



Inside Issue N° 33

President's Column	2
Women Leaders in Arbitration: Cecilia Flores Rueda	3
Vis Moot and Vis East 2019	5
Report on 2019 AGM	10
Reports on Events	15

ArbitralWomen's 2019 Annual General Meeting in Vienna, the Vis Moot, and more!

ArbitralWomen held its Annual General Meeting (AGM) in Vienna on 14 April 2019 kindly hosted by the law firm Knoetzel. The AGM followed a successful morning event co-organised by Knoetzel and ArbitralWomen on Careers in International Arbitration attended by more than 100 practitioners, arbitrators, academics, in-house lawyers and students. The Agenda included reports by ArbitralWomen Committees on the Association's work and activities in 2018 and early 2019, while looking forward to continuing our good work and initiatives.

Interview with Cecilia Flores Rueda

Page 3

Vis Moot 2019

Page 5

ArbitralWomen 2019 AGM

Page 10

President's Column

This has been a busy first

half of 2019 for ArbitralWomen and its Members! We have received so many reports on events in early 2019 from Members that we cannot cover them all in one Newsletter issue. In this respect, our June 2019 Newsletter is Part 1 of 2 (we will publish another Newsletter in July 2019 containing the additional event reports).

In this issue, first we feature an interview of **Cecilia Flores Rueda**, an arbitration expert from Latin America who has served in a number of roles in the dispute resolution community. In her interview by ArbitralWomen Board Member **Maria Beatriz Burghetto**, Cecilia describes her experience leading the Mediation and Arbitration Centre of CANACO in Mexico City, her perspectives on gender diversity in Latin America and experience as a practitioner and arbitrator, her career advice for women and what she sees as the future of international dispute resolution.

Second, we continue our tradition of annually publishing news and reports on the **Vis Moots**. ArbitralWomen has supported teams participating the Vis Moots for many years. In this section, we present the Moot Directors' Board Report by **Juliette Fortin**, **Affef Ben Masour** and **Karen Mills** that describes ArbitralWomen's work in this area, together with reports from a Vis East Moot Arbitrator and several teams whose financial sponsorship was provided or coordinated by ArbitralWomen, including the **Diplomatic Academy of Vietnam**, **Hidayatullah National Law University**, **University of Lagos**, and **University of Costa Rica**.

Third, we report on the 2019 ArbitralWomen Annual General Meeting (AGM) that took place in Vienna on 14 April



2019 during the Vis Moot. This report describes both the AGM itself, kindly hosted by **Knoetzi**, as well as the work of the ArbitralWomen Board generally in 2018.

Fourth, we have a section dedicated to reports on events submitted by our Members. As previously

mentioned, due to the many number of reports, the date span for such events in this issue is mainly through March 2019. Reports from Members on events since April 2019 will be published in our July 2019 Newsletter.

Finally, in our section on **Women's Initiatives in Their Workplace**, we report on **Shearman & Sterling's** work to promote professional equality and diversity. In March 2019, Sherman was awarded the inaugural **Grand Prize for Professional Equality** from the Paris Bar in recognition of its contribution to the promotion of equality. The firm's work in this area and the group **Shearman#Elles** is described in this section, with comments by **Yas Banifatemi** and **Emmanuel Gaillard** of Shearman's Paris office.

This Newsletter is the result of the incredibly hard work and dedication of our Newsletter team lead by Board Member **Erika Williams**. As you read this, the Newsletter team is busily preparing the July 2019 Newsletter. Many thanks to all who make our Newsletters possible!

A handwritten signature in blue ink that reads "Dana MacGrath". The signature is fluid and cursive.

Dana MacGrath, Bentham IMF
ArbitralWomen President

Women Leaders in Arbitration

Cecilia Flores Rueda

ArbitralWomen Board member, María Beatriz Burghetto, interviewed **Cecilia Flores Rueda**, one of the arbitration practitioners featured in *ArbitralWomen's Women Pioneers in Dispute Resolution*, 2nd edition, and a fellow Latin American.

Cecilia has been practicing law for the past 20 years in private practice, as officer of an arbitration institution and as arbitrator. We share with our readers Cecilia's wide-ranging experience.

Can you tell us about your experience at the Mediation and Arbitration Centre of CANACO, Mexico City National Chamber of Commerce?

I joined CANACO as Secretary General in 1999 and stayed in that position for 6 years. I subsequently acted as member and, later, Director of the CANACO Mediation and Arbitration Commission for a term of three years. I had no experience in arbitration prior to taking up the position of Secretary General, so I can say I learned the ropes there and that experience was very useful later in my career.

Did you face any challenges in your positions at CANACO? If so, what have been your major challenges as a woman at the head of this organisation?

At the time I joined CANACO, the Commission had just been set up, even though the institution had administered arbitration cases for many years, but not in an organised manner. We had to organise the arbitration centre, modernise its arbitration rules, establish the Commission, set up the website, generally promote arbitration, in order to increase the number of cases managed by the Commission and also contribute to rendering the practice of arbitration more professional. Perhaps the major challenge was to convince potential users of the advantages of dispute resolution mechanisms.

As a woman, 20 years ago, it wasn't easy to be head of an old guard chamber, giving directions and taking decisions. Luckily, I had the support of the members of the Commission.

Please tell us more about the CANACO Mediation and Arbitration Centre.

The Arbitration and Mediation Rules of the Centre are based on the UNCITRAL Rules. The Commission administers domestic and international arbitration and mediation cases and, when it must appoint arbitrators or when parties ask for candidates, it uses its database and chooses the right candidate(s) for each case, depending on its specific characteristics, to either appoint them or propose a list of names to the parties. The Commission appoints foreign and foreign-based arbitrators.

As to female arbitrators, although the Commission has no express policy to appoint or propose women as arbitrators,

every time the Commission is expected to appoint or propose arbitrators, it endeavours to include them among the candidates. However, there is still a long way to go, for users to decide on a female candidate.

What can you tell us about your professional life after CANACO?

Upon leaving the Centre, I acted as counsel, representing parties in international arbitrations. In 2006 I took part in the quantification phase of a very large arbitration, the largest in Latin America in terms of amount in dispute (CONPROCA v. Pemex). After this, I joined a US based law firm as Of-Counsel and later, in 2015, I set up my own law firm, where I began to undertake more cases as an arbitrator, appointed both by institutions and parties. I kept giving lectures and presentations on arbitration at international events. I have also been teaching arbitration for the past 20 years at the La Salle University's International Business Master. I am a member of the ICC Arbitration Commission and early in 2019 I was appointed to act as Counsel for the Institute of Transnational Arbitration.

What is the percentage of women in your opinion acting as arbitrators, mediators, lawyers or else in your environment or your country?

Unfortunately, there are no statistics in Mexico in this regard and there is not much mediation in Mexico, either; but I see more and more women in arbitration trying to break through and be considered in Mexico. A couple of years ago I acted as Chair of a very impressive all-female arbitral tribunal. Nevertheless, there are still occasions when only one or two women participate in arbitration cases.

You have been involved in international arbitration for 20 years. How has the field changed during that span of time in Mexico / Latin America / the World?

The community has realised the importance of including women for the benefit of the practice and there is increasing female participation, although there is still a long way to go. Indeed, female participation is notably increasing on conference panels, but it still needs to improve in arbitrator appointments. Also, several law firms have signed the Equal Representation in Arbitration Pledge, but the important thing is to put it into practice. Parties themselves must be aware of the importance of having women in different roles, such as



arbitrators, lawyers, experts, because this enriches the debate and strengthens decisions taken in arbitration.

What do you see as the future of international dispute resolution?

Hopefully, a field of equal opportunities, based on equal qualifications.

Do you have advice for women seeking to further their careers in alternative dispute resolution?

I would just note that the key is one's attitude in the face

of adversity or setbacks, which are part of life: you need to get the most out of these and rise, no matter how many times you fall, like the Phoenix from the ashes, with renewed passion, courage and perseverance.

Is there any particular issue that you feel needs immediate attention or is there anything else that you would like to share with our readers?

Just keep the spirit high, do not be discouraged!

Interviews with Women Leaders in Dispute Resolution

ArbitralWomen has been conducting and publishing interviews of many amazing women in dispute resolution since 2013. These women are inspiring role models who have shared with us their experiences and insights. We take this opportunity to provide a recap of the many interviews that we have published in our Newsletters to date.

The interview series started with women leaders of dispute resolution institutions throughout the world. **Newsletter n°7** issued in February 2013 featured interviews with **India Johnson**, President and CEO of the American Arbitration Association (USA), and **Sarah Lancaster**, Registrar of the London Court of Arbitration (UK).

The Newsletters that followed introduced women leaders from four distinct geographic regions:

Newsletter n°9 issued in October 2013 featured women leading dispute resolution centres in Europe: **Beata Gessel-Kalinowska vel Kalisz**, President of the Lewiatan Court (Poland), **Annette Magnusson**, Director and Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (Sweden), and **Sophie Henry**, Secretary General, Centre de Médiation et d'Arbitrage de Paris (France);

Newsletter n°10 issued in February 2014 featured women leaders

in Latin America: **Diana Droulers**, Executive Director of the Arbitration Centre of the Caracas Chamber (Venezuela), **Carolina Diab**, General Director of CRECIG, Comisión de Resolución de Conflictos de la Cámara de Industria de Guatemala (Guatemala), and **Karin Helmlinger Casanova**, Executive Director and Secretary General of Arbitraje Internacional Santiago (Chili);

Newsletter n°11 issued in July 2014 featured women leaders in Asia, all three in Hong Kong: **Chiann Bao**, Secretary General of the Hong Kong International Arbitration Centre, **Wenyang Wang**, Secretary General of CIETAC Hong Kong and **Cheng Yee Khong**, Director and Counsel, ICC International Court of Arbitration, Asia Office;

Newsletter n°13 issued in March 2015 featured women leaders in Africa: **Megha Joshi**, Executive Secretary/CEO of the Lagos Court of Arbitration (Nigeria), **Bernadette Uwicyeza**, Secretary General of the Kigali International Arbitration Centre (Rwanda), **Bintou Djibo Boli**, Secrétaire Permanent Centre d'Arbitrage et de Médiation (Burkina Faso) and **Coumba Diatigui Diarra**, Director of the Conciliation & Arbitration Centre of Mali (Mali).

Thereafter, in **Newsletter n°14** issued in May 2015, the series of interviews featured women leaders in the Vis Moot and Vis East: **Louise Barrington**, **Patrizia Netal** and **Ingeborg Schwenzer**.

Since then, we have consistently published interviews of other prominent women leaders in dispute resolution:

Newsletter n°18 issued in June 2016 featured **Alice Fremuth-Wolf**

Newsletter n°19 issued in September 2016 featured **Lucy Reed**

Newsletter n°20 issued in December 2019 featured **Juliet Blanch**

Newsletter n°21 issued in April 2017 featured **Wendy Miles, QC**

Newsletter n°24 issued in January 2018 featured **Deborah Tomkinson**

Newsletter n°25 issued in March 2018 featured **Cherie Blair CBE, QC**

Newsletter n°26 issued in June 2018 featured **Lorraine Brennan**

Newsletter n°30 issued in December 2018 featured **Dana MacGrath**

Newsletter n°32 issued in April 2019 featured **Anne Joubin-Bret**

Newsletter n°33 issued in June 2019 featured **Cecilia Flores Rueda**

ArbitralWomen is delighted to have shared with its readers interviews with 28 women leaders in dispute resolution. Stay tuned for the upcoming interviews with other role models.

Mirèze Philippe — ArbitralWomen Co-Founder & Board Member
Special Counsel, ICC International Court of Arbitration

Vis Moot and Vis East 2019

In a continuing ArbitralWomen tradition of publishing news and reports of the Vis Moots every year, including two important issues dedicated to the Vis (see issues 3 and 14). This year we provide the Moot Directors' Board Report and reports of some of those involved in the moots.

Moot Directors' Board Report

Preliminary Remarks

Each year ArbitralWomen provides support for a number of teams competing in the Vis and Vis East Moot competitions, in Vienna and Hong Kong, respectively, (and occasionally other Moot competitions) by covering the registration fees for such competitions. Teams may apply if they are constituted of at least half female participants, and the awards are given to those applicants with the greatest need, normally teams from developing countries that do not have sufficient funding or resources.

The Moot competitions provide law students with an invaluable opportunity, effectively to handle a major international arbitration, from pleadings to argument, invariably involving tricky issues, both procedural and substantive. The students who are chosen by their

Universities to compete work very hard, over long hours, on top of their normal courses. Many of our members assist as coaches in their jurisdiction, and/or sit as arbitrators in the competitions, and are always impressed by the quality of these students' work and performance. Hundreds of teams compete in the Vis and Vis East Moot competitions, for example. Originally the Vis Moot competition was held only in Vienna, but 15 years ago one of ArbitralWomen's co-founders, Louise Barrington, initiated, and continues to administer a second Vis, the Vis East, in Hong Kong, to make it easier for Asian teams to attend. The success of the Vis competitions and other Moot competitions like the Foreign Direct Investment International Arbitration Moot is such that teams from all over the world now compete in one or both Vienna and Hong Kong every year.

Current situation

While in the first few years we were able to fund only a few teams, in the past few years we have received some support from law firms, other organisations as well as individuals, which has allowed us to assist more teams. This past year ArbitralWomen were able to grant awards to 10 teams, instead of 8 the previous year. **Karen Mills**, together with a team, has administered these awards each year. Since August 2018, **Juliette Fortin** and **Affef Ben Mansour** took over from Karen, who continued to advise the new team.

Planning for the Future

We wish, once again, to thank the sponsors for their very kind assistance, which has made it possible for these teams to participate, and hope that they, as well as others, will be kind enough to sponsor teams for the next and many coming years.

We look forward to hearing good reports of our sponsored teams, and hope that more international law firms will consider participating in this highly valuable programme by helping ArbitralWomen sponsor more teams in the future.

Recipients for the year 2018/2019:

We received 21 applications: from Belarus, Brazil, Costa Rica, Egypt, India, Indonesia, Iran, Nepal, Nigeria, United States, and Vietnam.

Ten teams were awarded a funding:

1. Hidayatullah National Law University, India (Vis East)
2. Diplomatic Academy of Vietnam (Vis East)
3. Universidad de Costa Rica (Vis Moot)
4. University of Indonesia (Vis Moot)
5. University of Lagos — Nigeria (Vis Moot)
6. Tribhuvan University — Nepal (Vis Moot)
7. Pontifical Catholic University — Brazil (Vis Moot)
8. Allameh Tabataba'i University — Iran (Vis Moot)
9. Cairo University — Egypt (Vis East)
10. International University Mitso — Belarus (Vis Moot)

Moot Competitions Funding Annual Report for 2018-2019, submitted by Juliette Fortin, ArbitralWomen Board Member, Managing Director, FTI Consulting, Paris, Affef Ben Mansour, ArbitralWomen Board Member, Independent Dispute Resolution Lawyer, Paris and Karen Mills, ArbitralWomen Board Member, International Counsel, Karim Sayah Law Firm, Jakarta for ArbitralWomen Annual General Meeting, Vienna, 14 April 2019

Report from Vis East Moot Arbitrator

I had the honour of sitting as an arbitrator in the Vis East moot, and I am pleased to inform that the 15th Vis East was a great success. The Vis Moot is a moot unlike any other; it brought together people from diverse backgrounds — students, lawyers, arbitrators, lecturers and academics, common law and civil law based, all in one event celebrating the forum of arbitration for settlement of international trade disputes.

The moot problem was designed to be able to be argued both ways (as it should be with every moot competition), and it duly was. This year's moot problem revolves around the issue of adaptation of contract in case of hardship — whether or not adaptation was a remedy intended by the parties in cases of such hardship — and severability and applicable law to the arbitration clause.

It is quite straightaway apparent from the oral rounds that the 15th Vis East saw an increase in the number of participants (a total of 137 teams showed up for the oral rounds this year). With this increase, it goes without saying that the moot is growing more and more competitive; perhaps due to an upsurge of interest in international dispute resolution (in this case trade related),

and the 'mooting' culture itself, even in civil law countries.

Also coming with the increase of the number of teams participating is the increase in number of women participants in the teams competing. In all the teams I saw during the oral rounds, the oralist that I personally thought was the best was a woman. I had the honour to sit as an arbitrator to an all-women team in the preliminary rounds, and the team argued their case excellently. Unfortunately, I did not have the honour to sit in an all-women panel of arbitrators, though two of the four rounds where I sat as an arbitrator had another woman in the panel. Nonetheless, I think this fact requires celebration. I am hopeful, and quite optimistic that these women participants will in the near future be practitioners, and eventually maybe sit as an arbitrator in the moot competition.

As far as the Vis Moot goes, we can see that women play such a pivotal role in making the competition happen — we have Ingeborg Schwenzer, the former chair of the CISG Advisory Council, Louise Barrington as essentially the

"mother" of Vis East, and great figures in arbitration such as Karen Mills, a leading practitioner in arbitration and one of the members of the Executive Committee Board member of ArbitralWomen, also in charge of the Moot grants for many years, supporting the competition and sitting as arbitrators.

When I was a Vis 'mootie' myself, I couldn't recall a round where I had more than one arbitrator who is a woman sitting in a panel, though most of the Honourable Mentions for Best Oralist including myself were women. I certainly hope that my experience of seeing an increase in number of women participants and arbitrators in Vis Moot represents a trend in the arbitration practice; that is that as years go by, women are getting more and more recognised as practitioners. I hope to see a day where an all-women team or all-women panel of arbitrators in Vis Moot would not be such a spectacle anymore, and I think it is about time that we expect it starts to happen.

Submitted by Rininta Ayunina, Associate, KarinSyah, Jakarta



Report from the Vis East Team of the Diplomatic Academy of Vietnam

Our greatest takeaway from the Vis East Moot is how much we learned from our peers and arbitrators. We competed against teams from Bucerius Law School, Kobe University School of Law, National Law University — Jodhpur and University of Basel, from whom we observe how to gracefully present a problem and deal with questions from the panel. After each match, we saw which matters we did not delve enough into, and all the precious feedbacks and suggestions from the arbitrat-

ors helped us tremendously to improve match after match. Most importantly, we saw our strengths and at the same time realised exactly what we could and had to improve on.

Another big part of our wonderful experience at the Vis East is that we got the chance to meet a lot of friends who share the same interest and drive for learning. Vis creates a platform for students from different cultures to get together. Knowing people and being cast light on other cultures and values are

truly eye-opening. We will keep many interesting stories in our hearts as we go, as cultural sensitivity and awareness are crucial in building long-lasting and meaningful relationships.

Vis East Moot, for us, is a self-initiated activity with the aim to develop our capacity and knowledge in arbitration. We, thus, have to self-manage any costs and expenses related to the competition. This is the biggest hurdle on our way; and as third-year undergraduates, we could not have made it without the support from



ArbitralWomen and Reed Smith Paris. It's no rambling, but financial situation was a worry for us. Combine all the fees, and the total number was handsome.

Before we received the news from the Vis Organiser about ArbitralWomen's funding opportunity, we had had meetings with several law firms in Vietnam and they told us to come back after we had finished writing the Memoranda. It was not a light feeling to know that the financial problem could only be resolved a few months before the actual competition. And at the same time, it was quite distracting for us to focus on researching while having to save up for the competition. In fact, we all took different part-time jobs to make some minor savings. Luckily, we were selected to receive the funding from Reed Smith Paris to cover our registration fee. That

was genuinely encouraging for us to know that a big firm like Reed Smith saw our potential, our need and was willing to help.

In the end, our team placed 54th out of 137 teams. This was a humble result. Still, all those past cycles of researching – eureka moments – arguing – writing – laughing at each other's dark eye circles paid off. But what we received lies far beyond these numbers, as we can keep the lessons in our tool-kit for many years to come. And all of it could not have been realised without the help of ArbitralWomen and Reed Smith Paris!

Submitted by Diplomatic Academy of Vietnam Vis East Moot Team 2019 comprised of Do Phuong Anh, Nguyen Thi Minh Anh, Vu Thuy Duong, Nguyen Dieu Linh and Phạm Thi Ha Van

Report from the Vis East Team of the Hidayatullah National Law University

Months after Vis

East 2019 has culminated, the four members of our team are still in a stupor. Our conversations still go back to the experience that we had during 9 months of preparation and the final week of the competition. Our memories always go back to exactly one year back when we used to contemplate how big a task it was to accomplish this prestigious moot.

However, with our undeterred desire and inspiration we started our journey. With every small step, we used to be confident about our preparation, but doubtful about the enormous finances to cover. Within this conflict came a huge blessing for us from ArbitralWomen.

The four of us were in different cities when we got the confirma-



L to R: Pallavi Mishra, Anushka Verma, Shetty Neha Santosh and Varshini Sunder.

tion mail from ArbitralWomen receiving its support. After that moment, all of our doubts were conquered by the fact that we had to live up to the confidence the institution had in us. And with that confidence, we surged ahead with our preparations. All of our efforts culminated in us being the Octa-Finalists in Hong Kong and being ranked 13 out of 137 teams. We also re-

ceived the Honourable Mention for the Best Memorandum award. None of this would have been possible had we not been given the support from the funding scheme, and we are deeply grateful to ArbitralWomen and our sponsors Pinsent Masons for that. Being a team of 4 girls, understand the importance that this scheme holds for representation of women

in the world of Alternative Dispute Resolution and we are happy witnesses to the grandeur this institution holds internationally.

Submitted by Hidayatullah National Law University Vis East Moot Team 2019 comprised of Pallavi Mishra, Shetty Neha Santosh, Varshini Sunder and Anushka Verma.

Report from the Vis Moot Team of the University of Lagos



L to R: Oladapo Mare, Ego-Osuala Amarachukwu Jane-Frances, Olanrewaju Soorefumi, and Ojo Bukunmi Stephen

I am really thankful for the scholarship given to the University which enabled us to participate at the 26th Willem C. Vis International Commercial Arbitration Moot Competition. Team University of Lagos was indeed the first and only Nigerian University to participate at this international competition and the experience proved invaluable to me.

As my first exposure to international arbitration, it increased the depth of my knowledge as it relates to international commercial contracts with specific reference to the Maritime Incoterms.

This competition is one in which we had to overcome several obstacles to participate, with the major one being the inability of two of our team members to travel to Vienna due to visa issues. Despite this, I and my other team member competed against all odds and still came 297th out of 370 schools that participated, with the highlight for me being the fact that I got a score of 97percent in my second hearing which made me the best speaker for that particular hearing.

Participating in this competition helped to really shape the outlook of arbitration amongst universities in Nigeria

as some schools have reached out as to how to set up arbitration societies in their schools while some are already anticipating the 2020 Vis Moot problem and have enlisted us to help with the whole application process for the competition.

On the flip side, I also got to meet amazing friends that I will never forget in my life and special thanks go to the University of Ottawa as they took out time to have a practice round with us prior to our first hearing and also Team University of Lagos is especially grateful to the following people Benjamin Werthmann, Hapradeen Singh, Frank Hameering and Luciano as they basically made our stay in Vienna memorable.

This competition has imposed a duty on me to ensure that Nigeria is adequately represented at subsequent editions of the Vis competition and with the help of friends made during this competition such schools will be able to compete at recognised international standards

Thank you ArbitralWomen!

Submitted by University of Lagos team member Ojo Bukunmi Stephen

Report from the Vis Moot Team of the University of Costa Rica

“It’s not the destination. It’s the journey.” This quote, that many of us have probably heard before, has been credited to American writer and philosopher Ralph Waldo Emerson and it definitely came true for the team from the University of Costa Rica, made up of five women and three men (two of which were our coaches), throughout the process of preparing the 26th Vis Moot. This crazy journey of ours began when six (practically) strangers came together with a common dream: Being the

first Central American team to make it to the elimination rounds. We knew that if we wanted to make it that far in the competition we were going to have to take things seriously. Accordingly, sacrifices had to be made: fun Friday nights with friends, weekends to “relax”, and outings with family during vacation periods, were





L to R: Jorge Arturo González, Fabiola Ramírez, Ana Paula Prado, María Fernanda Cuevillas, Mariela Sanabria, Valeria Alvarado, Édgar Méndez (coach), Felipe Volio (coach)

all traded in for crashing at the library to research, sleepless nights of writing memorials, team meetings, and skype practice sessions with other teams. Oh, and did I mention that at certain points it felt like we had also sacrificed our sanity? To say that some days we felt like giving up is an understatement.

The journey ended up being a lot harder than we imagined when we first began; but it was also incredibly more interesting, fun, and rewarding than we ever thought possible. No class that we take during our five years in University will be able to replace the knowledge and practical skills we gained through this experience. Thus, when we finally reached the destination, the end of what wound up being a very short journey in the larger scheme of things, every single sacrifice, doubt, and breakdown we experienced was 100% worth it. After so many months of hard work, when we got to Vienna we were ready to let go of the worry and enjoy ourselves. We did our best to simply relish every moment and make the best of it: the sometimes rocky, but fruitful journey behind us allowed us to do that.

Against all the odds and obstacles we faced along the way, we were able to not only reach our original goal,

but also advance further to the elimination round of the best 32 teams. When the name of our University was called out for the elimination rounds, an immense sense of joy filled us and everything seemed to finally fall into place. At the end of it all, we can only express our most profound gratitude to ArbitralWomen. Very close to when registration fee was due, we had not yet been able to get the money to pay for it, which caused us a lot of additional worry. Thus, the economic help granted

to us to cover those costs took a lot of weight off our shoulders and gave us an additional impulse to keep moving forward. In a way, ArbitralWomen made it possible for us to officially embark on this unforgettable journey, which changed our lives forever and promoted the participation of five women in this important academic event in the realm of international commercial arbitration.

Submitted by University of Costa Rica team member Valeria Alvarado



Report on 2019 AGM and the Board's Work in 2018

ArbitralWomen held its Annual General Meeting (AGM) in Vienna on 14 April 2019 kindly hosted by the law firm Knoetzl. The AGM followed a successful morning event co-organised by Knoetzl and ArbitralWomen on Careers in International Arbitration attended by more than 100 practitioners, arbitrators, academics, in-house lawyers and students.



The AGM commenced at 12:00

Vienna time and lasted approximately 90 minutes. The Agenda included review and approval of the 2019 ArbitralWomen By-Laws and reports by some of the ArbitralWomen Committees on the Association's work in 2018 and early 2019.

It was explained at the AGM that the 2019 ArbitralWomen By-Laws implement modern governance practices, including term limits for Board members, term limits for the office of President and Vice President and an increase in the number of authorised Board members to manage the expanded work of the Association. After discussion of the revisions, the ArbitralWomen Members in attendance at the meeting unanimously approved the 2019 ArbitralWomen By-Laws.

The meeting continued with reports by various Task Forces and Committees of the Board. **Dana MacGrath** reported on some of the activities in 2018 to celebrate ArbitralWomen's 25th Anniversary. The Jubilee was an opportunity to celebrate ArbitralWomen's history of promoting women and diversity in international dispute resolution. A Jubilee logo was used on event flyers and publications throughout 2018. A full day of Jubilee celebrations took place in New York on 8 November 2018, at which ArbitralWomen honoured our 25 years of progress with a full-day ArbitralWomen Diversity Dividend Conference, the launch of ArbitralWomen Diversity Toolkit and a Gala Dinner. Jubilee Sponsors (sponsors of both the Diversity

Conference and the New York Gala Dinner) included **Burford, Latham & Watkins and Sidley Austin**. New York Gala Dinner Sponsors included **Cabrera Cammarota, Debevoise & Plimpton, Chaffetz Lindsey and White & Case**. Diversity Dividend Conference Sponsors included **Baker & McKenzie, Cooley, Freshfields, FTI Consulting, Hogan Lovells, King & Spalding and Skadden Arps**. There was also a very special gathering in Paris on the actual birthday of ArbitralWomen on 22 November 2018 sponsored by Dechert. The details of the Jubilee celebrations have been memorialised in ArbitralWomen Newsletter No. 31 (which [can be accessed here](#)).

The floor was then handed to ArbitralWomen Co-Founder **Louise**



Barrington, the architect and lead on ArbitralWomen Diversity Toolkit, a seminal initiative that was formally launched in November 2018 following more than a year of work and preparations prior to its launch. ArbitralWomen received a grant from the AAA-ICDR to produce a bespoke training programme about biases and ways to overcome them and create ways of going forward to increase diversity and inclusiveness in the world of arbitration. The training programme is a full-day course and makes use of approximately 150 slides. Louise Barrington delivered the first formal train-the-trainer programme to about 20 women, mostly Board members, on 7 November 2018. ArbitralWomen launched ArbitralWomen Diversity Toolkit in New York on 8 November 2018. In early 2019, an ArbitralWomen Diversity Toolkit Committee was organized that includes Louise Barrington, **Diana Droulers**, **Asoíd Garcia-Márquez**, **Linda Gerstal**, **Angelica Hunnefeld**, **Sara Koleilat-Aranjo**, **Mirèze Philippe**, **Rekha Rangachari** and **Donna Ross**.

Vice President **Asoíd Garcia-Márquez** and Board member **Amanda Lee** reported on YAWP activities. YAWP was launched in 2016 as an ArbitralWomen young group for female dispute resolution practitioners below the age of 40 to get together and have a supportive networking platform to address the challenges that they face in the early

stages of practice. Membership of YAWP is automatic for ArbitralWomen Members who are below the age of 40. The inaugural YAWP Steering Committee was led by former Vice President **Gabrielle Nater-Bass**, who launched YAWP and organised the inaugural Steering Committee to establish the role of YAWP in the dispute resolution community.

In the last quarter of 2018, the new YAWP Steering Committee was selected, whose members were announced in December 2018. The 2018 YAWP Steering Committee has a term of three years. The Steering Committee is led by Vice President **Asoíd Garcia-Márquez** in her capacity as Chair of YAWP together with Board member **Amanda Lee** as Director.

The members of the 2018 YAWP Steering Committee include: **Aanchal Basur**, **Cherine Foty**, **Katie Hyman**, **Montserrat Manzano**, **Annabelle Möckesch**, and **Anna Vorotyntseva**. The Board again thanked outgoing YAWP Steering Committee members **Kate Brown de Vejar**, **Yoko Maeda**, **Melissa Magliana**, **Claire Morel de Westgaver** and **Emilia Vidak-Gojkovic** for their work and dedication during the first two years of YAWP as well as YAWP founder former Vice President **Gabrielle Nater-Bass**.

Amanda Lee reported on the work of the 2018 YAWP Steering Committee. One prominent initiative is YAWP Inspire under the leadership of **Cherine Foty**. This initiative involves the preparation of short interviews with leading female practitioners regarding their experiences and suggestions for younger members of the dispute resolution community. The purpose of YAWP Inspire is to share

these inspirational remarks more widely to benefit not only young Members but also those, for example, who are commencing their role as arbitrator later in their professional career. The interviews will be available on ArbitralWomen website once the initiative has been rolled out.

Another initiative is the YAWP Speaker Panel Project, under the leadership of **Montserrat Manzano**, to develop speaking opportunities for young Members and to give them opportunities to build their profiles on the international stage. YAWP Communication Initiatives are led by **Aanchal Basur**, with a view to increasing the visibility of young Members around the world and highlighting YAWP's initiatives. YAWP Events are led by **Annabelle Möckesch**. YAWP continues to organise a series of events around the world and is also pleased to support non-YAWP events in various jurisdictions, including upcoming events in London and New York. YAWP is developing new projects under the leadership of **Anna Vorotyntseva**. These initiatives will focus on networking opportunities and development, knowledge and training. Additionally, YAWP will continue to support ArbitralWomen Parental Mentorship Scheme under the leadership of **Katie Hyman**.

Maria Beatriz Burghetto delivered a brief report on the work of the Legal Committee. She explained that during 2018, the Legal Committee periodically reviewed the work on the revisions to the By-Laws and made recommendations. The Legal Committee also advised on various other issues over the course of 2018 and continues to do so.

Amanda Lee reported on the work of the Mentorship Committee. The Mentorship Programme provides an opportunity for younger or less experienced Members to learn from those with greater experience and encourages an exchange of skills and knowledge between the Members. Approximately 35 women participated in the 2018-2019 programme. The mentees and mentors



developments and events in international dispute resolution, including diversity initiatives.

Amanda Lee explained the work of the Newsletter Committee, which is led by **Erika Williams**. The Newsletter Committee published seven newsletters in 2018 — five regular periodic newsletters and two Special Edition newsletters. The regular periodic newsletters include interviews prepared by ArbitralWomen Board members, reports on various arbitration events involving our Members and diversity and other initiatives, and a section regarding upcoming events. The August 2018 and September 2018 newsletters were Special Editions prepared substantially by Mirèze Philippe. The August 2018 newsletter announced the new members of the Board. The September 2018 newsletter was a special publication compiling inspiring speeches by female leaders in international dispute resolution.

We started January 2019 with a Special Edition newsletter — in our new, modern graphic design format — that was dedicated to memorialising the celebrations of ArbitralWomen’s 25th anniversary and the November 2018 launch of the ArbitralWomen Diversity Toolkit. The January 2019 Special Edition newsletter was prepared substantially by Mirèze Philippe.

Mirèze Philippe reported on the work of the Membership Committee. The number of ArbitralWomen Members is increasing. During the period running from January to December 2018, 84 new individual Members and 133 new Members benefiting from their firm’s corporate membership joined ArbitralWomen, totaling 217 new Members. The most significant increase in 2018 came through corporate membership. Since the corporate membership programme was put in place in 2015, 41 firms have subscribed for corporate membership, out of which 12 were new in 2018. Some corporate member firms have taken up to 40 individual Members

came from all over the world. The next mentor-mentee matching exercise will commence after the deadline for applications passes on 31 July 2019. We encourage any ArbitralWomen Members who are interested in the programme to apply. The Mentorship Programme would not be possible without the support of our more experienced Members who serve as mentors. We encourage all ArbitralWomen Members to consider volunteering to act as a mentor and to help to inspire the next generation of young practitioners. Those interested in participating in the Mentorship Programme should contact Amanda Lee and **Alison Pearsall**.

Dana MacGrath reported on the News Alerts and the new ArbitralWomen web page on News about AW Members. ArbitralWomen now provides increased

visibility to the promotions, moves, appointments and professional achievements of ArbitralWomen Members in our News Alerts and a new dedicated web page about our [Members’ news](#). Our News Alerts also include news about various



through their corporate membership. Corporate membership includes a discounted membership rate and any Member whose membership fee is not paid by her firm can also benefit from the discounted rate.

Mirèze Philippe reported on the work of the Website Committee. She explained that she and Donna Ross have expended a significant amount of time working on the new website and hope that Members appreciate our modern web platform that we offer to Members to showcase their profiles, upload their publications, and use the platform to their benefit.

Mirèze Philippe reported briefly on the Cooperation Committee. The Cooperation programme was established a few years ago. Some of our partners are listed on our website. We have a long list of potential partners that we would like to reach out to for cooperation. If any Members wish to suggest organisations that you would like ArbitralWomen to cooperate with, please let us know.

Marily Paralika and **Elena Gutierrez** reported on the Social Media Committee. Marily Paralika handles

ArbitralWomen's LinkedIn posts. Elena Gutierrez handles ArbitralWomen's Twitter posts. Other Board members also post regularly on social media. Marily Paralika reported that ArbitralWomen LinkedIn account is receiving 100 times more visits than a year ago; the exposure is around 13,000 hits. Elena Gutierrez reported that ArbitralWomen Twitter and ArbitralWomen LinkedIn accounts both have more than 2,000 followers, an increase from a year ago, which demonstrates that the ArbitralWomen social media accounts have great visibility. We continue to gain more followers and more likes of our posts. Members should let ArbitralWomen know if they want the Association to promote an event at which they are speaking.

The Moot Committee is led by **Affef Ben Mansour** and **Juliette Fortin**, together with guidance and support from **Karen Mills** (who led the committee in prior years). Each year ArbitralWomen provides support for a number of teams competing in Moot competitions, including the Vis and Vis East in Vienna and Hong Kong, respectively, by covering the registration fees for such competitions.

Teams may apply if they are constituted of at least half female participants, and the awards are given to those applicants with the greatest need, normally teams from developing countries that do not have sufficient funding or resources. In 2018, we received 21 applications from teams in Belarus, Brazil, Costa Rica, Egypt, India, Indonesia, Iran, Nepal, Nigeria, United States, and Vietnam.

ArbitralWomen funded, or coordinated the funding by sponsor firms, of 10 teams in 2018: Hidayatullah National Law University, India; Diplomatic Academy of Vietnam; Universidad de Costa Rica; University of Indonesia; University of Lagos, Nigeria; Tribhuvan University, Nepal; Pontifical Catholic University, Brazil; Allameh Tabataba'i University, Iran; Cairo University, Egypt; International University Mitso, Belarus. Sponsoring law firms in 2018 included Pinsent **Masons**, **Reed Smith**, **Sidley Austin**, **White & Case** and **Vinson & Elkins**. We wish to thank the sponsors for their very kind assistance and hope that they and other firms will consider participating in this highly valuable moot funding programme by helping



L to R: Sarah Grimmer, Rose Rameau, Mirèze Philippe



Eunice Lumallas, Mirèze Philippe



L to R: Mirèze Philippe, Benno Kimmelman, Dana MacGrath

ArbitralWomen sponsor more teams in the future.

The Finance Committee is led by ArbitralWomen’s Treasurer, Juliette Fortin. The Balance Sheet and Profit & Loss Statement is prepared annually by ArbitralWomen’s accountant and reflects the financial transactions for the financial year from 1 January 2018 until 31 December 2018. Income increased in 2018. A majority of the Association’s income derives from corporate and individual membership fees. Additionally, ArbitralWomen hosted two successful events in November 2018 in the context of the 25th anniversary of the organisation (ArbitralWomen Diversity Dividend Conference and launch of the Diversity Toolkit and the Gala Dinner in New York on 8 November 2018 and the dinner at Thoumieux on 22 November 2018), which attracted wide sponsorship. Expenses also increased in 2018. This increase is mainly linked to the activities organised for the 25th Jubilee year celebrations, advertising and promotion (in particular for the preparation of visual logo, video and flyers for the Jubilee

events and the ArbitralWomen Diversity Toolkit), the cost of administration support, accounting fees and IT expenses linked to the website. Additionally, as in prior years, in 2018 ArbitralWomen provided financial support to teams competing in the Vis and Vis East moot competitions by covering the registration fees. In 2018, of the 10 moot teams that were awarded funding, half that amount was provided by sponsoring law firms and the other half was funded directly by ArbitralWomen. In sum, ArbitralWomen operated at a modest profit in 2018.

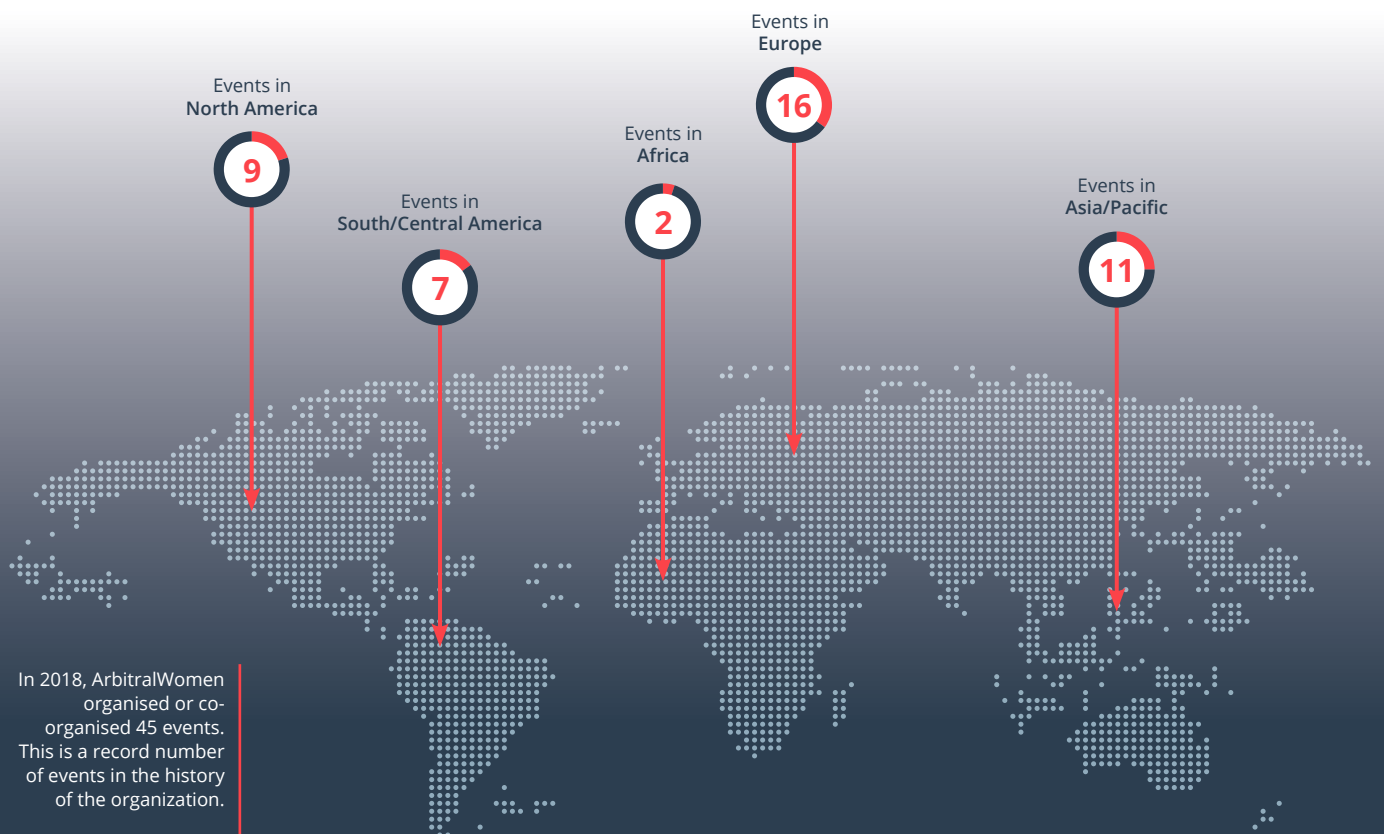
The Events Committee is coordinated by co-directors **Valentine Chessa** and Marily Paralika and includes a number of regional directors who organise events within their region. In 2018, ArbitralWomen organised or co-organised 45 events, among which 16 took place in Europe, 7 in South/Central America, 9 in North America (including the full-day ArbitralWomen Diversity Dividend Conference and Jubilee Gala Dinner in New York on 8 November 2018), 2 in Africa and 11 in the Asia/Pacific region. This is a record number of events

in the history of the organisation and demonstrates the growth that the whole Board has been working towards during the last year and in relation to AW’s 25th anniversary. We have diversified our presence to cover wider areas of the globe. We look further to deeper penetration in other regions, including Africa, Asia and South/Central America.

The President noted that the meeting had exceeded the time scheduled for the AGM and that given time constraints, it would be necessary to conclude the meeting with verbal reports from all Committees. The written reports of the Committees that did not report verbally at the meeting will be included among the full compilation of ArbitralWomen Committee reports that will be made available to Members together with the minutes of the 2019 AGM.

The President closed the meeting by thanking everyone for their participation in ArbitralWomen and continued participation going forward, and encouraged suggestions of new ideas and initiatives. The AGM closed at approximately 13:30 Vienna time.

Number of Events Organised by ArbitralWomen in 2018



Reports on Events

There have been a number of events in the first quarter of 2019. Our members have provided a few highlights from these events to share with the readers.

SCAI Innovation Conference “All Eyes on the Arbitrator” on 31 January 2019 in Geneva, Switzerland



L to R: Benjamin Barrat, Peter Hostansky, Christoph Brunner, Utku Coşar, Urs Weber-Stecher.

As introduced by Diana Akikol (Partner, ABR Avocats), the underlying idea of the SCAI Innovation Conference is to provide a forum where practitioners can interactively debate practical questions and issues. The Conference’s notion of innovation signifies reflection on current rules and practices, to identify areas calling for change, and to develop ideas for new practical solutions and approaches. For this third edition, the Conference presented three panels addressing some of the most significant concerns in current international arbitration.

The first panel, moderated by **Christoph Brunner** (Partner, Peter & Partners, Bern), discussed the selection of the “ideal arbitrator”, including the utility of data-based arbitrator selection. The speakers addressed (new) arbitrator-skills on which parties place importance; diversity in the selection process; disclosure standards; and data-based arbitrator selection.

For **Peter Hostansky** (Managing Counsel, Huntsman Corporation, Basel), when selecting a sole arbitrator or chairperson, parties should consider the arbitrator’s proactivity and firmness to enforce the procedural framework. Mr Hostansky concluded by admitting that such firmness entails a delicate balancing act between guiding the parties to distil the main points in the arbitration

without impeding due process and the right to be heard.

Utku Coşar (Partner, Coşar Avukatlık Bürosu, Istanbul) pointed to statistics of major institutions which illustrate that there has been much focus on and great achievement by SCAI and ICC in respect of gender diversity; however, there could be greater focus on diversifying the age, ethnicity and sexual orientation of arbitrators.

Urs Weber-Stecher (Partner, Wenger Vieli, Zurich) advocated for enhanced transparency in the arbitrator disclosure process and that inspiration may be taken from the approach taken in the IBA Guidelines: robust common sense. Dr Weber-Stecher also submitted that, if a disclosure is made, bias should not be automatically inferred, and that a corresponding common-sense approach can be expected from the institution.

Christoph Brunner introduced the attendees to ASA tool, ICC tool, GAR ART, as well as Arbitrator Intelligence (AI) tool. Particularly the latter provides a wealth of information with a very sophisticated approach.

Benjamin Barrat (Senior Associate Knowledge Lawyer, Clifford Chance, London) stressed the complexity of what should be disclosed and when. As these questions are not expressly regulated by the 1996 Arbitration Act, parties and arbitrators often follow institutions’ non-

-binding guidelines and case law. Mr Barrat provided an overview of recent cases in which arbitrators were found to have failed to discharge their duty of disclosure.

The second panel shifted the focus to the management of proceedings by arbitrators. **Michael Lazopoulos** (Partner, Lustenberger, Zurich) moderated the topics of judicialisation of arbitration, the Prague Rules, due process paranoia and new technologies in arbitration.

Anna Masser (Partner, Jones Day, Frankfurt) proposed to seek to have shorter awards (shortening, in particular, the section of procedural history), shorter submissions, and a more efficient use of technology. She proposed that the arbitrators’ focus should be on better communicating with parties and managing expectations; simplifying the procedure follows automatically and should, thus, be the arbitrators’ secondary focus.

Andrey Panov (Senior Associate, Norton Rose Fulbright, Moscow) submitted that it would be good if arbitrators could refer to something which is clearly empowering them to be more robust and concluded that the efficacy of the Prague Rules depends on the arbitrators’ skills and willingness to engage with parties early on in the arbitration.

James H. Boykin (Partner, Hughes Hubbard & Reed, Washington D.C.) discussed a growing concern in international arbitration: “Due process paranoia and how to deal with it” and distilled three elements from such definition: first, one or more case management decisions of an arbitral tribunal that appear overly attentive to due process; second, a belief on the part of the arbitral tribunal that such a cautious stance is necessary due to the risk of not having the award enforced; and third, the assessment of such risk is misplaced. Mr Boykin noted

that the source of the enforcement risk is unclear, given that no awards have been overturned in England or the US on the basis of arbitral tribunals adopting robust procedural steps. One hypothesis is that publicly available awards in investment arbitration set certain procedural expectations which have spilt over to commercial arbitration, a point also made by Ms Masser.

Dorleta Vicente (Legal Counsel, Repsol, Madrid) explained that the use of technology in arbitration is accompanied by certain challenges: e.g., confidentiality, where the applied technology has to be secure; and due process, which requires equal access to technology or increasing costs. The cardinal question will be whether the decision-making function itself will be one day delegated to machines. Ms Vicente submitted that, while some areas might see law being handed down by machines, there remains a need for some human element in the decision-making process where the consequences of a decision are more wide-reaching.

In the final panel, and in true conformity with the conference's title, all eyes were on the Arbitrators' Lounge, an intergenerational panel of arbitrators composed of **Paolo Michele Patocchi** (Partner, Patocchi & Marzolini, Geneva), Deva Villanúa (Partner, Armesto & Asociados, Madrid), Nathalie Voser (Partner, Schellenberg Wittmer Ltd, Zurich) and **Roland Ziadé** (Partner, Linklaters, Paris), and moderated by **Noradèle Radjai** (Partner, Lalive, Geneva), who set out to discuss the previous presentations and suggestions in an interactive and lively manner.

Ms Radjai posed the question of whether the role of the chair and the party-appointed arbitrator require different skills.

Mr Patocchi answered in the affirmative: the chair first needs to respect his or her co-arbitrators by being a good listener. Further, being chair requires a mix of procedural skills and personality or clout as he or she effectively "runs the show". Such skills have nothing to do with how good a lawyer one is, but rather, speak to the qualities of a good case manager and diplomat. Mr Ziadé added that it is more important for the

chair to command charisma. Ms Villanúa remarked that the most influential arbitrator is the one who is prepared to do the work; specifically, so when it comes to quantum where a wing-arbitrator, who is very well prepared, may be even more influential than the presiding arbitrator. Prof. Voser touched upon the issue of promoting the younger generation of arbitrators by proposing to encourage parties to appoint arbitrators who are less experienced. Dr Patocchi agreed that parties should be more flexible considering younger arbitrators submitting that it is easier to do that as respondent in reaction to claimant's proposed appointment.

The panel then turned to the issue of arbitrator databases and whether they are a blessing or a curse.

Mr Patocchi submitted that database questionnaires often put questions in absolute or general terms. Databases cannot predict with certainty how an arbitrator would decide; this ultimately depends on the case. Mr Ziadé remarked that databases may increase the asymmetry of information between arbitration practitioners. Ms Villanúa added that the underlying questionnaires are susceptible to certain bias depending on the circumstances in which they were answered.

On the issue of case management and its simplification, Ms Voser and Mr Patocchi submitted that most arbitrations cannot be readily simplified because they deal with complex commercial operations and technical issues. Ms Villanúa added that personal interactions in a conference call or hearing can be more effective in resolving issues than several exchanges of written submissions. Ms Radjai ventured the theory that arbitration may now have the "worst" of both civil and common law worlds: long submissions and long hearings.

In their concluding remarks, **Sandra De Vito Bieri** and **Simon Gabriel** summarised the panels' conclusions.

Ms De Vito Bieri echoed the previous presentations by reminding that arbitrators have a difficult mandate: to strike a balance between procedural efficiency and rendering an enforceable award. Arbitral tribunals should not be paranoid about taking robust decisions. As

long as such decisions are based on the information on record and the evidence before them, arbitral proceedings will be conducted efficiently, and the parties' autonomy is preserved. This may even lead to arbitral procedures becoming simpler again. However, there is one risk on the horizon with a stride towards more transparency and the publication of the awards: if their awards are made public, will arbitrators become more paranoid because their awards will no longer concern just the parties at hand, but also, the broader public?

Mr Gabriel drew an analogy to the Boston shoemaker's slogan "we offer three kind of services: good, cheap and fast, but you can pick only two: good and cheap won't be fast; fast and good won't be cheap and fast and cheap won't be good", summarising that arbitrator selection goes to the key criteria of speed, costs and skill. Measuring arbitrators in terms of the quality of their work would enhance diversity, because quality would be the ultimate measurable denominator. A reliable quality measurement for arbitrators' services does not yet exist for the time being and there is thus still room for innovation.

Caroline Ming (SCAI Executive Director, Geneva) ensured that arbitrators issue fast, good and reasonably priced awards under the Swiss Rules. She also confirmed that SCAI is, notably taking into account the criteria of diversity of age, origin and gender when appointing arbitrators, but reminded the audience that the good command of the applicable law is the main criterion to ensure the quality and efficiency of arbitration. With regard to confidentiality, she confirmed that SCAI shares the audience's preference and considers confidentiality as a valuable feature of commercial arbitration, as provided for under Article 44 of the Swiss Rules.

This year's SCAI Innovation Conference was attended by approximately 130 attendees.

Submitted by Christopher Singer, Senior Associate, ABR AVOCATS, Geneva, Diana Akikol, Partner, ABR AVOCATS, Geneva, Caroline Ming, SCAI Executive Director, Geneva, Amna Aounallah, SCAI Marketing and Legal Assistant, Geneva

BonelliErede International Arbitration Event: The Prague Rules: wind of change? on 20 February 2019 in Milan, Italy



L to R: Giovanni Minuto, Flavio Ponzano, Alberto Fortún Costea, Gaëlle Filhol, Mahnaz Malik, Barbara Concolino, Laurence Shore, Stefan Riegler and Kirstin Dodge

On 20 February 2019, the BonelliErede international arbitration group in Milan organised the event “The Prague Rules: wind of change?”. The event brought together leading arbitration practitioners from civil law and common law backgrounds to discuss the most innovative and controversial provisions of the “Rules on the Efficient Conduct of Proceedings in International Arbitration” (known as the “Prague Rules”) and their possible impact on future arbitrations.

The event was organised by ArbitralWomen member **Anna Biasiolo** of BonelliErede and included many ArbitralWomen members as speakers.

Giovanni Minuto of BonelliErede opened the event with his introductory remarks. The first panel, featuring **Catherine Anne Kunz** of Lalive (moderator), **Alberto Fortún Costea** of Cuatrecasas, **Flavio Ponzano** of ARBIT and ArbitralWomen member **Kirstin Dodge** of Homburger discussed the provisions limiting document production (Article 4), examination of witnesses (Article 5) and oral hearings (Article 8). It was felt that, although these provisions may have efficiency benefits, practitioners from a common law background may con-

sider these rules to be a limitation of the parties’ right to substantiate their case.

The panellists also discussed Article 2, which encourages the tribunal to assume a more active role in the conduct of arbitration and to limit, together with the parties, the scope of the dispute at the case management conference. The panellists believed that such an exercise at this very early stage of the proceedings is premature and can put the dispute on an unproductive path.

A final session topic was the provision in Article 9, which allows a member of the arbitral tribunal to act as mediator during arbitration. Panellists expressed a concern that if parties fail to settle, the mediator can resume its role within the tribunal only with the prior consent of all parties. It is doubtful that such consent will be granted, given that mediation includes ex parte communications with the mediator.

The second panel featured ArbitralWomen members **Barbara Concolino** of BonelliErede (moderator) and **Gaëlle Filhol** of Betto Seraglini, **Mahnaz Malik** of 20 Essex Street and **Stefan Riegler** of Wolf Theiss. The panellists agreed that the Prague Rules may be useful in disputes where the factual background is undisputed, or when the dispute is limited to discrete factual aspects.

In such cases, the limitation, or even the exclusion, of the evidentiary phase may help speed up the proceedings.

The panel emphasized that, similar to the IBA Rules, the Prague Rules leave liberty to the parties, and the tribunal, to decide whether and to what extent the provisions should be applied to the proceedings. However, an arbitration agreement will, in all likelihood, seldom contain an express reference to the application of the Prague Rules. Hence, their application will most likely have to be agreed by the parties or by the tribunal – after having heard the parties – during the course of the proceedings (Article 1).

Laurence Shore of BonelliErede in his closing remarks noted that most panellists seemed to agree that the best way to promote efficiency, rather than new rules on the conduct of arbitration, is for arbitrators to be more willing to assume a proactive role in the management of the proceedings.

Submitted by Barbara Concolino, ArbitralWomen Member, Managing Associate, BonelliErede, Milan and Anna Biasiolo, ArbitralWomen Member, Senior Associate, BonelliErede, Milan.

Becoming a Rising Star in International Arbitration, on 8 March 2019 in Hong Kong



L to R: Gianna Kwong, Chiann Bao, Eliza Jiang, Sarah Grimmer, Mary Thomson, Nasim Hooshmandnia, May Tai

To mark International Women's Day on Friday, 8 March 2019, **Eliza Jiang** (ArbitralWomen member and Associate at Fangda Partners' Hong Kong office) moderated a panel

with **Chiann Bao** (former Secretary General of the HKIAC, and independent arbitrator), **Sarah Grimmer** (current Secretary General of the HKIAC), **May Tai** (Managing Partner of Greater China

for Herbert Smith Freehills), and **Mary Thomson** (Barrister at Pacific Chambers and Chair of CI Arb(EAB)), in which the panelists shared valuable insights, and entertaining and humorous stories on business development and networking for young arbitration practitioners. The audience learned many practical tips on the ways to "Becoming a Rising Star in International Arbitration". This event was conceived by ArbitralWomen, with the support of the HKIAC, CI Arb (East Asia Branch), Women In Law Hong Kong (WILHK), and Stephenson Hardwood.

Submitted by Vanina Sucharitkul, ArbitralWomen Member, International Arbitrator and Senior Lecturer, University Paris Descartes, Paris

Report on the "Wake up (with) arbitration!" breakfast round table: "Publication of awards: to to live happy, live hidden?" on 13 March 2019 in Paris, France

On 13 March 2019 a new "Wake up (with) arbitration!" periodical round table organized by **Valence Borgia**, **María Beatriz Burghetto** & **Caroline Duclercq** in Paris since 2012, was held on the subject: "Publication of awards: to live happy, live hidden?" with **Laetitia de Montalivet** (ICC Court, Director, Arbitration & ADR, Europe) and **Philippe Cavalieros** (partner, Simmons & Simmons).

In fact, ICC has brought about a "revolution" in the arbitration world when it amended the Note to the Parties and Arbitral Tribunals on the conduct of the arbitration under the ICC Rules of arbitration: "Parties and arbitrators in ICC arbitrations accept that ICC awards made as from 1 January 2019 may be published [...]". It would thus seem that the confidentiality principle in international arbitration is sacrificed in the name of transparency.

At the request of the organisers of "Wake Up (with) Arbitration!," the first speaker had to demonstrate that to live

happy, one should live hidden and thus the publication of awards is not necessarily convenient. In addition, the form of this "revolution," implemented in the form of a note, as opposed to a reform of the ICC arbitration rules is questionable.

Confidentiality, which has been the main asset of arbitration for several

years, in the eyes of the parties, is now gone and even where the parties report the existence of a confidentiality agreement, the ICC Secretariat will remind them that the award may be published. But arbitrators have no say in this matter.

The main risk of this "revolution" is



L to R: María Beatriz Burghetto, Philippe Cavalieros, Laetitia de Montalivet, Valence Borgia & Caroline Duclercq

undoubtedly the denaturalisation of arbitration. For instance, parties will use arbitrators' positions expressed in previous awards to choose or to challenge them, but above all, the publication of awards may lead to a precedent system similar to that already established in investment arbitration.

The second speaker, in turn, had to defend the position that to live happily, one should not live in hiding and that the principle of publication of arbitral awards is beneficial. This speaker noted that the success of the latest reforms undertaken by ICC shows that it has been necessary to initiate some "revolutions", such as the one under discussion. In addition, publication of awards should not be threatening, because there is nothing to hide. The actual threat is the opacity of arbitration. In fact, parties have total freedom to decide whether

they want their awards to be published and, if so, the timing and the modalities of the publication. This is hardly a novelty, given that ICC has been publishing awards for years.

One of the great advantages of the publication of awards is to contribute to the creation of a more complete, non-mandatory "arbitral jurisprudence", which will provide references and will undoubtedly contribute to greater predictability and greater legal certainty. Arbitral jurisprudence exists and nobody can say today that users, arbitrators and counsel do not need it (see Lord Thomas, the Lord Chief Justice of England & Wales, who said at the 2016 BAILII Lecture that arbitration, by being confidential, restricts the evolution of common law, which is built on precedents).

The fact that parties will be able to select arbitrators on the basis of their

opinions will not change such opinions and the possibility of increasing frivolous challenges will only render the institution more vigilant. The world demands transparency, which has been defined as "quality of an institution that fully informs about its functioning and practices".

After the speakers' presentations, the participants discussed various scenarios concerning the modalities and scope of parties' consent to publication of awards and the potential advantages of such publication, which may result in better drafted awards and constitute a suitable response to the strong criticisms about the lack of transparency in arbitration. Only time will tell where this new approach may lead.

Submitted by María Beatriz Burghetto, ArbitralWomen Board member, Of-counsel at JA Cremades & partners.

Future of ADR through the Eyes of Users – a CPR Breakfast Roundtable Supported by ArbitralWomen, on 14 March 2019 in Madrid, Spain

On 14 March 2019, the New York based International Institute for Conflict Prevention and Resolution ("CPR"), together with Samaniego Law and Hendel IDR held a breakfast roundtable focusing on the new challenges coming up for commercial disputes resolution. This event, on invitation only, gathered twenty in-house counsel from major corporations in the Madrid area, CPR representatives and private practitioners. It took place at the Alma Sensei Women's Club, a unique and stunning venue in the center of Madrid and was supported by ArbitralWomen.

Olivier André, CPR's Senior Vice-President, International, opened the discussion with a presentation of CPR including its activities in Europe and around the globe, its disputes resolution services and the 21st Century Pledge. The roundtable conversation then moved



L to R: Clifford Hendel, Carlos Jesus Gutierrez Garcia, Olivier André, Vanessa Alarcón Duvanel, Javier Fernández-Samaniego

on to several topics of interest for corporate counsels as they consider recent changes and contemplate the future of dispute resolution. A lively discussion to

which all participants contributed by sharing their views and experience addressed primarily the following topics: the increase in customer disputes in Europe and how best to approach this new trend; the risk of cyberattacks and the corresponding need to increase cybersecurity awareness; multi-tier arbitration clauses and the role of mediation prior to and/or during arbitration; and the growing use of technology in disputes resolution. ArbitralWomen members **Vanessa Alarcón Duvanel** (White & Case; co-organizer) and **Laura Cozar** (Accuracy) attended the roundtable and offered their perspective of private practitioner, respectively expert, in international arbitration.

Submitted by Vanessa Alarcón Duvanel, ArbitralWomen Member, White & Case, Geneva

Scottish Arbitration Centre (SAC) 2019 Edinburgh Adjudication & Arbitration Conference, on 15 March 2019 in Edinburgh, Scotland

On 15th March 2019, ArbitralWomen members **Louise Woods**, partner at Vinson & Elkins, and **Natasha Peter**, counsel at Gide Loyrette Nouel, participated in a panel on recent developments in arbitration and adjudication at the 2019 Edinburgh Adjudication and Arbitration Conference. The panel discussion was lively and wide-ranging, covering topics such as diversity in arbitration/adjudication as well as the challenges posed by the increasing time and costs of the arbitral process. Other panel members were **Murray Armes** (panel chair), **Catherine Gilbert**, **Donny Mackinnon** and **Brandon Malone**. The conference as a whole addressed the



L to R: Louise Woods, Catherine Gilbert, Donny Mackinnon, Natasha Peter and Brandon Malone

intersections and synergies between adjudication and arbitration, and between practice in Scotland, the UK and interna-

tionally. It featured presentations on UK Adjudication by **Lisa Cattanach**, on Disputes Avoidance and Adjudication under Dispute Boards, by **John Papworth**, on Arbitration, by **Hew R Dundas**, on Expert Evidence in Adjudication and Arbitration, by Iain Aitchison and on Litigation and Dispute Funding, by **Andrew O'Connor**. It was organized by **Sean Gibbs** of UK Adjudicators and took place at the Scottish Arbitration Centre in Edinburgh.

Submitted by Natasha Peter, Avocat au Barreau de Paris, Counsel, Barrister, Gide Loyrette Nouel A.A.R.P.I. and Louise Woods, Partner, Vinson & Elkins, London

ICC YAF – How to Raise Your Profile in the Arbitration Network? on 15 March 2019 in Cambridge

On 15 March 2019, the annual Cambridge Arbitration Day opened with an ICC YAF event titled “Young Practitioners: How to Raise Your Profile in the Arbitration Network”. Panellists included **Maria Claudia Procopiak** of Dechert LLP, **Niuscha Bassiri** of Hanotiau & van den Berg, **Sarah Ganz** of WilmerHale and **Elizabeth Chan** of Three Crowns.

The panellists shared with the audience their experiences of how they developed their careers in international arbitration and shared their advice on how to stand out in the field. They spoke about the importance of attending arbitration events, and how to make the most of them (tip: attend the networking drinks!). The panellists also discussed the importance of profile building both within one’s organisation and within the wider arbitration community. They also talked about “the art of association” and the usefulness of writing a book or article with someone already es-



L to R: Maria-Claudia Procopiak, Elizabeth Chan, Sarah Ganz

tablished in the field. The panellists also discussed the appropriate use of social media such as LinkedIn. The event was very much practice-oriented and aimed to provide students and young practitioners with pragmatic tips on breaking into the international arbitration market and/or developing a successful career in it.

On the issue of profile-building in particular, Elizabeth shared her tip of building the community that you wish to be part of. Given Elizabeth’s interest in Hong Kong and Asia, when she moved to London, she initiated a series of regular drinks and dinner for young prac-

tioners interested in arbitration in Asia. Over the course of two and a half years, the event has grown from strength to strength, attracting 30-40 attendees each time and featuring prominent guests, such as **Neil Kaplan QC**. This has given Elizabeth the opportunity to connect with those with a shared interest in Asia and to further her goal of building an Asia-facing practice.

Submitted by Elizabeth Chan, ArbitralWomen member, Three Crowns, London

World Law Forum Conference on 'Arbitration of Business & Human Rights Disputes', on 22 March 2019 in London, England

On 22 March 2019, the World Law Forum Conference on Arbitration of Business & Human Rights Disputes was held in London. Panels discussed the potential for using arbitration to address business-related human rights disputes. There were over 100 attendees, which included arbitration practitioners, academics and corporate representatives.

The conference began with a keynote address from **Michiel Coenraads**, Partner at DLA Piper. The first panel addressed "Protection of Investors versus Protection of Human Rights in International Arbitration," moderated by **Kate Cervantes-Knox**, a member of ArbitralWomen and Partner at DLA Piper, with **Angeline Welsh**, barrister at Matrix Chambers and Robert Volterra, partner at Volterra Fietta.

Two all-female panels featured ArbitralWomen members:

- The panel on "Resolving Business & Human Rights Disputes: The Experience So Far" featured ArbitralWomen members **Clare Connellan**, Partner and Head of Business and Human Rights at White & Case, and **Julianne Hughes-Jennett**, Partner and Head of Business and Human Rights at Hogan Lovells. They were joined by co-panellists **Klentiana Mahmutaj**, Red Lion Chambers barrister, and **Anna Kirkpatrick**, Senior Associate at Clifford Chance. The panel discussed the corporate responsibility to provide access to remedy, the barriers to access and the routes explored thus far.
- The panel convened by the Business & Human Rights Practitioners' Network, discussed the topic of "Business & Human Rights Arbitration: Opportunities & Challenges" and the panelists were Foreign & Commonwealth Office Assistant Legal Advisor **Sarah Macroby**, ArbitralWomen member and Allen & Overy Partner **Suzanne Spears**,



L to R: Anna Kirkpatrick, Klentiana Mahmutaj, Julianne Hughes-Jennett, Clare Connellan



Matrix Chambers barrister **Alison Macdonald QC**, 20 Essex Street barrister **Monica Feria-Tinta** and University of Essex School of Law lecturer, **Dr. Tara Van Ho**.

Considering arbitration as a process, **Nicole Bigby**, Partner and General Counsel at Bryan Cave Leighton Paisner guided a discussion with panelists **Lord Peter Goldsmith QC**, PC, London Co-Managing Partner, Debevoise & Plimpton, **Cherie Blair CBE QC**, Founder of Omnia Strategy LLP and **Stephen Jagusch QC**, Global Chair of International Arbitration at Quinn Emanuel Urquhart & Sullivan LLP. Topics included the potential benefits of resolving business and human rights disputes through arbitration and examined the importance of ensuring equal levels of representation and promoting diversity.

Exploring the "arbitrability of human rights disputes", **Steven Finizio**, partner at Wilmer Hale, moderated a panel fea-

turing ArbitralWomen member **Sophie Lamb QC**, Partner and Global Co-Chair of International Arbitration at Latham & Watkins, along with **Suzanne Spears**, Partner at Allen & Overy.

Further panels discussed other key issues surrounding the possibility of using arbitration in resolving Business & Human Rights disputes, including how corporations stood to gain from such practice and the new opportunities presented by this emerging idea, including comments from leading practitioner **Francois Zimeray**. The full agenda and list of speakers are available on the conference website.



Click here here to visit
World Law Forum website.

Submitted by Clare Connellan, AW member; Emiko Singh and Tiffany Lam, partner, associate and trainee at White & Case, respectively

Women's Initiatives In Their Workplace

Shearman & Sterling's engagement for Professional Equality and Diversity



On March 18, 2019, Shearman & Sterling invited ArbitralWomen's co-founder and Board member **Mirèze Philippe** to lead a discussion with its team on unconscious bias: what it is, how it affects the legal profession, and how to combat it.

Attendees first participated in Implicit Association Tests run by Mirèze, aimed at measuring the strengths of associations between concepts and stereotypes. Illustrations of the most common types of biases were presented and tips were provided on how to overcome them. The team engaged in a conversation on the need for diversity and inclusion, more specifically in the field of international arbitration where the diversity in disputes and parties re-

quires similarly diverse representatives and arbitrators.

The session was held at the firm's Paris office as part of its "Shearman Speaker Series" where thought leaders share ideas on contemporary issues (legal and non-legal) of relevance to the international arbitration group. Given the universality of the topic, members of the firm's global team were invited to participate via videoconference.

This is a topical example of the firm's commitment to the promotion of professional equality and the development of a diversity-centric culture.

A week earlier on March 11, 2019, Shearman & Sterling was awarded the **inaugural Grand Prize for Professional Equality** ("Grand Prix de

l'Egalité Professionnelle") by the Paris Bar in recognition of its innovative and outstanding contribution to the promotion of equality. The firm was distinguished for its initiatives on equal pay, career development opportunities, work-life balance, diversity and inclusion, as well as for other actions in favor of other aspects of equality, which the jury described as "balanced, thoughtful in its policy and well-rounded". The award ceremony was held at the end of the "Assises de l'Egalité" an inaugural one-day programme jointly organised by the Paris Bar and *ELLE Magazine* to discuss existing and emerging best practices related to gender equality in the legal profession.

"This Prize is a great opportunity to



We will continue our current path, supporting and implementing initiatives aimed at achieving equal representation of women and men, in the legal profession and elsewhere.

— YAS BANIFATEMI

both celebrate our achievements and remember that there is a long road ahead," commented **Yas Banifatemi**, Partner and co-Head of the firm's International Arbitration group, who supports and oversees **the women's empowerment group at the Paris office, Shearman#Elles**. "We will continue our current path, supporting and implementing initiatives aimed at achieving equal representation of women and men, in the legal profession and elsewhere. We will also remain heavily engaged in initiatives for equality in the field of education, which is one of our priorities."

Emmanuel Gaillard, Managing Partner of the Paris office and Global Head of Disputes and International Arbitration added: "We are honored and proud to have been awarded the prize for professional equality. This is a testament to our firm's exceptional commitment to promote equality and diversity. We are determined to achieve gender diversity in the workplace and fully support an environment where women and men have equal career development opportunities."

With its own visual identity based on the three first letters of the firm's name ("She"), Shearman#Elles is open to all, women and men, lawyers, business professionals, interns and the administrative staff at the firm. The group holds internal events and discussions monthly. It is also involved in external community and social responsibility initiatives, with a special focus on supporting children's education and their right to equal opportunities.

Shearman#Elles is also working alongside Sandra Bang, **Shearman & Sterling's first Chief Diversity & Talent Strategy Officer**, to take its actions to a next level in the third and fourth quarters of 2019.

"We've taken a hard look at our data and we are applying the findings to create new ways to advance the professional development and career growth opportunities for everyone — and particularly for diverse lawyers and business professionals within the firm," **Sandra Bang** said. "It is not enough to develop new initiatives — changing the culture of law firms will have the biggest impact and that is the broader piece we will work on. Continuing to enhance our inclusive and

collaborative working environment is essential to provide the cultural change needed so that everyone is performing to their highest potential. This will help us attract and retain the best talent and ensure that we continue to provide high quality client service."

Shearman & Sterling's Paris office currently comprises 170 lawyers and business professionals representing a total of more than 30 nationalities and 25 languages. The Paris-based international arbitration practice in-

cludes seven partners, four of whom are women. Shearman & Sterling's international arbitration team comprises approximately 100 lawyers based in nine of the firm's offices. Its recruitment and international traineeship programs, run by Yas Banifatemi, welcome applications from around the world and reflect the multiculturalism, diversity and inclusion that it actively promotes.

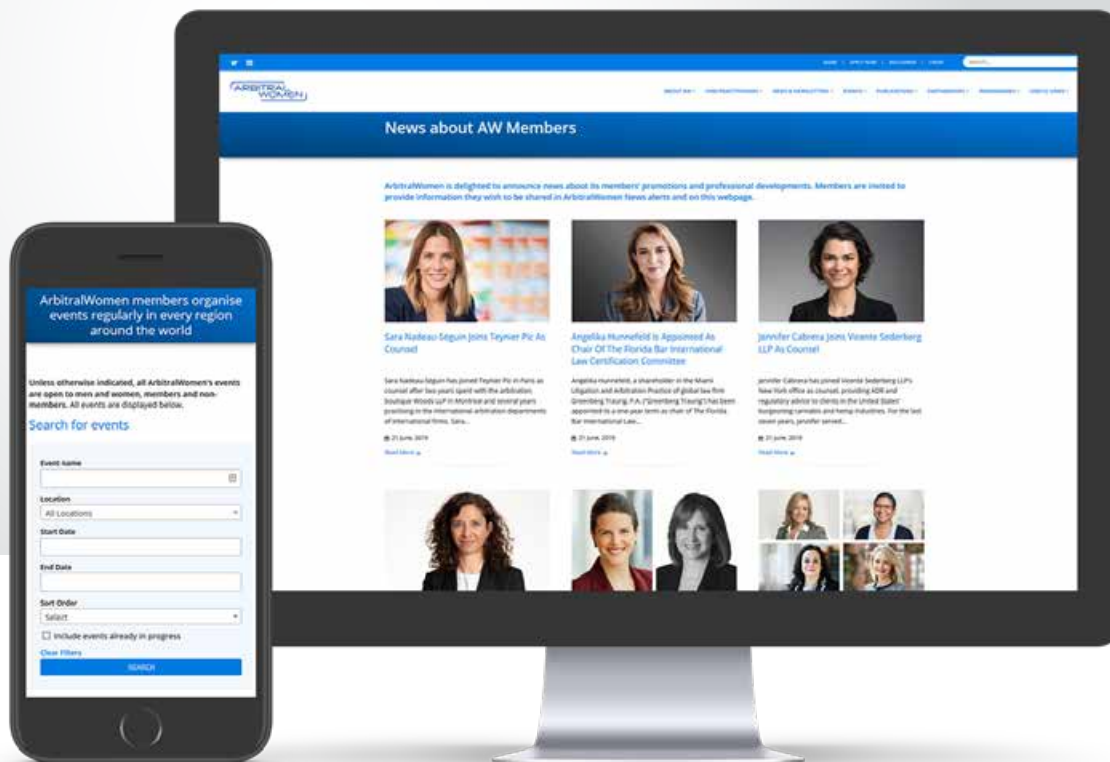
Chloé Vialard, Associate, International Arbitration at Shearman & Sterling.

Shearman#Elles' accomplishments over the course of 2018 and 2019 include:

- Fundraising events on International Women's Day: in 2018, 71 kg of clothes and accessories, as well as €6300 were collected and donated to La Mie de Pain and Stop Hunger; in 2019, €7500 were donated to Du Côté des Femmes and Espace Femmes.
- Paris office members welcomed the initiative as great fun as well as an opportunity to engage for impact along with colleagues.
- An internal mentoring programme to accompany and support young women in the firm in their career development. Mid-level associates from all global offices including Paris, also gathered in New York to attend a special career development programme which proposed coaching sessions to educate them about the professional value and benefits of mentorship and sponsorship (when received and when given).
- A one-to-one mentoring programme for 12 teenage girls aged 14-15 (from Saint-Ouen and Drancy). The program includes a presentation by the various members of the office of the various jobs in a law firm. The latest session focused on "is there such a thing as a man's profession?", introducing women professionals from various industries including STEM (science, technology, engineering and mathematics) where women participation has been particularly low.
- A school programme addressed to 11-year old students (from Meudon-la-Forêt) including an insight into the legal profession and the development and improvement of written and oral skills.
- Special events in support of the Girl Rising campaign to raise awareness of the need for girls' education and their empowerment.
- Meetings with inspiring women leaders, such as Chiara Condi, founder of Led by Her, a non-for-profit organization helping domestic abuse victims to rebuild their lives through entrepreneurship, and Loubna Farchakh, the in-house lawyer at Association L'Escale - Solidarité Femmes, which supports and assists women who have been the victims of violence.
- Screenings of movies on the lives of extraordinary women, such as He Named Me Malala; followed by open discussions.

Keep up with ArbitralWomen

Visit our website on your computer or mobile and stay up to date with what is going on. Read the latest [News](#) about ArbitralWomen and our [Members](#), check [Upcoming Events](#) and download the current and past issues of our [Newsletter](#).



SPEAKING AT AN EVENT?

If you or other ArbitralWomen members are speaking at an event related to dispute resolution, please let us know so that we can promote the event on our website and mention it in our upcoming events email alerts!

If you wish to organise an event with ArbitralWomen, please send the following information to events@arbitralwomen.org:

- Title of event or proposed event
- Date and time
- Names of ArbitralWomen members speaking at the event or who are potential speakers
- Venue
- Flyer or draft flyer which must be approved by ArbitralWomen Executive Board
- Short summary of the event for advertising purposes
- How to register/registration link

ArbitralWomen thanks all contributors for sharing their stories.

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Arbitralwomen Individual & Corporate Membership

ArbitralWomen website is the only hub offering a database of female practitioners in any dispute resolution role including arbitrators, mediators, experts, adjudicators, surveyors, facilitators, lawyers, neutrals, ombudswomen and forensic consultants. It is regularly visited by professionals searching for dispute resolution practitioners.



The many benefits of ArbitralWomen membership are namely:

- Searchability under [Member Directory](#) and [Find Practitioners](#)
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- Visibility on the [News](#) page if you contribute to any dispute resolution related news and ArbitralWomen news
- Visibility on the [News about AW Members](#) to announce news about members' promotions and professional developments
- Ability to **obtain referrals** of dispute resolution practitioners
- **Networking** with other women practitioners
- Opportunity to participate in ArbitralWomen's various programmes such as our [Mentoring Programme](#)

We encourage female practitioners to join us either individually or through their firm. Joining is easy and takes a few minutes: go to '[Apply Now](#)' and complete the application form.

Individual Membership: 150 Euros.

Corporate Membership: ArbitralWomen Corporate Membership entitles firms to a **discount on the cost** of individual memberships. For 650 Euros annually (instead of 750), firms can designate up to five individuals based at any of the firms' offices worldwide, and for each additional member a membership at the rate of 135 Euros (instead of 150). Over **forty firms** have subscribed a Corporate

Membership: [click here](#) for the list.

ArbitralWomen is globally recognised as the leading professional organisation forum for advancement of women in dispute resolution. Your continued support will ensure that we can provide you with opportunities to grow your network and your visibility, with all the terrific work we have accomplished to date as reported in our Newsletters.

ArbitralWomen membership has grown to approximately one thousand, from over 40 countries. Forty firms have so far subscribed for corporate membership, sometimes for as many as 40 practitioners from their firms.



Do not hesitate to contact membership@arbitralwomen.org, we would be happy to answer any questions.