose several times over the course of the event was that arbitral institutions are taking the lead in the appointment of women arbitrators as compared to arbitrator nominations by parties. Christian Leathley offered his personal perspective on the value of mandatory diversity training within law firms and arbitral institutions. Others agreed and participants (including attendees) discussed the problem of unconscious bias and its effect on international arbitration. Christian Leathley also discussed the ERA Pledge and its positive impact on the appointment of women arbitrators. Hagit Elul led a discussion with participants about the “likeability” problem for women: that women with certain attributes (such as highly ambitious, outspoken and/or aggressive) are criticised for those qualities, while men with those same

attributes are praised as having leadership qualities crucial to success.



L to R: Katherine González Arrocha, Hagit Elul, Dana MacGrath, Floriane Lavaud, Christian Leathley

One person in the audience raised the continuing problem of “pipeline leakage” with respect to professional advancement, notwithstanding the increased entry of women in the profession. Another noted that women are often more hesitant to request advancement opportunities for themselves than their male counterparts, to their detriment. Another person commented that men criticize women for communicating their professional goals and desire to advance less clearly than men do, which can result in less success for women on the path to law firm partnership. Several participants emphasized the importance of women supporting other women at all levels of professional development, including putting women up for partnership and supporting the appointment of women to leadership positions within organizations, such as practice group leader and positions on the firm’s executive and management committees.

Floriane Lavaud led a discussion about the challenges of achieving both professional success and a reasonable work/life balance, and how this is particularly difficult in the field of international arbitration where travel is an integral part of the job. Everyone agreed on the importance of mentorship. Katherine González Arrocha concluded the discussion by emphasizing that the arbitral institutions, law firms, and clients all have an

important role to play to support the advancement of women in international arbitration. The discussion ended on a positive note. The panelists and attendees agreed that progress, while slow, is nonetheless being achieved in small steps and hopefully will continue.

Submitted by Philippa Ratzki, Cleary Gottlieb Steen & Hamilton LLP (New York) and Dana MacGrath, Sidley Austin LLP

«Undue» behavior: lessons to learn in arbitration event held in Brazil on 25 September 2017

On 25 September 2017, ArbitralWomen, with the support of Machado Meyer Advogados and Eizirik Advogados, hosted its traditional breakfast at the occasion of the national congress of the Brazilian Arbitration Committee (CBAr). The panelists, **Valeria Galindez**, **Jose Ricardo Feris**, **Silvia Pachikoski** and **Eliane Carvalho** discussed several questions posed by the moderator, **Giovana Benetti**, regarding undue behaviors in international arbitration.



L to R: Giovana Benetti, Ana Carolina Weber, Silvia Pachikoski, Jose Ricardo Feris, Valeria Galindez, Eliane Carvalho

They first addressed the issue of a non reasonable length of the procedure: if a panel is taking too long to deliberate a specific matter, e.g. decide if a hearing should or should not happen, what could the lawyer do? Following the debates, Giovana proposed a different approach to the issue of time in arbitration: could the lawyers use some tactics to postpone the rendering of an award? If so, could the tribunal impose fines to the parties? The panel also discussed the “undue” differences regarding the number of men and women as arbitrators and as leaders of law firm’s arbitration

teams. Jose Ricardo brought to the attention the important point that women should not bear all the “work” – at the firm, at the arbitration and at home. We should have a balance: we should have an equal maternity and parental leave, in order for both, mother and father, to step in during the early days of a child. Valeria Galindez highlighted the importance of merits. When deciding on an arbitrator, a party should bear in mind that men and women may have the same qualification and may render a good decision.

Silvia Pachikoski shared her experience of mentoring the new generations of young women lawyers and showed how important it is to help the doors to open for the young ones. Finally, Eliane Carvalho brought to the attention of the audience numbers regarding the experience of Brazilian national arbitration chambers that showed that a very small number of women are nominated to arbitration tribunals – still a very long path to walk.

Submitted by Ana Carolina Weber, ArbitralWomen Board Member, Carvalhosa e Eizirik, Rio de Janeiro, Brazil

Reaching Equal Opportunity in International Arbitration: Old Challenges and New Chances, Paris on 27 September 2017

A roundtable was organised by the Chartered Institute of Arbitrators (Paris chapter) together with ArbitralWomen cordially hosted by Hogan Lovells. **Louise Barrington**, Founding Co-President of ArbitralWomen, **Laurence Burger**, Chair of CI Arb European Branch, **Jalal El Ahdab**, Chair of CI Arb Paris Chapter, and **Carmen Nunez-Lagos**, Partner at Hogan Lovells, host of the event, made opening remarks. Carmen spoke about the difficulty of educating children without clichés. She has seen flagrant examples in her children’s school although the teachers are young and expected not to suffer from stereotypes of former generations. Louise presented the activities of ArbitralWomen and encouraged the female attendants to join forces. Laurence referred to the importance of discussing openly about biases to hopefully overcome them.

Jalal organized the roundtable in a TV show format. He traded his hat as lawyer and arbitrator for a hat of TV interviewer, leading the talk in a professional way. He interviewed **Isabelle Michou**, partner at Quinn Emanuel

Urquhart & Sullivan, **Mirèze Philippe**, Special Counsel at the Secretariat of the ICC International Court of Arbitration and Founding Co-President of ArbitralWomen and **Marie-Aude Ziadé**, General Counsel Litigation at Areva.



L to R: Marie-Aude Ziadé, Mirèze Philippe, Isabelle Michou

Jalal first invited the interviewees to share with the audience an experience they have gone through in their career that is telling about the mindset of the people in this area of practice. One story was about having been chosen as a lawyer to represent a company by four women who were decision makers; the story teller was of the opinion that her selection was not based on the fact that she is a woman. The second story was rather sad because it was about a lawyer who said openly that he will never nominate a woman arbitrator even if he is presented with a list of ten names with one man only. The third story was about the flagrant bias of interviewers who asked her clearly during a job application interview whether she will be available to work and whether her children were under control. She added that her husband was applying for jobs at the same period and he was never asked the kind of questions that she was asked to answer, although both she and her husband indicated on their CVs that they are married and have two children. War stories quite telling...

Jalal then asked the guest speakers to describe how they saw the arbitration market today and how has the market changed since they started their career.

It was noted that the community of practitioners in the dispute resolution field until the 1990s was much smaller and law firms specialised in arbitration were only a few. Since 2000, young practitioners have benefited from trainings in dispute resolution thanks to LL.M. programmes and moot courts. Many talents are

available on the arbitration market but places are limited. Parties from a few regions who did not use to participate in the arbitration and were usually respondents have started 20 years ago to appear in the matter and also be players on the claimant side. Positive aspects were noted although parties have become more litigious. It was also observed that arbitration is widening quite fast its range of activities. We also see more and more women and young generations among the actors. This new image changes the representation of the patterns so far in place. When women are in lead positions their competences are recognised and they are able to make choices and appropriate decisions depending on the case at hand and the issues at stake. Mirèze recounted how the arbitration place has changed for women in general in the last forty years and at the ICC in particular. Militating for equality was very hard for her and for Louise as there has been a lot of resistance including by women, but after many years their efforts were fruitful. The speakers considered that the image of the market is rather positive.

The next question on the table related to the number of women in various positions and how things have changed, if at all.

Gender statistics have only been recently published. Mirèze started publishing numbers in 2013 and indicated at the International Women's Day in Dublin that an inclusiveness programme will be put in place by ArbitralWomen. The programme was intended to send a proposal to major organisations and invite them to contribute in a joint action to improve numbers, and to gather data in order to measure progress. A few numbers were then shared. In ICC arbitrations, 7.2% of arbitrators were women and this number increased in 2016 to reach 14.8%. Progress was also observed with major arbitration institutions. This evolution is welcome and the Equal Representation in Arbitration Pledge boosted these efforts. Also, a significant improvement was noted on the level of ICC Court members now counting 23% of women (detailed statistics will be soon published in the ICC Court Bulletin).

Jalal questioned the speakers about whether gender is a cultural issue and whether it is handled differently according to where it is being addressed.

The speakers considered that gender issues are clearly treated differently depending on the region. In some countries men and women are naturally and equally

represented in all environments, whereas in others, social and cultural biases are an impediment to any progress despite various initiatives. Even the debate about gender is particularly limited or non-existent in a significant number of countries. In many countries, the fact of working and building a career remains heavily criticised within the own families of women who consider the woman selfish and not caring for her family.

Our TV show interviewer then asked us what are the challenges faced by women who wish to build a career or make a breakthrough in international arbitration.

It was considered that the challenges are not limited to the dispute resolution field and women face similar difficulties in all environments. They need to be assisted by their families and spouses, and to get any additional assistance they can to better organise their time and their family and professional lives. International arbitration is certainly a trend, but it is only the visible top of the iceberg. Drafting submissions, preparing pleadings and a good cross-examination of witnesses or experts, require long hours and days of work at the office and at home. Running constantly after time never stops when we choose to build a career. Another speaker considered that the first challenge is to get rid of old social and cultural reflexes anchored in us. We must think otherwise and authorise ourselves, as much as our male counterparts, to think about a career and be convinced that we are not being selfish by deciding to build a career. Women are often confronted with unjustified behaviors by the teachers of their children, for instance by saying to the mother that she does not often come to school to pick up her children but never to the father.

Let's talk about real/everyday life, true problems and clever ways to manage them suggested the interviewer. One of the speakers shared her bad experience after her maternity leave and her experience of searching a job while being pregnant with her second child. Fortunately, bad experiences were followed by good experiences deserving to be mentioned. She was hired at an important position while being pregnant and then promoted to a higher position when being pregnant with her third child. She encouraged the women present in the room to never abandon a fight for building a career while being pregnant or being a mother.

Mirèze then recounted how the Pledge was initiated by **Sylvia Noury** and how it started in 2015, what actions were undertaken and the progress so far measured. Thanks to the Pledge, the publication of statistics by dispute resolution organisations has quickly become a tradition. Efforts must be undertaken on the level of the parties who barely accept to nominate women arbitrators.

Affirmative actions were then suggested, such as educating children and students to avoid stereotypes, continuing to raise awareness and fight against biases, train and get support from mentors men and women, publish facts and statistics, join forces with associations militating for gender parity.

The debate was interesting as it brought the point of views of a lawyer, an institutional counsel and in-house counsel. Jalal said that it was a TOP event. He was also top in his interviewer role. The room was organized in a half circle which allowed an easier exchange between the interviewer, the interviewees and the 50 participants in a friendly setting. The roundtable was followed by a cocktail function.

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

Champions for Change Event in Milan on 29 September 2017

On 29 September 2017, ArbitralWomen held the presentation ceremony of the winner of the ArbitralWomen 2017 Champion for Change Award: **Michael McIlwrath**. This event took place at the offices of CastaldiPartners in Milan. The following is the speech presented by **Rashda Rana**, President, ArbitralWomen at the presentation ceremony.

It is with very great pleasure that I stand here today to greet all of you and to celebrate a wonderful man. As an international network of women in dispute resolution, we at ArbitralWomen recognise 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 & psychological shift if we are ever to achieve success in our goals of equality and diversity. For that we need to include all stakeholders in the community. It would be ironic and perverse, in the extreme, if we ignored the largest group most able to

help bring about that societal change and psychological shift needed to achieve those goals and that is the male population. We recognise that men as the governing group in society, as the people in a position of power and influence to bring about those changes are on board and on message. Long lasting and meaningful change cannot be effected by sitting back & watching the grass grow. Nor in truth can it be brought about by violent revolution and overthrow of the existing order. It needs those who we are trying to affect, coming to the realisation that equality and diversity are beneficial to the whole community.

In society generally, but particularly in dispute resolution, it is a question of legitimacy. Legitimacy demands that the diversity of the community is reflected in the players involved in dispute resolution.

Too many people talk the talk but in reality fail to deliver. Many organisations, firms, companies, universities, 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.

But, there are in fact many people – not just women – but men all over the globe who are committed to pushing for equality & diversity. We are not the only ones who recognise that a diverse and inclusive workforce is necessary to drive innovation, foster creativity, and guide business strategies. Multiple voices are needed to generate new ideas, new services, and new products, and encourage out-of-the-box thinking. Today, we know that many companies no longer view diversity and inclusion efforts as separate from their other business practices, and recognize that a diverse workforce can differentiate them from their competitors by attracting top talent and capturing new clients.

Diversity & inclusion as a business strategy is driven by the needs of clients and also the well-being of their own professionals and their opportunities to find success. That means we must foster an environment of authenticity and openness – a place where people feel comfortable having a dialogue not just about their similarities, but about their differences and the uniqueness they bring to the table.

We, therefore, acknowledge with gratitude the invaluable contribution of our male colleagues who support their female colleagues and actively support the work of ArbitralWomen in helping us to achieve our objectives of universal equality of opportunity and equality of treatment for women in dispute resolution. We, therefore, believe that they should be recognised and rewarded as *Champions for Change*.

This award reflects how we view our male colleagues who support and encourage women to achieve their best. The award also reflects our recognition that in order to bring about equality of opportunity and equality of treatment for women we need to act inclusively and seek the aid of our male colleagues in influencing male peers.

The [past winners](#) of this award have been:

- 2010: **Donald Donovan** and **Klaus Reichert SC**;
- 2011: **Mark Kantor**
- 2014: **Arthur Marriott QC** and **Geoffrey Beresford Howell**.

This year, it is my very great pleasure to recognise the 2017 Champion for Change, Michael McIlwrath.

Michael is active in many different facets of dispute resolution: as GE Global Chief Litigation Counsel, as a writer and as an industry representative on many committees and organisations. He is always pushing and recognising women on a merits basis, which is all we ask. We don't want any favours, just recognition and consequent action of our merits. Michael also embodies what we want other male colleagues to emulate: authentic engagement in embracing diversity & inclusion as a strategy for growth, embracing diversity of thought which can enable us to propel creativity, evolving insight and cross cultural intelligence to meet the unique needs of those who represent the changing workplace and marketplace, creating distinction in what he does and how he does it, encouraging individuals to be more courageous by supporting their uniqueness and diverse backgrounds, investing in and creating your own intellectual capital and know-how so that you can begin to operationalize the shift leading to sustainable growth.

Michael's GE internal team consists of him and Teresa Garcia-Reyes but his broader team of visiting counsel, interns and external lawyers has always been diverse. This is not only a reflection of Michael's own values but

also GE company's values. He regularly points out in OGEMID and other online discussion groups the significant ways in which in-house counsel can affect more of what happens in the dispute resolution world than just through our limited direct hiring.

He has also been heavily involved in promoting and supporting The Equal representation in Arbitration Pledge. He and GE can claim to be an early and immediate supporter. Through his action's GE was one of the first companies to sign, both as GE and the GE Oil & Gas division (and certainly, the first in Italy). I am aware that GE has actively referred to it during appointments. How men and corporates respond to potential list of arbitrators or counsel can be affected by the existence and awareness of the Pledge. When you receive a non-diverse list of arbitrators, you can't as a signatory just accept it and say "we need to do better next time." He is doing so every time.

He has been actively involved in research and authoring papers which go to showing how equality and diversity benefit society. Change management of this kind, involves thinking of diversity and inclusion like any other business priority, so that we can support it within the evolution of our business models. He has also been a great supporter of ArbitralWomen and again an early adopter of our database of fabulous female talent. His achievements are so numerous that a short introduction to him tonight could possibly do justice so I am going to let him shine by speaking for himself.

Before I hand over to him, I want to tell you what he said when I informed him that he had been elected the Champion for Change. In a typically humble way, he said,

Wow!!!! For once I really have no words!!!!

I hope the message that we appreciate him and his support for all of us has sunk in sufficiently for him to say some words for us tonight. Please welcome, Michael McIlwrath, the ArbitralWomen Champion for Change 2017.



Michael McIlwrath and Rashda Rana SC

The following is Michael McIlwrath's acceptance speech:

It is a genuine honor to be with you today. Before accepting, I would like to share with you stories about three women, two of whom represent reasons that I do not feel deserving of your tremendous honor. The third is the reason I believe I should and will accept.

In 1972, I was 10 and my brother was 7, when my mom went to the local college and signed up herself and the mothers of three of our schoolmates for evening classes to earn a law degree. During her first year, she was also pregnant with my sister.

Even with my dad occasionally pitching in, she kept up with family, like rushing to pick me up from swimming practice during her 8pm break in classes. I don't know how she coped. In fact, she didn't initially. She failed the first year and had to repeat it.

One of her law professors took pity on her struggles. Go home and raise your family, he said. It's not worth it. No one will take a woman lawyer seriously.

I'm sure I don't have to tell you, the members of Arbitral Women, the powerful impact his advice had. It gave her motivation to finish law school.

After graduating and passing the bar, she joined her three friends in their all-women law practice. These four women eventually found private practice limited their public aspirations. In 1982, my mom became a judge, the second woman to hold the position in our county. She would have been the first, but was beaten to this by a law partner who had graduated a year ahead of her. Another law partner became the city's first woman

mayor. The fourth partner ran for Congress, lost, and went on to become an influential legislative aide.

As a judge, my mom was saddened by how many of the cases she saw had drug addiction as the same underlying cause. She was able to convince the city's police and business leaders to build a special "drug court" and rehab facility called "New Directions," so that addicts could get treatment and learn life skills instead of prison. My brother and sister and I often hear from people, and their children, who would not be alive and successful today had it not been for this program. New Directions now has a women's wing, named after my mom.

The second woman that I wanted to mention is my wife, Maggi Adragna. She's a business leader, with a previous background in finance, quality, and manufacturing. It's fair to say that she and I have both been successful and well-regarded in our positions.

That said, we sometimes compare notes on how we are evaluated. We both have been told we have a strong "presence" and people listen to what we say. In my case, they are leadership strengths. By contrast, Maggi has at times been told they are "development areas" that she should tone down, because they make her appear aggressive.

Fortunately, Maggi has had both the opportunities and courage to move to positions where her leadership skills are valued. Most recently, she earned a large promotion after restructuring a global business, and today leads a force of several hundred employees and factories in different countries. She has consistently delivered solid results, quarter after quarter.

Just last month she was voted the chair of COGEN Europe, the European association of manufacturers promoting a wider use of cogeneration in Europe for a sustainable energy future. It is the first time GE has held the chairmanship position of this prestigious organization. It is also the first time this organization has had a woman on its board.

I apologize for such a long preface, but I felt I could not accept your award without recognizing the challenges faced by the women who have surrounded me, which I imagine are similar to the challenges that you yourselves have faced or other women in your families. Unlike them and you, I was never discouraged from pursuing a

profession because of my gender, or told to tone down my leadership presence.

While I make no apologies for the hard work put into building my career, I also recognize that I faced no obstacles created by my race, gender, sexual orientation, or physical or psychological conditions.

And to make the case against me even more damning, all of the things that Rashda so kindly said about me promoting diversity have been, in reality, self-serving. They all helped me do my job better as in-house counsel.

Rashda mentioned that I frequently have women on my teams. That's now how I see it. I just try to build great teams, and that I take advantage of what the market offers.

Law firms often struggle to retain women who find that the burdens of children or aging parents still fall mostly on them. When they leave firms, women do not stop being great lawyers. From the perspective of a user of legal services, all they leave behind are the law firm's overhead and pressure to meet monthly billing targets.

So maybe I am guilty of exploiting SAHMs (stay at home moms) in order to get great people at reasonable cost. I would also exploit similarly-qualified SAHDs, but they are not as easy to find.

Rashda also said that when we deal with arbitration institutions, we ask for diverse lists of arbitrators. Sure. But if an institution gives you a second set of names because the first was not sufficiently diverse, haven't you just doubled the chances of finding the best arbitrator for your case?

Similarly, Arbitral Women currently maintains the only database that allows you to search for names by what prospective candidates have declared as their legal system of experience, their specific legal expertise, and their practice areas. If you convince an institution to use this, haven't you further increased your chances of getting the best arbitrator for your case?

We have all heard colleagues, including women, who were unwilling to accept the risk of appointing lesser-known women arbitrators. But did they consider the risks of ending up with an all-male tribunal?

This is not just a theoretical concern. The same day Rashda informed me about your award, I spoke with a colleague in another company, which I will not name,

about positioning their case for the hearing. His problem was that the best lawyer to lead the case was unquestionably a partner at the law firm with experience litigating this technical subject in domestic cases, but not in international arbitration. Also, she was a woman, and the tribunal was all men, and not especially young.

You will groan, but you should also empathize because you are all lawyers here, with a primary goal to deliver the best outcome for your client. It is not difficult to end up in my friend's shoes when you work in a world where they mostly come in men's sizes. It takes extra effort.

Typically at the appointing stage of an arbitration, you do not even know all of your key witnesses or experts. And what if your client turns out to have as its leader someone named Margherita? Will you have to reassure her that the tribunal will take her testimony seriously, and decide the case fairly?

This is one of the reasons I love Arbitral Women, because you make it easier for us to help each other. And we are all more successful as a result.

I know my mom didn't go it alone. She had three strong friends to press forward with her and a husband who was supportive even if not always helpful. Then, when she broke down walls, she needed help from those who were already in the room. These were men like the country sheriff or the head of the Rotary club, who went to bat for her ideas and turned them into actual buildings with staffs and budgets.

Maggi, for all of her courage, intelligence, and stamina, has also had male leaders who believed in her, challenged her, and, every quarter, have held her accountable for her business's results. And, for better or worse, she's had me in her corner too.

That is why I think it is appropriate for Arbitral Women to recognize an in-house counsel, someone who can show that acting on diversity does not mean doing anyone any favors. It benefits us and our companies.

And this brings me to the third woman I wanted to mention.

She's Sara, my daughter of 15. In just a few years she will also be entering the workforce. Despite all good efforts being made today, most of us recognize our daughters will still face challenges similar to those you have experienced. But we also know change is possible.

I don't want my daughter to stop if she cannot see successful women in a position she aspires to. And maybe she will be less deterred if she knows there are men who are simply good guys. They won't hold her back. They will help remove obstacles.

I can only wonder what Sara might say one day when she looks back on her dad's career. She won't be able to claim, like I can of her grandmother, that her dad smashed through brick walls and transformed lives.

But maybe, years from now, she will stumble upon this award and think to herself, my dad was a good guy. And she will be proud of me.

Changing the Picture of International Justice, GQUAL Conference at The Hague, 3-5 October 2017



Two years ago, GQUAL started as a global campaign for gender parity in international tribunals and monitoring bodies. The campaign was crafted as a response to the critical under-representation of women within these entities. GQUAL was launched on 17 September 2015 at UN Headquarters in New York and since then, GQUAL has become a leading platform advocating for gender parity in international justice. To celebrate its second anniversary GQUAL's conference seeks to bring together a diverse group of people from all over the world to discuss and approve an Action Plan that will further build upon these strategies (Click here for the programme).

The event started with an opening ceremony on Tuesday 3 October in the magnificent Peace Palace and was attended by a hundred participants coming from around the world to discuss about human rights and gender parity. Two violinists played while people were making their way through the International Court of Justice room and also played between some of the presentations made.

The keynote speakers were the following: **Viviana Krsticevic**, Executive Director, Center for Justice and International Law (CEJIL) and GQUAL Board member; **Ana Helena Chacon**, Vice president of Costa Rica; **Astrid Bronswijk**, Head of International Affairs, municipality of The Hague; **Silvia Fernandez de Gurmendi**, President of the International Criminal Court; **Theresia Degener**, Chair person of the United Nations Committee on the rights of Persons with Disabilities (CRPD); **Irene Khan**, Director General, International Development Law Organization (IDLO); and **Philippe Couvreur**, Registrar of the International Court of Justice. All amazing people who delivered speeches related to their activities in the human rights field and initiatives about gender parity. I was truly touched by their generosity and the dedication they deploy in getting the message heard.

The first panel on October 4 introduced some of the most recent data on the current and historic under-representation of women among several core international justice entities, international arbitration, and the UN. This panel also showed aggregate information on the geographical representation of female vs. male candidates, correlations between international representation; and the political participation of women within the national level. The panel was moderated by **Hector Olasolo**, Chairperson of the Ibero-American Institute of The Hague for Peace, Human Rights and International Justice, Chair in International Law, El Rosario University (Colombia). All panelists presented numbers while addressing the audience on the topic they were requested to discuss. **María Noel Leoni**, Senior Lawyer at the Center for Justice and International Law (CEJIL) and member of the GQUAL Secretariat, presented a very clear picture about the gender situation in various international organizations. **Liliana Ronconi**, Program Coordinator, Center for Human Rights at the University of Buenos Aires (UBA), presented the situation in Latin America. **Verónica Birga**, Chief of the Women's Human Rights and Gender Section, Office of the High Commissioner for Human Rights (OHCHR), spoke about unconscious bias and gender discrimination.

The author was also on this panel and said that GQUAL's initiative is crucial. It is amazing to see that many people around the world are engaged in human rights and gender parity initiatives. I commend GQUAL for having put this conference together and gathered all these inspirational actors. Our actions are complementary.

ArbitralWomen is militating for gender equality in dispute resolution, and GQUAL is militating for gender equality in all fields. The end result we are all seeking, no matter who starts the initiative, ArbitralWomen, GQUAL, the Equal Representation in Arbitration Pledge or any other organisation, is parity and offering men and women equal opportunities for equal qualifications. It is therefore important to cooperate.

Discussions on gender parity in the dispute resolution field have been very popular around the world, mainly these last two years. The trend is more successful than anyone could have anticipated. I consider this to be a victory and hope that the impact will be positive, because there remains much to be done to overcome under-representation. It is however saddening to note that in 2017 we must still raise the issue of under-representation of women in all environments, and even the dearth of women in a few fields and very often their absence in leading positions. The world keeps evolving every day, at a path that we are not able to follow, because every day brings a mountain of novelties. And yet, in 2017, we must still prove to the world that women, as much as men, are part of this world, of its governance, of its evolution, of its legal system. Despite making up over half the population, the contribution of women is far below its potential.

So, equality is a fundamental human rights issue, and human refers to men as well as to women. Equality is for the benefit of the entire society. The world needs to understand that, and needs to stop undermining the role of women. We need to use skills and talents where they are, irrespective of gender, age, ethnicity, religions, disabilities. Associations of women lawyers have been particularly active in this last decade and have regularly renewed their call for an increase of women in all legal fields. Insignificant progress was made.

A few numbers about female arbitrators, lawyers and ICC Court members were then shared. They demonstrate how small and how slow the change has been, although the situation is now changing at a faster path. Such numbers will soon be published in ICC Dispute Resolution Bulletin.

What has so far changed is thanks to the perseverance of those who militated for change. Also, thanks to technology and social media, it is no longer possible to silence people. Luckily we hear sometimes good news about women being nominated or reaching high

positions. Is this progress? Yes because it is high time to use women’s talents. Yet, I ask whether progress needs to wait centuries before we see qualified women being offered the same opportunities as their equally qualified counterparts.

So the road is still long. What can we do to contribute to change? We all know that we must continue to raise awareness and spread the word, educate, make noise about unfair situations – the more we make noise the more we are heard – require accountability, transparency and statistics in order to measure progress.

Several panels and workshops followed. The two days ended with a signature ceremony of the Action Plan presented by GQUAL. It was an excellent conference with wonderful inspirational women. A lot to learn from each other...



L to R: Mirèze Philippe signing GQUAL Action Plan, and Marie Noel Leoni

I commend GQUAL’s initiative and congratulate Viviana Krsticevic, Maria Noel Leonie, Alejandra Vicente and Alexandra McAnarney Lopez-Castro. I encourage everyone to sign GQUAL Campaign and Action Plan.

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

HIGHLIGHTS FROM KLUWER ARBITRATION BLOG

We report below about the blogs posted since the last newsletter by ArbitralWomen members on Kluwer Arbitration Blog www.kluwerarbitrationblog.com. The full papers may be downloaded by clicking on the hyperlink of each title below.

Possible Sources Of Disagreement Between Quantum Experts In Discount Rate Estimation: A Review Of ICSID Awards

Posted on 12 June 2017 by Juliette Fortin and Philippe Sales from FTI Consulting, Inc.

Quantum experts often rely on the Discounted Cash Flow (DCF) approach to assess losses. The DCF approach is one of the most widely-used and accepted valuation methods, thanks in large part to its flexibility and the fact that it can be tailored to accommodate a wide array of assumptions. The DCF approach is a method to estimate the current value of a stream of future cash flows. It is predominantly used in cases where the claimant can demonstrate some sort of track record, suggesting that projections of cash flows are not purely speculative. Arbitration tribunals have indeed tended to require a track record of at least two years to provide a basis for the projections required for DCF calculations.

Changes in the Arbitration Law: Greater Certainty for Consumers Comes with Greater Control over Arbitration in Bulgaria

Posted on 26 June 2017 by Velislava Hristova from Dinova Rusev & Partners

Since the end of January 2017, a new law amending and supplementing the Code of Civil Procedure became effective (the “Law”). It also provides for amendments to the International Commercial Arbitration Act (“ICAA”) and to the Consumers Protection Act (“CPA”). Below is a summary of some of the key changes introduced by the Law.

A Note to in House Lawyers: When Do You Appoint a Law Firm for an Arbitration?

Posted on 19 July 2017 by Sadaff Habib from Beale & Company LLP

Firms will often write that for effective representation it is best to engage law firms at an early stage in the dispute process. Whilst there may be some merit in this, it may not necessarily be entirely true. It is evident that in-house roles are not what they were initially thought to be. In house lawyers today are expected to do more than just ‘manage’ the dispute. The result: it is possible for some cases to be managed entirely in house and/ or for law firms to be involved at a later stage. So how does the in house lawyer decide when the time is ripe to get external counsel. This article considers four points that the in house lawyer should consider when deciding to get an external law firm on board.

Equal Access to Information & Justice: The Huge Potential of Online Dispute Resolution Greatly Underexplored (I)

Posted on 11 September 2017 by Mirèze Philippe from the ICC International Court of Arbitration

A two-day conference on “Equal Access to Information & Justice, Online Dispute Resolution”, organised by the ICC took place in Paris on 12-13 June. Over 160 lawyers, magistrates, academics, researchers, dispute resolution organisations and online dispute resolution providers, from over 30 countries and representing each continent attended. The conference was jointly chaired by **Ethan Katsh**, co-founder of the National Centre for Technology and Dispute Resolution (NCTDR), and **Mirèze Philippe**, Special Counsel at the ICC International Court of Arbitration and co-founder of ArbitralWomen.

Equal Access to Information & Justice: The Huge Potential of Online Dispute Resolution Greatly Underexplored (II)

Posted on 12 September 2017 by Mirèze Philippe from the ICC International Court of Arbitration

As mentioned in Part I, a two-day conference on “Equal Access to Information & Justice, Online Dispute Resolution”, organised by the ICC took place in Paris on 12-13 June. Over 160 lawyers, magistrates, academics, researchers, dispute resolution organisations and online dispute resolution providers, from over 30 countries and representing each continent attended.

MEMBERS ON THE MOVE AND DISTINCTIONS

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

Juliet Blanch has recently joined Arbitration Chambers in London. Juliet used to lead the international



arbitration practice at Weil Gosthal & Manges but announced her resignation in October 2016 to focus on her practice as an arbitrator. She practices across a broad range of areas including Energy and Infrastructure, Mining, Commodities and Investor State Dispute Settlement.

Juliet is the first full-time female member of Arbitration Chambers.

Hagit Elul was recently appointed as Chair of the International Institute for Conflict Prevention & Resolution’s Arbitration



Committee. Hagit is a Partner at Hughes Hubbard in New York. She handles high-stakes cross-border litigation and international arbitration involving energy, pharmaceutical, intellectual property, construction and professional services. Hagit sits

as an arbitrator regularly and frequently writes and lectures on topics related to international business disputes. She is also a founding Board Member of the New York International Arbitration Centre.

Natalie Reid was recently appointed as Co-Chair of the



International Institute for Conflict Prevention & Resolution’s Young Attorneys in Alternative Dispute Resolution Steering Committee. Natalie is a Partner in the International Disputes Group at Debevoise &

Plimpton in New York. She focuses on international arbitration, public international law, and complex commercial litigation matters. Natalie acts as counsel in commercial and treaty arbitrations conducted under the rules of the major arbitral institutions, where her recent representations include disputes arising under bilateral investment treaties in South Asia and East Asia, and contracts governed by international law, New York law, and Grenadian law.

Nicole Smith was recently elected to the seven-member Council of the Arbitrators' and Mediators' Institute of



New Zealand which is the country's peak dispute resolution body. Nicole is a barrister, based in New Zealand who specialises in disputes with an international element. She is also a consultant with Keystone Law in London. She has

appeared as advocate in numerous arbitration proceedings, both ad hoc and before many of the leading international institutions and acts for clients based in numerous jurisdictions, including the Middle East, Russia, the Asia-Pacific, Africa, Europe and New Zealand.

Carita Wallgren-Lindholm has been named as the new chair of the ICC's Commission on Arbitration and ADR.



Carita, a Finnish arbitrator and founding partner of Helsinki based boutique Lindholm Wallgren Attorneys is a former member of the board of ICC Finland. She has served as vice-chair of the Commission since 2011 and became a member of the ICC International Court of Arbitration in 2012.

Erika Williams, current member of the ArbitralWomen board and Senior Associate at McCullough Robertson in



Brisbane, has been named as a finalist in the Senior Associate of the Year category of the Lawyers Weekly Women in Law Awards. The Lawyers Weekly Women in Law Awards is an exciting program that identifies everyone from leading dealmakers to influential thought leaders, giving

industry-wide recognition to female legal professionals who demonstrate a passion for the law and dedication to personal advancement. There are only 10 finalists in the Senior Associate of the Year category, representing the highest achievers from the legal sector.

ARBITRALWOMEN ON ICSID PANELS

ArbitralWomen wishes to congratulate **Olufunke Adekoya, SAN** and **Rashda Rana SC** who have recently been designated to the ICSID Panel of Arbitrators and Panel of Conciliators, respectively. This year's designations indicate a very real step towards true equal representation of women in arbitration where 5 of the 10 appointments to each panel were women.



Olufunke Adekoya, SAN



Rashda Rana SC

ARBITRALWOMEN REPRESENTATIVES AT THE ICC COURT

We are pleased to congratulate the following ArbitralWomen members who have been announced as the new members of the International Court of Arbitration of the International Chamber of Commerce (ICC) for the term commencing 1 July 2017 to 30 June 2018:

- **Diana Paraguacuto-Mahéo** (Venezuela) Ngo Jung & Partners
- **Marily Paralika** (Greece) White & Case LLP
- **Kim Rooney** (Hong Kong) Gilt Chambers
- **Galina Zukova** (Latvia) Bélot Malan & Associés

ARBITRALWOMEN CORPORATE MEMBERSHIP

ArbitralWomen 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 to count the following law firms among firms having subscribed a corporate membership: **4 New Square, Addleshaw Goddard, Allen & Overy, Baker McKenzie, Berwin Leighton Paisner, Bonelli Erede, Clyde & Co, CMS-CMCK, Curtis Mallet, Debevoise & Plimpton, Dechert, Freshfields Bruckhaus Deringer, FTI Consulting, Herbert Smith Freehills, Hogan Lovells, Homburger AG, Knoetzi, LALIVE, Latham & Watkins, Linklaters, NERA, Pinsent Masons, Procuraduría General del Estado, Reed Smith, Schellenberg Wittmer, Vinson and Elkins, White & Case, Wilmer Cutler Pickering Hale and Dorr.**

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, please use the 'Contact us' service available at the bottom of ArbitralWomen webpages on www.arbitralwomen.org.

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
19 October 2017	Paris	Twilight issues in international arbitration
19 October 2017	Hong Kong	Reaching Equal Opportunity in International Arbitration: Old Challenges and New Chances
19 October 2017	Frankfurt	In-house & external counsel - What we've always wanted to tell each other
19 October 2017	Hong Kong	7 th Annual GAR Live Hong Kong
19 October 2017	Vilnius	Women in arbitration and international law: Tales from the front line
20 October 2017	Vienna	GAR Live Vienna
30 October 2017	London	GAR Live (Autumn) London
31 October 2017	Lagos	Africa International Legal Awareness Conference: Hot Topics in Investment Arbitration
5 November 2017	Miami	15 th ICC Miami Conference on International Arbitration
7 November 2017	Miami	Expertise: a woman's no man land?
7 November 2017	Miami	ArbitralWomen Closing Networking Reception in the context of the ICC Miami conference
14 November 2017	New York	Commercial Arbitration: Domestic vs. International How Different Are They in Practice?
16 November 2017	New York	Arbitration Technopolis: Tips, Tools, and Technology to Support a Modern Arbitration Practice
17 November 2017	New York	ArbitralWomen breakfast seminar: The Impact of Gender in International Arbitration Advocacy – Does it Make a Difference?
17 November 2017	New York	Fordham International Arbitration Conference
21 November 2017	Perth	5 th International Arbitration Conference Australia
22 November 2017	Perth	ArbitralWomen/Clyde & Co Fireside Chat on "An in-house

		perspective on arbitration and dispute resolution"
1 December 2017	Paris	37 th Annual Meeting of the ICC Institute of World Business law on "Expedited Procedures in International Arbitration"
4 December 2017	Paris	ICC Institute Training on ICT in International Arbitration Proceedings
15-18 April 2018	Sydney	ICCA Sydney 2018

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.

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