



Delegates of the Diversity Challenge event in New York on 20 November 2019. From left to right, Viren Mascarenhas, Amanda Lee, Natalie Reid, Gretta Walters, Rainbow Willard, Daniela Paez, Dana MacGrath, Adelmise Warner, Sheila Sproule, Rajat Rana, and Cherine Foty

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Arbitration Weeks in November 2019

This special edition of the ArbitralWomen Newsletter features events that took place during several Arbitration Weeks in November 2019. These include Australia Arbitration Week, Dubai Arbitration Week, BVI Arbitration Week and the inaugural New York Arbitration Week. ArbitralWomen organized or co-organised events at each of these Arbitration Weeks and provided publicity and other support for many of the other events. We thank our Members for submitting the events reports published in this Special Edition.



President's Column

This special edition of the ArbitralWomen Newsletter features several "Arbitration Weeks" that took place in November 2019.

We first share the reports on events submitted by our Members on **Australia Arbitration Week**, which took place in Brisbane on 18-21 November 2019. Speakers addressed a wide array of topics, including for example hot topics in international arbitration, arbitration in the energy and resources industry, the intersection between climate change and energy/resource arbitration, China's Belt and Road initiative, arbitration of IP disputes, arbitration of M&A disputes, arbitration of construction and infrastructure project disputes, appointment of arbitrators, advantages of Queensland as an arbitration venue, expert witness conferencing in arbitration, investor-state arbitration, legal finance as a tool to promote diversity in arbitration, a Young ICCA/ACICA International Arbitration Skills Workshop, and recent developments in international dispute resolution in the Asia-Pacific region. Australia Arbitration Week also featured the Annual CI Arb Australia Lecture delivered by **Paula Hodges QC**.

We next share the reports on events submitted by our Members on **BVI Arbitration Week**, which took place in Tortola on 18-22 November 2019. The formal conference portion included an **ArbitralWomen Diversity Workshop** moderated by **Francois Lassalle**, the CEO of the BVI International Arbitration Centre and featuring as panelists ArbitralWomen Members **Wendy Miles**, **Shan Greer**, **Rose Rameau**, **Hagit Elul** and **Yasmine Lahlou**. Other topics addressed during the week included what parties look for in their arbitration seat, how the BVI meet parties' needs in arbitration, strategies for engaging the Caribbean Commercial Bar in arbitration, arbitration in an era of retreating globalism, the role of the tribunal secretary, Belt and Road disputes, cybersecurity, blockchain and fintech in arbitration, anti-arbitration injunctions, spotlight on the Americas: developments affecting the hemisphere, potential new class of claims in arbitration, and ethics in international arbitration. BVI Arbitration Week also featured a keynote address by ArbitralWomen Member **Wendy Miles QC** on "*BVI: A Frontline Focus for Resolving Future Climate Change Related Disputes.*"

We next share the reports on events submitted by our Members on the very well-attended edition of the **Dubai Arbitration Week**, which took place in Dubai from 17-21 November 2019. One of the highlights of the week was **ArbitralWomen's signature event** during the Dubai



Arbitration Week, traditionally focused on a diversity topic. Conference topics included third-party funding, comparative presentation of the main provisions of the ICC and TAHKEEM Rules, trends in managing and controlling the arbitral process in the Middle East, the proliferation of technology in international arbitration, an interactive mock construction arbitration, arbitrating the next generation of technology disputes as well as the changing face

of arbitration in the United Arab Emirates.

Finally, we share the reports on events submitted by Members on the inaugural **New York Arbitration Week**, which took place on 19-22 November 2019. The week started with Opening Cocktails. Thereafter on 20 November, there was welcome breakfast at NYIAC followed by the "**Diversity Challenge: Reinventing the Landscape for Young IA Practitioners**" co-organised by a number of young arbitral organisations including **ArbitralWomen's Young ArbitralWomen Practitioners (YAWP)**. Other panel events throughout the week addressed a wide array of topics, including M&A and complex financial disputes in arbitration, the U.S. Law Restatement of the Law of International Commercial and Investor-State Arbitration, expedited arbitration, the North American launch of the Cybersecurity Protocol, in-house counsel views on best practices and unique aspects of international arbitration in the life sciences, technology and construction industries, arbitration clause drafting, the impact of governing law clauses, selecting arbitrators, coordinating with outside counsel, document production, maximizing the services provided by the administering institution, current legal developments and trends, enforcement issues and new legislation. The week also included a New York Arbitration Week Dinner at the Yale Club. The final day of the week featured the full-day Fordham international Arbitration and Mediation Conference: Key Issues in International Commercial and Treaty Arbitration, which included a number of panel discussions, a keynote by **Julian Lew QC** on transparency in arbitration and an interview with ArbitralWomen Member **Meg Kinnear**, Secretary General of ICSID.

We are grateful to all who submitted reports on events about these arbitration weeks. Many thanks go to **Erika Williams**, ArbitralWomen Newsletter co-director who took the lead in preparing this special edition of the Newsletter.

*Dana MacGrath, Bentham IMF
ArbitralWomen President*

Australian Arbitration Week

Building Bridges: Resolving Disputes through International Arbitration on 18 November 2019 in Brisbane, Australia



Honourable Justice Keane AC and Honourable Chief Justice Holmes

Australian Arbitration Week

kicked off on 18 November 2019 in Brisbane, Australia with a flagship conference co-hosted by the Australian Centre for International Arbitration (ACICA) and the Chartered Institute of Arbitrators (CIArb) Australia. The event, held at the Westin Brisbane, was sold out, with more than 150 attendees from 5 continents and 15 jurisdictions. **Caroline Kenny QC**, President of CIArb Australia, and **Brenda Horrigan**, President of ACICA, served as hosts of the event. The conference opened with an address by the **Honourable Chief Justice Holmes** (Brisbane), followed by a keynote address by the **Honourable Justice Keane AC** (Canberra).

The first panel of the day was titled "Around the Globe in 60 Minutes: Hot Topics in International Arbitration". The panel was chaired by **John Arthur** (Melbourne), with contributions from **Anne K Hoffmann** (Dubai) addressing the Middle East, **Meg Utterback** (New York/Shanghai) addressing China, **Sheila Ahuja** (Singapore) addressing other Asian jurisdictions, all with commentary from the **Honourable Justice Sofronoff** (Brisbane).

The second session featured a conversation with **Paula Hodges QC** (London), President of the LCIA, led by **Caroline Kenny QC** (Melbourne). The session addressed a wide range of topics,

from discussion of distinguishing features of the LCIA Rules to a discussion of the trajectory of Paula's career and advice for younger practitioners.

The third panel looked at arbitration in the energy and resources industry, and was chaired by **Jeremy Quan-Sing** (Perth), with contributions from **Georgia Quick** (Sydney), **Russell Thirgood** (Brisbane) and **Kanaga Dharmananda QC** (Perth). The session reviewed findings from the Western Australia arbitration survey completed earlier this year, developments in the renewables sector in Australia, the intersection between climate change and energy/resource arbitration, and expert evidence in energy and resource disputes.

The fourth panel focused on China's Belt and Road Initiative. The session was chaired by **Chan Leng Sun SC** (Singapore), with contributions from **Dr Fuyong Chen** (Beijing), Deputy Secretary General of BIAC, who addressed BIAC's initiatives in this area, and **Olga Boltenko** (Hong Kong), who discussed China's treaty policy and its interplay with the BRI initiative.

After the lunch break, there were a number of sector-specific panels.

The first of those addressed arbitration of IP disputes, and was chaired by **Professor Jenni Lightowlers** (Melbourne), with contributions from **Winnie Tam SC** (Hong Kong) and **Dr**

Rouven Bodenheimer (Cologne).

The second sector panel focused on arbitration of M&A disputes, and was chaired by **Justin McDonnell** (Brisbane) with contributions from **Andrew McDougall** (Paris) and **Paul Sandosham** (Singapore).

The third sector panel looked at arbitration of construction and infrastructure major project disputes, and was chaired by **Sandy Thompson QC** (Brisbane) with contributions from **Stephen Hibbert** (Qatar), **Gitanjali Bajaj** (Sydney), and **Frances Williams** (Brisbane).

The last panel of the day was titled "Appointment of Arbitrator: Institution v Corporate", and looked at the considerations going into appointment of arbitrators from the institutional and corporate perspectives. The panel was chaired by **Professor Doug Jones AO**, with contributions from **Matthew Gearing** (Hong Kong), Chairperson of the HKIAC, and from **Scheherazade Walter** (Brisbane) of Rio Tinto.

Caroline Kenny QC and Brenda Horrigan gave the closing address, and the conference then ended with a cocktail reception at which Matthew Gearing presented short remarks.

Submitted by Brenda Horrigan, ArbitralWomen member, Partner, Herbert Smith Freehills, Sydney, Australia

Spotlight on Arbitration in Queensland on 19 November 2019 in Brisbane, Australia

On 19 November 2019, ArbitralWomen held a breakfast event at McCullough Robertson in Brisbane during Australian Arbitration Week 2019.

Approximately 80 guests arrived early, to be welcomed by **Russell Thirgood**, Partner, Arbitrator and Head of Arbitration at McCullough Robertson. **Erika Williams**, ArbitralWomen Board member and Senior Associate at McCullough Robertson then facilitated the panel of eminent professionals, **Jennifer Barrett**, Of Counsel – International, Corrs Chambers Westgarth, Dr **Anne Matthew**, Lecturer at the Queensland University of Technology Law School and **Elise Higgs**, Senior Associate at Herbert Smith Freehills.

Erika started the discussion by raising the advantages of Queensland as an arbitration venue due to its proximity to Pacific island nations that are working towards implementing international arbitration legislation with special mention of Papua New Guinea which recently acceded to the New York Convention.

Jennifer then discussed her experiences as a non-Australian lawyer living and working in Brisbane. Jennifer noted the strength and excellence of the Australia diaspora within the international arbitration community. She also drew on her overseas experience to address what we might be able to do differently in Queensland.



Left to Right: Elise Higgs, Erika Williams, Anne Matthew and Jennifer Barrett

Jennifer's view is that Queensland offers significant advantages to global business, including proximity to Asia and cost competitiveness, as well as a robust business environment. Queensland should be confident taking its place alongside other Australian arbitral seats as the 'precocious new kid on the block'.

Elise then raised the increase in awareness of investor-state arbitration in Australia given our mining and resource rich background and commented on some of the government's contemplated or implemented policy and legislative changes that could give rise to foreign investors bringing claims against the Commonwealth of Australia.

Finally, Anne informed the audience about the UNCITRAL National Coordination Committee for Australia and the UNCITRAL Law Reform Program.

Anne also updated the audience on trends in arbitration education including that at the Queensland University of Technology, dispute resolution is a mandatory first year subject and the university is one of an increasing number of universities that offer international arbitration as an elective subject.

We are sure the audience enjoyed these insights into the arbitration scene in Queensland.

Submitted by Erika Williams, ArbitralWomen Board member, Senior Associate, McCullough Robertson, Brisbane, Australia and Jennifer Barrett, Of Counsel – International, Corrs Chambers Westgarth, Brisbane Australia

From Hot Seat to Hot Tub: Expert Witness Conferencing in International Arbitration on 19 November 2019 in Brisbane, Australia

During Australian Arbitration Week, DLA Piper and CI Arb jointly sponsored this session, which showcased CI Arb's new Guidelines for Witness Conferencing in International Arbitration

through a mock witness hot tub and informal panel discussion.

Gitanjali Bajaj of DLA Piper hosted the session, and **Professor Doug Jones AO** served as moderator during

the mock. **Brenda Horrigan** (Herbert Smith Freehills) and **Liam Prescott** (DLA Piper) acted as counsel to the parties during the session, and **Darren Hopkins** (McGrathNicol) and **Mark Johnston**

(Maxwell 42 Chambers) played the roles of the parties' respective expert witnesses. The mock included three sample hot-tub approaches, as set out in the Guidelines – an arbitrator-led approach, counsel-led approach, and expert-led approach. There was then discussion among the panel as to the types of approaches seen in actual cases, and the advantages and pitfalls that had been seen.

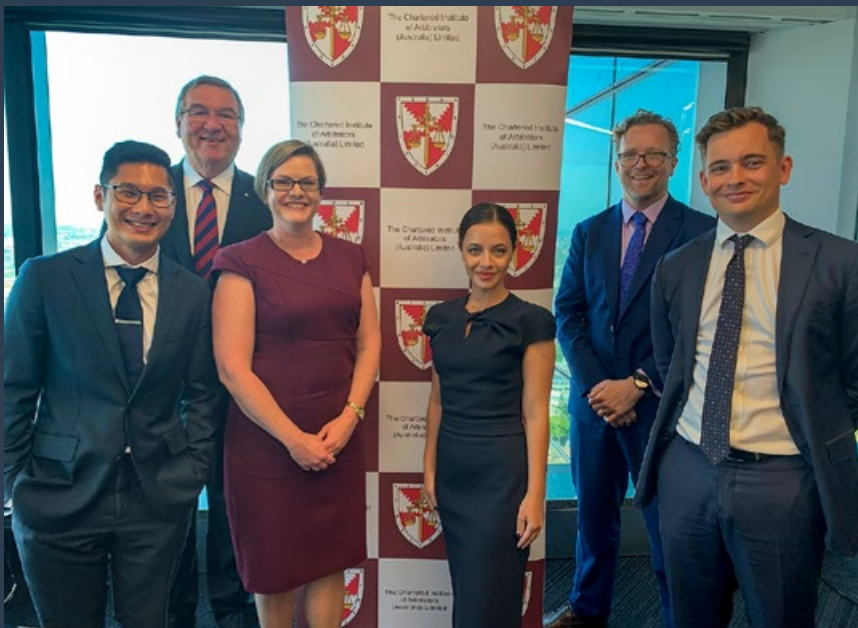
The session was very interactive, and included a broad discussion with the audience, many of whom were themselves expert witness sharing their own experiences.

Submitted by Brenda Horrigan, ArbitralWomen member, Partner, Herbert Smith Freehills, Sydney, Australia



Left to Right: Liam Prescott, Darren Hopkins, Doug Jones AO, Brenda Horrigan, Mark Johnston and Gitanjali Bajaj

Investor–State Arbitration: A Force for Good? on 19 November 2019 in Brisbane, Australia



Left to Right: Jay Tseng, the Hon. Justice Daubney, Erika Williams, Marina Kofman, Kristian Maley and Ben Holloway

On 19 November 2019, the Chartered Institute of Arbitrators (Australia) Young Members Group (CI Arb YMG) held a lunch time debate at King & Wood Mallesons in Brisbane during Australian Arbitration Week 2019. At this event, emerging practitioners from some of Australia's leading arbitration prac-

tices debated whether investor-state arbitration is a force for good.

Kristian Maley, Australian Representative to global CI Arb YMG, CI Arb YMG Australia Convenor and organiser of the debate welcomed the full room and introduced the topic.

First speaker for the affirmative, **Jay Tseng**, Solicitor, King & Wood Mallesons,

began with a definition of investor-state dispute settlement (ISDS) followed by espousing the economic benefits of ISDS including the promotion of foreign direct investment (FDI) and its usefulness as a trade negotiation tool.

Marina Kofman, first speaker for the negative, humorously cited BuzzFeed's criticisms of ISDS and argued that the ISDS system of dispute resolution for FDI disputes, as currently structured, has numerous problematic aspects and is not fit for purpose and as such it is not a 'force for good'. Marina identified the lack of appeal mechanism and the issues of arbitrator appointment including that a small pool of top arbitrators are consistently appointed for investor-state arbitrations and that there is no uniform standard for arbitrator ethics including conflicts of interest in ISDS as main areas for concern.

As second speaker for the affirmative, **Erika Williams**, ArbitralWomen Board member and Senior Associate at McCullough Robertson then commended ISDS for its protection of in-

vestors overseas and provided some examples of how Australian investors have used ISDS to protect their investments including the cases of Tethyan Copper v Pakistan, White Industries v India and Munshi v Mongolia.

The second speaker for the negative, **Ben Holloway**, Associate, Jones Day commented on concerns of regulatory chill and ISDS affecting states' abilities to protect the interest

of their citizens. He also identified cases where the amounts states have been ordered to pay foreign investors have been disproportionately large. Finally, Ben referred to the expanded scope of ISDS by use of most favoured nations clause as another reason why ISDS is not a force for good.

Finally, the Honourable Justice **Martin Daubney**, President of the Queensland Civil and Administrative

Tribunal, was invited to deliver his judgment on the debate. Although His Honour was very complimentary of each of the debater, he declared it an equal contest.

Submitted by Erika Williams, ArbitralWomen Board member, Senior Associate, McCullough Robertson, Brisbane, Australia

Annual CIArb Australia Lecture on 19 November 2019 in Brisbane, Australia

On 19 November 2019 Paula Hodges QC, Herbert Smith Freehills' Head of Global Arbitration and President of the London Court of International Arbitration (LCIA) delivered the Chartered Institute of Arbitrators Annual Lecture. The lecture is one of the key-note events of Australian Arbitration Week and attracted an audience of practitioners, experts and interested clients.

Sponsored and hosted by Herbert Smith Freehills, the lecture considered the continuing evolution of international commercial arbitration and sought to answer the question of whether it remains fit for purpose. Ms Hodges considered the opportunities and challenges presented by the future of international commercial arbitration, and suggested that embracing diversity, adapting to new technologies and ongoing flexibility are crucial to the evolution of international commercial arbitration.

Briefly recounting the history of commercial arbitration generally and pointing to the growth in user demand following the entry into force of the New York Convention in 1959, Ms Hodges noted that the story of international commercial arbitration was one of success. The proliferation of arbitral institutions around the world bears out the enduring relevance of international commercial arbitration for parties and practitioners around the world. However, Ms Hodges cautioned against complacency and suggested that the international commercial arbitration community should always be mindful of user interests.

Ms Hodges not-

ed that a key part of the challenge to ensure international commercial arbitration remains 'fit for purpose' is an increased focus on gender, ethnic, and regional diversity. Whilst acknowledging the work that has already been done by arbitral institutions, Ms Hodges urged practitioners and parties to do more to make diverse tribunals a reality. Technological advancements have already changed the practice of arbitration. However, Ms Hodges suggested that the introduction of augmented reality, blockchain and smart contracts requires practitioners and tribunals up-skill if they are to take leverage these innovations offer. Ms Hodges argued that increasing diversity and the continuing introduction and adoption of new technologies will play an important role in ensuring the future of international commercial arbitration and maintaining its fitness for purpose.

Ultimately, the story of international commercial arbitration has been one of development, adaptation and change. Ms Hodges encouraged practitioners and parties to retain the flexibility and pragmatism that has shaped the history of international arbitration, so as to take advantage of the benefits that diversity and new technologies can provide.

Submitted by Brenda Horrigan, ArbitralWomen member, Partner, Herbert Smith Freehills, Sydney, Australia and Oliver Cook, Associate, Herbert Smith Freehills, Brisbane, Australia



Paula Hodges QC

Young ICCA / ACICA 45 International Arbitration Skills Workshop on 20 November 2019 in Brisbane, Australia



On 20 November 2019, Young ICCA and ACICA 45 teamed up to hold an International Arbitration Skills Workshop at Herbert Smith Freehills in Brisbane during Australian Arbitration Week 2019. This year's workshop was on 'Building your case in international arbitration: lay and expert witness evidence'.

Caroline Swartz-Zern, Senior Associate, Allens welcomed the approximately 50 attendees to the event and introduced the topic with support from **Chad Catterwell**, Executive Counsel, Herbert Smith Freehills.

The first session on lay witness evidence was led by **Erika Williams**, ArbitralWomen Board member

and Senior Associate, McCullough Robertson, **Lee Carroll**, Special Counsel, Corrs Chambers Westgarth and **Lucy Martinez**, independent counsel and arbitrator, Martinez Arbitration. The discussion was around taking witness statements including the relevance of the IBA Guidelines on the Taking of Evidence in International Arbitration, preparing for the cross-examination of the opposing side's witnesses and preparing your client's witnesses for cross-examination.

The second session on expert witness evidence was led by **Grant Axman-Friend**, Director, Core Project Advisory, **Guillermo Garcia-Perrote**, Senior Associate, Herbert Smith Freehills and **Lucinda McPhee**, Senior Associate, Clayton Utz. The topics covered in this

session included how to brief an expert and expert conclaves with reference to the CIArb Protocol for the use of Party-Appointed Expert Witnesses in International Arbitration and the CIArb Guidelines for Witness Conferencing in International Arbitration, respectively. Grant's insight from an expert's perspective were particularly informative.

The workshop was conducted in an open discussion format and many of the attendees contributed to the conversation.

Submitted by Erika Williams, ArbitralWomen Board member, Senior Associate, McCullough Robertson, Brisbane, Australia

Busting the Club: Creating a new face for Australian arbitration, on 20 November 2019 in Brisbane, Australia

On 20 November 2019, the Asia-Pacific Forum for International Arbitration Symposium was held at Clayton Utz in Brisbane during Australian Arbitration Week 2019. This year's symposium commenced with a keynote and was followed by a panel discussion on the

topic '**Busting the Club: Creating a new face for Australian arbitration**'.

Dale Brackin, Partner, Clayton Utz, welcomed the attendees and introduced the esteemed keynote speaker, Professor **Doug Jones** AO RFD, who presented on the topic citing two questions of central

importance – what is the existing face of arbitration in Australia and what must be done to ensure that Australia attracts international arbitration in the region. Doug referenced the existing framework for international arbitration in Australia and the pros and cons of Australia's

geographic location for international arbitration work. Doug then proposed some points of innovation for arbitration which could enhance Australia's position as an international arbitration hub and challenges for young practitioners to address.

The panel discussion was moderated by **Ashley Hill**, Director, GRT Lawyers who posed questions to the panelists who each provided a unique perspective on 'busting the club'. **Michael Stewart QC** addressed the recent barristers push into overseas arbitration by, for example opening Maxwell 42 International Arbitration Chambers in Singapore. **Deborah Tomkinson**, Secretary General, Australian Centre for International Arbitration, was able to provide positive evidence of what institutions are doing to help introduce and promote new arbitrators. **David van Homrigh** Senior Consultant, KordaMentha, provided insight into what is happening in the expert space to introduce new talent. Recently appointed Fellow of the



Left to right: Ashley Hill, Deborah Tomkinson, David van Homrigh, Erika Williams, Michael Stewart and Doug Jones

Chartered Institute of Arbitrators, **Erika Williams**, ArbitralWomen Board member and Senior Associate, McCullough Robertson, provided insight into what steps young arbitrators can take to get arbitrator appointments.

The event was attended by approxi-

mately 40 solicitors, barristers, experts and others interested in the field of arbitration.

Submitted by Erika Williams, ArbitralWomen Board member, Senior Associate, McCullough Robertson, Brisbane, Australia

Australian Arbitration Week Breakfast: Legal finance as a tool to promote diversity in arbitration on 21 November 2019 in Brisbane, Australia

The panel discussed diversity (or the lack thereof) in international arbitration and shared ideas to tackle the problem, including legal finance. The focus was on gender diversity, but the discussion also included other diversity issues, including national, racial, geographic, legal system (common law v civil law), socio-economic, and age.

The panelists shared their personal experiences with diversity in international arbitration, as counsel and arbitrator, and discussed potential solutions to diversity issues. These potential solutions included:

- i. increasing the pipeline of diverse candidates, at law firms, barristers' chambers, in academia, government, and in-house roles;
- ii. providing more visibility and opportunities for diverse candidates, including oral advocacy opportunities;
- iii. providing a supportive and flexible working environment, including childcare programs;
- iv. providing a formal or informal mentoring program for diverse candidates;
- v. institutions continuing to appoint diverse candidates, and to provide statistics regarding diversity;
- vi. parties, counsel, and institutions signing the ERA Pledge; and
- vii. counsel accessing the Equity Project.

The speakers were: **Jo Delaney**, Partner, Baker McKenzie; **Brenda Horrigan**, Head of international arbitration (Australia), Herbert Smith Freehills; **Lucy Martinez**, Martinez

Arbitration; **Russell Thirgood**, Partner and Arbitrator, McCullough Robertson; **Erika Williams**, Director, ArbitralWomen, and Senior Associate, McCullough Robertson. The panel was moderated by **Monique Cronin**, Vice President, Burford Capital.

[Click here to visit the ERA Pledge.](#)

[Click here to visit The Equity Project.](#)

Submitted by Lucy Martinez, ArbitralWomen member, Independent Counsel & Arbitrator, UK and Australia

ACICA Lunch: What Parties Want in Arbitration, on 21 November 2019 in Brisbane, Australia

On 21 November 2019, Ashurst in Brisbane generously hosted an ACICA Lunch during which a panel of speakers addressed *'What Parties Want in Arbitration'*. Three in-house counsel, a third party funder, a former member of the judiciary and two partners from Brisbane firms discussed the topic.

Georgia Quick, Partner, Ashurst and Vice President, ACICA welcomed the attendees and introduced the moderator of the panel, **Erika Williams**, ArbitralWomen Board member and Senior Associate, McCullough Robertson.

Erika began the discussion by asking the three in-house counsel what they want in arbitration. **Michelle Tilley**, General Counsel – Growth & Innovation, Rio Tinto, **Creina Stone**, Head of Legal (Australia), Tri-Star Petroleum Group and **William Haseler**, General Counsel,

Waratah Coal astutely answered questions on their experience with arbitration processes. It was promising to hear that there was a general preference for arbitration over litigation and that they all had a tendency to insert arbitration clauses in contracts.

Speaking from a third party funder's perspective, **Alexandra McVay**, Investment Manager, IMF Bentham discussed to solutions in place for when tension arises between what the party wants and what the funder wants, although she said that this has rarely occurred in her experience. Alexandra also told the audience what funders look for in a case, with the seat of the arbitration and where an award would be enforced as some of the key criteria.

The Honourable **Richard Chesterman** noted that, although many

parties seek expeditious proceedings in arbitration, it is often the parties who cause the delay from lengthy arbitrator appointment negotiations to failing to comply with procedural orders. He opined that parties can get what they want, if they come to the party.

Finally, **Russell Thirgood**, Partner and Arbitrator, McCullough Robertson and **Jeremy Chenoweth**, Partner, Ashurst drew from their arbitration experience to identify where arbitration has not lived up to parties' expectations and how to guide parties towards more efficient procedures.

Submitted by Erika Williams, ArbitralWomen Board member, Senior Associate, McCullough Robertson, Brisbane, Australia

ICC YAF: The way of the future—Arbitration or other options? on 21 November 2019 in Brisbane, Australia



Left to Right: Lucy Martinez, Carmel Proudfoot, Jay Tseng, Erika Williams, Jason Mitchenson and Alexandra McVay

The panel discussed recent developments in international dispute resolution in the Asia-Pacific region, including the United Nations Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Convention on Mediation), the Singapore International Commercial

Court, the Belt & Road Initiative, and disputes involving Chinese parties.

The panel offered insights from the perspective of the institution, **Hazel Tang**, ICC Singapore; counsel, **Erika Williams**, Senior Associate, McCullough Robertson, ArbitralWomen member; **Jason Mitchenson**, Barrister, Level 27 Chambers; arbitrator, **Lucy Martinez**,

Martinez Arbitration, ArbitralWomen member; and funder, **Alexandra McVay**, Investment Manager, IMF Bentham. The panel was moderated by **Carmel Proudfoot**, Associate, Norton Rose Fulbright and **Jay Tseng**, Associate, King Wood Mallesons.

The panel consensus was that international arbitration would continue to be a preferred method of resolving international disputes, but the system would need to adapt and evolve to respond to criticisms, including criticisms relating to cost- and time-efficiency, confidentiality, diversity, and (perceptions of) legitimacy. Mediation is likely to continue to increase, both as a precondition to arbitration, and as an alternative to it.

Submitted by Lucy Martinez, ArbitralWomen member, Independent Counsel & Arbitrator, UK and Australia

British Virgin Islands Arbitration Week



Keynote Address by Wendy Miles on Climate Change Related Disputes on 19 November 2019 in Tortola, British Virgin Islands

On 19 November 2019, Wendy Miles QC delivered the Third Dr. J. S. Archibald, Q.C. Memorial Lecture on arbitration during the third BVI Arbitration Conference. The theme of the lecture was *"BVI: A Frontline Focus for Resolving Future Climate Change Related Disputes."* A high-level summary of portions of the lecture appears below. The full text of the lecture may be found on the BVI IAC website [here](#).

In December 2015, more than 190 states acknowledged by entering into the Paris Agreement that we must decarbonise our systems of energy, industry, land use and infrastructure and transport. A low carbon future needs to forge its way forward and prosper. In practical terms, decarbonisation means producing less carbon and finding ways to remove any carbon that we continue to produce. But at the same time, our contemporaneous sustainable development goals for humankind require that we produce more energy for an ever-growing population of ever-increasing prosperity.

There are many pathways to achieving these dual objectives; none is necessarily easy or straightforward because each requires us to change the only way we have known things to be. It is a new and a different future.

Steps toward decarbonisation include: shift electricity production to renewables; shift transportation to electric; develop new lower carbon energy sources

for high abating industries; increase carbon capture and storage and use; improve energy efficiency and expand nature based solutions; make fundamental changes to how we use land, produce food, build and live in our homes, offices, hospitals and schools.

Few members of our international law community are fully informed and engaged in climate change issues. Why are lawyers not more engaged? As international commercial dispute resolution lawyers, we are actors in the transition to a low carbon future. Transition to a low carbon future is all about the law. The global community's commitment to transition was borne of a public international law framework; is being implemented through national regulatory frameworks; and will be facilitated through enforcement of private commercial contracts and, to some extent, bilateral and multilateral investment treaties. The law governs transition; and role of dispute resolution is to implement the law. We are not mere bystanders in this exercise: we are at its very heart.

The BVI international arbitration court and the BVI International Arbitration Centre and community are uniquely placed to

become a climate leader, to amplify the effect of climate policies. First, the catastrophic impacts of climate change are at your foreshore. As small islands, the BVI faces real and present danger today. Climate ambition in the Caribbean should be among the highest in the world. Second, the BVI IAC is a body for international dispute resolution. It is one of the few on an island that is highly susceptible to climate related extreme weather events. It is poignant that the BVI IAC became home to the BVI government and administration following the last devastating hurricane. Perhaps it could explore a greater role and explore a role in driving climate leadership in the Caribbean, much like the ICC does from Paris.

The Centre's mission statement is to become the arbitration centre of choice to meet the evolving dispute resolution needs of arbitration users worldwide; a nerve centre for dispute resolution and thought leadership as well as other initiatives. The BVI IAC can find new and novel ways to continue to support the region in promoting understanding of and resolving disputes arising out of or relating to climate change.

International lawyers also can be champions for transition to a low carbon economy. If we look for the drivers for transition, if we remain inquisitive and intellectually curious, we are more likely to raise transition facilitative issues with our clients and contribute to the transition.



Submitted by Dana MacGrath, ArbitralWomen President and Bentham IMF

ArbitralWomen Diversity Workshop on 20 November 2019 in Tortola, British Virgin Islands



Left to Right: François Lassalle, Wendy Miles, Shan Greer, Rose Rameau, Hagit Elul, Yasmine Lahlou.

ArbitralWomen was well represented at the 3rd Annual British Virgin Islands International Arbitration Center (BVI-IAC) Conference, entitled Arbitration 2.0. The conference was held during the BVI Arbitration Week from 18-22 November 2019. The ArbitralWomen Diversity workshop moderated by **François Lassalle**, captured the essential meanings of diversity in different places, cultures and concepts.

ArbitralWomen members **Wendy Miles, Shan Greer, Rose Rameau, Hagit Elul** and **Yasmine Lahlou** clearly exhibit the common interest of women to be more involved in international arbitration and other disputes resolution mechanisms. The engagement of the participants was overwhelmingly impressive as they all put their spin on the meaning of diversity in the Caribbean. Especially amazed to hear was about the involvement of women in high political positions in Jamaica and Trinidad. One participant highlighted that in Trinidad, Jamaica and Eastern Caribbean, women hold high

positions in the judiciary and in politics. Another participant noticed that the Eastern Caribbean Court of Appeal has a female Chief Justice. This was a particular vibrant and well-engaged workshop with constant interaction between the panelists and the participants. Diversity definitely is defined differently across the world.

However, the simple take away remains that while diversity may be different in many parts of the world, international arbitration still remains an area

of practice where women need to be of a greater number because women are different and are likely to bring different analysis as a member of a particular tribunal and such diverse reasoning is needed in international arbitration.

Submitted by Rose Rameau, ArbitralWomen member, International Disputes Resolution Counsel, Managing Partner, Rameau Law Firm, Washington DC, USA



Cybersecurity, Blockchain & Fintech in Arbitration on 21 November 2019 in Tortola, British Virgin Islands



Left to Right: João Vilhena Valério, Hagit Muriel Elul, Sophie Nappert, Dr. Peter Maynard and Katharine Menendez de la Cuesta

On the first day of the main conference, **João Vilhena Valério** moderated an outstanding panel on Cybersecurity, Blockchain & Fintech in Arbitration. **Katharine Menendez de la Cuesta**, **Hagit Muriel Elul**, **Sophie Nappert**, and **Dr. Peter Maynard** discussed various aspects of the new conundrum in Arbitration. In particular, they talked about Kleros (Kleros.io) - Kleros is the world's first decentralized court, used by businesses for arbitration in their contracts. When a dispute is created, Kleros selects a panel of jurors and sends back a de-

cision. Backed by blockchain, the whole process is secured and transparent.

Sophie drew some parallels with mainstream arbitration, but clearly highlighted differences as well. For instance: "In arbitration, we are incentivized by resolving the dispute, with the clients at the center. Kleros jurors are incentivized by maximum payoff." Still, Kleros is a system of distributed justice that we, lawyers, need to engage with because the use and functionalities of such platforms are growing.

On cybersecurity, the panel recognized it was more an annoyance rath-

er than something practitioners enjoy embracing, but as Hagit put it: "it's not going away, so deal with it!" - The risks associated are overwhelming and not doing anything is suicide. At minima, the ability by practitioners and firms to demonstrate that they have processes and standards in place to mitigate that risk is critical, particularly in the event of a breach.

Submitted by Francois Lassalle, Chief Executive Officer, BVI International Arbitration Centre, Tortola, BVI

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Dubai Arbitration Week

Practical Insight and Tips for Ensuring Effective Third-Party Funding of Arbitration in the United Arab Emirates on 17 November 2019 in Dubai, UAE

As part of Dubai Arbitration

Week, DWF LLP (Middle East) (DWF) organised a breakfast seminar on third party funding in arbitration. **James Fox**, Partner and Head of Dispute Resolution, DWF, moderated the debate held between three panelists: **Soraya Corm-Bakhos**, Counsel, DWF, **James Foster**, Head of International Arbitration, Augusta Ventures, and **Matthew Denny**, Investment Manager and Head of Origination EMEA, LCM.

To start, James Foster and Matthew Denny explained what litigation funding is and listed its benefits. Put in the simplest of terms, litigation funding is the process by which a party with no direct interest in a litigation deploys capital to one party in a dispute in return of which it receives a return on its investment. As highlighted during the discussions, the main benefits of litigation funding include allowing a party with limited means to pursue meritorious claims, enabling claimants to manage the risks associated with costly arbitrations, and, obtaining an objective assessment of the strength of a claim.

Focusing on regulation of third party funding in the UAE, Soraya Corm-Bakhos went on to discuss the distinction to be drawn between onshore and offshore arbitration. While the absence of regulation for onshore arbitration does not necessarily suggest the practice is prohibited, it does raise some uncertainty as to whether courts would enforce funding agreements, particularly in light of the Sharia prohibition on speculative or uncertain transactions. As to offshore arbitrations, while the DIFC Arbitration Law does not address the matter, DIFC Practice Direction No. 2 of 2017 expressly permits and regulates third party funding in the DIFC courts. This suggests that third party funding is permissible in arbitrations seated in the



Left to Right: Matthew Denney, James Fox, Soraya Corm-Bakhos and James Foster

DIFC. The panelists also discussed the recent Litigation Funding Rules adopted by the Abu Dhabi Global Market (ADGM) on 16 April 2019, which apply not only to ADGM court proceedings but also notably to ADGM seated arbitrations.

Moving on to more practical concerns, the panelists discussed matters to bear in mind when considering third party funding in arbitration. These include the signing of a non-disclosure agreement to preserve privilege and confidentiality, practical concerns around the recoverability of funding costs, signing an exclusivity agreement with an interested funder, and the extent of the third party funder's involvement in the matter. Generally speaking, funders tend to remain at arm's length in common law jurisdictions and, in particular, would not influence the choice of counsel, even if such choice might be a factor considered by the third party in deciding

whether to fund the claim. Other matters discussed under this heading included the funder's participation in settlement discussions and the termination of the funding agreement.

Finally, the last topic tackled by the speakers related to the challenges faced by funders in the UAE and the MENA region generally. Litigation funding is used mostly in the construction industry in the UAE, which includes a significant number of claims and also raises general liquidity issues. As to views on the future of litigation funding, it is expected that the practice will continue to grow in the region.

Submitted by Soraya Corm-Bakhos, ArbitralWomen member, Counsel, DWF (Middle East) LLP, Dubai, United Arab Emirates and Farah Haidar, DWF (Middle East) LLP, Doha, Qatar.

Behind the Scenes: Arbitration Proceedings on 17 November 2019 in Dubai, UAE



Left to Right: Raza Mithani, Fatima Balfaqqeh, Victor Leginsky, Leonora Riesenburb, Sara Malik, Louise Wright

During Dubai Arbitration Week (DAW) and for the first time, LexisNexis, Sol International Ltd and the Chartered Institute of Arbitrators collaborated to create an interactive mock jurisdictional challenge in an arbitration proceedings set-up.

The Roles were distributed as follows: **Raza Mithani**, Partner, Bryan Cave Leighton Paisner LLP as counsel for the Claimant, **Louise Wright**, Senior Associate, Global Advocacy and Legal Counsel, as counsel for the Respondent, **Victor Leginsky**,

Independent Arbitrator, as chairman of the tribunal, **Leonora Riesenburb**, Independent Arbitrator, as arbitrator, **Fatima Balfaqqeh**, Independent Arbitrator, Mediator & Managing Director, RKAH Consultancy, as arbitrator, and **Sarah Malik**, Chief Executive Officer, SOL International, as the moderator.

Fatima Balfaqqeh and Raza Mithani were demonstrating the bad behaviour that can be exhibited by the arbitrator and counsel, where Fatima acted as a biased and unengaged arbitrator, and Raza acted as an aggressive counsel who resorts often to guerilla tactics to intim-

idate both the opposing counsel and often offends the Tribunal.

Both Leonora Riesenburb and Victor Leginsky, who were the co-arbitrator and chair arbitrator respectively, were trying to manage the situation, whilst Louise Wright was demonstrating how counsel can influence the arbitrator that they have appointed.

The mock arbitration was a fun experience that gave the audience some teachable moments by freezing the act by Sarah Malik who highlighted the issues and interacted with the audience in getting their feedback on going through any similar experiences and how they felt with it.

This was the first part of a 3-part series which was done during Dubai Arbitration Week.

Submitted by Fatima Balfaqqeh, ArbitralWomen Member, Independent Arbitrator, Mediation & Managing Director RKAH Consultancy (United Arab Emirates)

CIArb UAE Branch Annual Seminar and Networking Reception on 17 November 2019 in Dubai, UAE



Left to Right: Reshma Oogorah, Sara Koleilat-Aranjo, Peter Anagnostou, Alex Bevan, Simon Palmer

The UAE Branch of CIArb organized its annual seminar and networking reception during Dubai Arbitration Week 2019 on 17 November 2019. The event was introduced by **Leonora Riesenburger**, FCIArb, Chair of CIArb UAE Branch.

The first panel discussion was focused on the current state and future of enforcement in international arbitration and was moderated by **Peter**

Anagnostou, Senior Associate, DLA Piper, and featured as speakers **Sara Koleilat-Aranjo**, Senior Associate, Al Tamimi & Company, **Alex Bevan**, Partner, Shearman & Sterling, **Simon Palmer**, Partner, DLA Piper, **Reshma Oogorah**, Counsel, Salloum & Partners.

Prof. Dr. Mohamed Abdel Wahab, Founding Partner, Zulficar & Partners, moderated the second panel session addressing the enforcement of arbi-

tral awards in the UAE. The speakers included **Dr. Emad Hussien**, Corporate Excellence Masters International, **Fernando Ortega**, **Rania Tandros**, Ince & Co., and **Saleh Al Obeidli**, Managing Partner, Saleh Alobeidli & Co.

Submitted by Catalina Bizic, Arbitration Intern, Al Tamimi & Company (Dubai, United Arab Emirates)

Young-ICCA Skills Training Workshop and Networking Lunch on 17 November 2019 in Dubai, UAE



The Young ICCA Steering Committee with several of the speakers

As part of Dubai Arbitration

Week, Young ICCA organized a Skills Training Workshop on the topic of *Document Management and Production in International Arbitration: Perspectives from Civil and Common Law*. The workshop was divided into two panels, the first entertaining comparative perspectives from different jurisdictions and the second providing valuable practical insights into document production.

The event debuted with introductory remarks by **Sara Koleilat-Aranjo**, Y-ICCA Events Coordinator for MENA and Senior Associate, Al Tamimi & Company. The keynote speech was delivered by **Jan Paulsson**, Founding Partner, Three Crowns LLP, who tempered the differences between common law and civil law practitioners. The first panel of speakers included **Alec Emmerson**, Independent Arbitrator, **Karim Nassif**, Partner,

LPA-CGR Avocats, **Lindy Petterson QC**, 39 Essex Chambers, **Thomas Snider**, Partner, Al Tamimi & Company, and was moderated by **Michael Patchett-Joyce**, Ely Place Chambers.

The second panel was an interactive exercise moderated by **Robert**

Stephen, Secretary General, DIFC-LCIA Arbitration Centre, featuring **Prof. Dr. Mohamed S. Abdel Wahab**, Founding Partner, Zulficar & Partners, **Helen Graham**, General Counsel, Dutco Group, **Kim Rosenberg**, Partner, Freshfields Bruckhaus Deringer, **Alexander G. Leventhal**, Quinn Emmanuel Urqhart & Sullivan. The closing remarks were delivered by **Essam Al Tamimi**, Founding Partner, Al Tamimi & Company.

Submitted by Sara Koleilat-Aranjo, ArbitralWomen Board member, Senior Associate, Al Tamimi & Company and Catalina Bizic, Arbitration Intern, Al Tamimi & Company (Dubai, UAE)



Left to Right: Essam Al Tamimi, Robert Stephen, Helen Graham, Kim Rosenberg, Alexander Leventhal

ICC YAF Tribunal Secretaries: The Young Practitioners' Guide on 18 November 2019 in Dubai, UAE



Left to Right: Paul Hughes, Fatima Balfaqeeh, Sergejs Dilevka, Caroline Kehoe

ICC YAF with the collaboration

of the Youth Hub in Dubai UAE organised during Dubai Arbitration Week 2019 a panel discussion about the use of tribunal secretaries in arbitration proceedings from the perspective of the tribunal, the secretary and the practitioner; including the panel's personal insight into the advantages of not only appointing, but also seeking opportunities to be appointed as a tribunal secretary which are relevant to the young arbitration practitioners and their professional development.

The panel discussion was moderated by **John Lewis**, Partner, Clyde & Co., and the panelists were **Fatima Balfaqeeh**, Independent Arbitrator, Mediator & Managing Director of RKAH Consultancy, **Sergejs Dilevka**, Associate, Al Tamimi & Company, **Paul Hughes**, Partner, Addleshaw Goddard (Middle East) LLP, **Caroline Kehoe**, Independent Arbitrator.

Caroline Kehoe discussed the role of a tribunal secretary from the point of view of an established arbitrator's perspective, by sharing her opinion on the role of the tribunal to ensure that the secretary does not move to the role of the fourth arbitrator and on having unified guidelines for the role of the tribunal secretary.

Paul Hughes also added his opinion on the role that the tribunal secretary has on the costs and efficiency of the proceedings and how this differs depending on whether the tribunal members use their in-house resources or hire a separate tribunal secretary.

Sergejs Dilevka gave his practical experience as a tribunal secretary and how that played a role in his personal development and experience, how it can be defined, and how it practically affects the costs and efficiency to the proceedings. In addition, he elaborated

on the advantages and disadvantages of the tribunal appointing the secretary and elaborated about his own experience to be appointed by an arbitrator who was familiar with him.

Fatima Balfaqeeh also highlighted the importance of appointing up and coming aspiring arbitrators who do not necessarily get a chance to work on arbitration within the dispute resolution departments of law firms. In addition to discussing the steps that aspiring arbitrators should take to make themselves heard and known within the industry, and the role of well-established arbitrators and institutions in supporting them, she shared a comparative analysis on how the international institutions accommodate the role of the tribunal secretary and its costs and how it should be handled. For example, the ICC Rules and guidelines state that the tribunal is responsible in the appointment, management and costs implications of hiring the tribunal secretary, whereas the LCIA Rules are possibly the only institution that requests the parties to pay the costs of the tribunal secretary. However, they are in agreement that the parties should approve the secretary and his/her profile.

Submitted by Fatima Balfaqeeh, ArbitralWomen member, Independent Arbitrator, Mediation & Managing Director RKAH Consultancy, United Arab Emirates

CPR Y-ADR Business Unusual: Strategies to Disrupt Disputes in the Middle East on 18 November 2019 in Dubai, UAE

For the first time in the Middle East, the International Institute for Conflict Prevention & Resolution (CPR) held a seminar titled "Business Unusual – Strategies to Dis-

rupt Disputes in the Middle East". Headquartered in New York, CPR was created over 40 years ago by general counsel at Fortune 100 companies to promote efficiency and cost-effectiveness in com-

mercial dispute prevention and resolution. The first Middle East event was organised by CPR Y-ADR steering committee members **Antonia Birt**, Partner, Curtis Mallet-Prevost Colt



Left to Right: Antonia Birt, Nayiri Boghossian, Samantha Lord-Hill, John Packer, Steve Harris

& Mosle, and **John Packer**, Senior Counsel, Bechtel.

The seminar commenced with a brief introduction to CPR and its latest thought-leadership initiatives conducted by CPR's President & CEO, **Allen Waxman**, and Senior Vice President International, **Olivier**

André. The introduction to CPR was followed by a panel discussion concerning strategies which can reduce uncertainty, time, and costs involved in formal dispute proceedings in the region. The panel was composed of private practice practitioners, **Samantha Lord-Hill**, Senior Associate, Freshfields,

and **Nayiri Boghossian**, Partner, Al Owais Legal, in-house counsel **Sana Belaid**, Senior Counsel, Cisco Systems, and **John Packer**, Senior Counsel, Bechtel and also a technical expert **Steve Harris**, Senior Managing Director, FTI Consulting. The event was moderated by Antonia Birt. The issues addressed included barriers to effective alternative dispute resolution in the UAE, effective settlement and mediation proceedings in the Middle East, and options for making formal dispute processes more efficient. It was attended by a mixture of in-house counsel, arbitrators, experienced practitioners and technical experts who pitched in with their comments and solutions. The event was sponsored by Freshfields and FTI Consulting.

Submitted by Antonia Birt, ArbitralWomen member, Partner, Curtis Mallet-Prevost Colt & Mosle (Dubai, United Arab Emirates)

Young MENA Groups Mini Debate Series on 19 November 2019 in Dubai, UAE



Left to Right: Fatima Balfaqeeh, Michael Hartley, John Packer, Dara Sahab

Every year during Dubai Arbitration Week, the Young MENA Groups conducts mini debate series. This year it was part of the DIFC-LCIA symposium, which highlights the importance and support the next genera-

tion of arbitrators are having from the international institutions.

This year one of the debates was: *Are contractually imposed requirements to attempt to settle disputes amicably a waste of time and effort?* **John Packer**,

Senior Counsel, International Bechtel Co. Ltd, acted as the moderator. The team that debated in support of the argument were **Dara Sahab**, Associate, Squire Patton Boggs LLP and **Jeremy Russell**, Solicitor, Beale & Company (Middle East). The team that debated against that statement were: **Michael Hartley**, Senior Associate, Stephenson Harwood Middle East LLP, and **Fatima Balfaqeeh**, Independent Arbitrator, Mediation & Managing Director, RKAH Consultancy.

After the majority of the audience voted against the statement, the team supporting the motion then presented their argument highlighting how an amicable settlement cannot be forced on parties, citing supporting precedents and case law. The team disagreeing with the motion recognized the benefits of escalation clauses and amicable settlements and what they do to preserve the



Left to Right: Sara Koleilat-Aranjo, Richard Clarke, John Lewis, Nour Hineidi, Katy Hacking

relationships between the parties and ensuring business continuity. They also cited case law that shows the support of courts of such clauses.

At the end of the debate, the audience voted again, and while the majority was still against the statement the “for” team gained an additional 1% on their side.

Another mini-debate focused on whether *Is arbitration suitable for small*

claims? The panel debate was moderated by **Richard Clarke**, Senior Associate, Dentons & Co. and featured **Sara Koleilat-Aranjo**, Senior Associate, Al Tamimi & Company and **Katy Hacking**, Counsel, DIFC-LCIA Arbitration Center, as the team for the motion, whereas **Nour Hineidi**, Deputy Registrar, DIFC Courts, and **John Lewis**, Partner, Clyde & Co, opposed the motion.

The panelists discussed whether arbitration is unsuitable given the excessive costs associated with arbitral proceedings if the claim is small and whether it might be more efficient to even opt for litigation. The debate also turned to the issue of quantifying what a “small” claim means, as a numerically low dispute might imply complex legal issues and need more experienced arbitrators and counsel.

Submitted by Fatima Balfaqeeh, ArbitralWomen Member, Independent Arbitrator, Mediation & Managing Director RKAH Consultancy, United Arab Emirates, Sara Koleilat-Aranjo, ArbitralWomen Board member, Senior Associate, Al Tamimi & Company, and Catalina Bizic, Arbitration Intern, Al Tamimi & Company (Dubai, United Arab Emirates)

Dubai International Arbitration Centre Open Dialogue Event – The synergy between the UAE Arbitration Law and the DIAC Rules: Practical considerations and potential divergence on 20 November 2019 in Dubai, UAE



Left to Right: Fatima Balfaqeeh, Ahmed Ibrahim, Nassif Boumalhab, Prof. Dr. Mohamed Abdel Wahab

During Dubai Arbitration Week 2019, DIAC organized a conference with the title *The synergy between the UAE Arbitration Law and the DIAC Rules: Practical Considerations and Potential Divergence*. The conference featured a panel discussion joined by **Nassif Boumalhab**, Lead Partner, Clyde & Co LLP; **Fatima Balfaqeeh**, Founder & Managing Director

of RKAH Consultancy, and **Prof. Dr. Mohamed Abdel Wahab**, Founding Partner, Zulficar & Partners, and moderated by **Ahmed Ibrahim**, Managing Partner, Fenwick Elliott LLP. The panelists discussed a wide range of arbitration practices related to pre-award issuance procedures, the validity of arbitration agreements, including following annulment of final awards, various approaches to the issue of capacity to sign arbitration agreements and potential challenges of awards on jurisdiction and other interim awards.

Submitted by Fatima Balfaqeeh, ArbitralWomen member, Independent Arbitrator, Mediation & Managing Director RKAH Consultancy, United Arab Emirates

Submitted by Fatima Balfaqeeh, ArbitralWomen member, Independent Arbitrator, Mediation & Managing Director RKAH Consultancy, United Arab Emirates

Dubai Arbitration Week Event: ArbitralWomen event on 20 November 2019 in Dubai, UAE



Left to Right: Essam Al Tamimi, Nadine Debbas Achkar, Harriett Jenkins, Sarah Haddadi, Prof. Mohamed Abdel Wahab, Erin Miller-Rankin, Sara Koleilat-Aranjo

On 20 November 2019, during a well packed event of over 100 attendees during the fifth edition of Dubai Arbitration Week, ArbitralWomen, with the generous support and sponsorship of LexisNexis, held a panel discussion on balancing a “have-it-all” life both professionally and personally. The discussion sparked a delicate debate on managing a demanding arbitration career alongside life’s numerous milestones such as marriage, parenthood (or even working out!), entitled *Sustaining a Successful Career in International Arbitration: Questions You Never Dared to Ask!* which took place at the Waldorf Astoria. The discussion started with opening remarks by **Sara Koleilat-Aranjo**, ArbitralWomen Board Member and Senior Associate at Al Tamimi & Company, who introduced ArbitralWomen and its activities

and the relevance of the topic as part of ArbitralWomen’s mission to promote women in international dispute resolution.

The speakers included **Essam Al Tamimi**, Founder and Senior Partner at Al Tamimi & Company, **Prof. Dr. Mohamed Abdel Wahab**, Partner and Head of International Arbitration at Zulficar & Partners, **Nadine Debbas Achkar**, Independent Arbitrator, **Erin Miller-Rankin**, ArbitralWomen Member and Partner at Freshfields Bruckhaus Deringer. The discussion was moderated by **Harriett Jenkins**, Supervising Associate at Simmons & Simmons. The panel presented different perspectives on either balancing or, according to Essam Al Tamimi, even wholly “compromising family life”, at least temporarily, in order to achieve one’s career


goals, especially in such a competitive field as international dispute resolution. On the other side of the spectrum, Nadine Debbas Achkar also addressed a potential switch from legal practice to academia and a career as an independent arbitrator to better accommodate family time and the obstacles such a choice creates when wanting to switch back to, for example, an international law firm.

The panelists also covered the different cultural perspectives of parental leave, “a real issue in the corporate space” and how a supportive work structure is key to minimize the gap that such a period of absence creates for the person returning to work. The common agreement was that law firms, corporations and employers generally should do more to help bridge the gap

between how both women and men take time off to cater to their off-work needs, even if those imply tending to an aging parent, children, or even professional cooking competitions. This could be achieved by starting, for example, with a one day at home plan. Prof. Dr. Mohamed Abdel Wahab mentioned how it is necessary not only to have “vertical” support from one’s superior, but also “horizontal” support from one’s partner and children who need to buy into the career just as much as the practitioner. However, the speakers also mentioned that family should not be an “excuse” for not meeting deadlines and that it is important to plan ahead and slot out potential clashing dates of personal endeavors that would interfere with professional commitments.

Finally, the issue of women dropping out of the legal profession was candidly tackled by first acknowledging the high dropout numbers and the leaky global pipeline. Erin Miller-Rankin reiterated the importance of encouraging the young generation that, although there are times when conflicting demands appear both personally and professionally, it is possible to juggle them through and keep it together for a short while. Examples of women and also men role models who have made it work, as well as mentoring programs, are highly encouraging and should be promoted more.

The discussion was followed by a closing address by **Sarah Haddadi**, Deputy Head of LexisNexis Middle East, and by an active and stirring round of questions from the audience members. The event was also featured in the coverage of Commercial Dispute Resolution (CDR) of the highlights of Dubai Arbitration Week, which can be accessed here:

 [Coverage of Commercial Dispute Resolution \(CDR\)](#)

Submitted by Sara Koleilat-Aranjo, ArbitralWomen Board Member and Senior Associate, Al Tamimi & Company, and Catalina Bizic, Arbitration Intern, Al Tamimi & Company (Dubai, United Arab Emirates)



Left to Right: Nadine Debbas Achkar, Essam Al Tamimi, Harriett Jenkins, Mohamed Abdel Wahab, Erin Miller-Rankin

Niuscha Bassiri, ArbitralWomen member and Partner, Haonotiau & van den Berg, attended the event and provided the following quote:

“The Dubai ArbitralWomen event was a highly successful event. It was a packed room in which a great exchange of real-life experiences on the panel and with the audience took place.

Perhaps most interesting was that top-notch arbitration practitioners Erin Miller Rankin and Nadine Debbas Achkar were joined by two inspiring male colleagues from the Middle East, Essam AlTamimi and Mohamed Abdel Wahab, who were admirably open and frank, not shying away from making unpopular statements that reflected the reality of the work life hurdles of female arbitration practitioners in the Middle East. We need more events with brave men to publicly hold up the mirror of expectations and approaches in order to see where the cracks are.

My take from this event was that my female colleagues in the Middle East have a much heavier burden to bear than my female colleagues in Europe. Topics that are done and dealt with – either culturally, socially or politically – in most parts of Europe are yet to be tackled in the Middle East. A

frontrunner in this respect was Erin’s motivating description of how she leads her colleagues and her work life, giving them and herself maximum flexibility in creating their work days.

A reality-check, though, was – yet again – the continuous reminder that female arbitration practitioners have to work harder than their male colleagues. This seems to have gone unnoticed by Essam Al Tamimi, who kept on repeating that if you do not work hard, if you are not present, someone else will take your seat. He was referring to his own work experience, which, of course, resonates still to this day with many professionals’ experience, no matter the gender or place of practice. To his defence, Essam singled out one of Al Tamimi & Company’s female senior lawyers, Sara Koleilat-Aranjo, who was a star and still is a star despite her absence during her maternity leave. One example only, but this is a great beginning for a region in which most women still face an uphill battle, and paternity leave is considered as ridiculous.”

New York Arbitration Week



New York's Inaugural Arbitration Week on 19–22 November 2019 in New York, USA

With leadership from the New York International Arbitration Center (NYIAC) and the New York Branch of the Chartered Institute of Arbitrators (CIArb NY), New York's inaugural Arbitration Week (NYAW) attracted a dynamic crowd of leading practitioners and academics from the global and local arbitration communities for four nights and three days of substantive programming and social events. As members of NYAW's steering committee, ArbitralWomen members **Rekha Rangachari** (NYIAC Executive Director) and **Edna Sussman** (NYIAC Chair) were critical in showcasing why New York is a leading global venue for international arbitration and the preferred seat in the United States.

New York's international hearing facility, NYIAC, was on prominent display as host to multiple programs, including Young IA Practitioners Diversity Challenge: Reinventing the Landscape for Young IA Practitioners, which kicked-off the substantive programming. Seven young arbitration groups, including Young

ArbitralWomen Practitioners, coordinated this inspiring panel focused on practical strategies for advancing diversity.

Given the significant legal implications of the choice of arbitral seat, a major highlight of NYAW was CIArb NY's program on the newly-approved American Law Institute (ALI) Restatement of the U.S. Law of International Commercial and Investor-State Arbitration. ALI Restatements are trusted sources for U.S. judges, and this Restatement was highly anticipated as the culmination of a 12-year project led by Professor **George A. Bermann** of Columbia Law School to distill the U.S. law of international commercial and investor-state arbitration into principles and make recommendations for future development of the common law.

Another highlight was the North American launch of the ICCA-NYC Bar-CPR Protocol on Cybersecurity in International Arbitration (2020). The Protocol, which was finalized following an extensive global consultation process, was presented by members of

the Working Group, who, fittingly, hail principally from New York.

A significant feature of NYAW was that all of the major international arbitration providers with global or regional headquarters in New York were in the spotlight. CPR focused its session on expedited arbitration, mediation, and New York as an arbitral venue, while JAMS presented a panel on M&A and Complex Financial Dispute Arbitration. The AAA-ICDR put together a half-day program with two panels, including The In-House Counsel's Roundtable – Discussion on their Approach to an International Arbitration. Finally, the ICC organized a panel to provide insight on its first 80 emergency arbitrator cases, with the U.S. launch of the ICC Task Force Report on Emergency Arbitrator Proceedings.

Since New York is home to several major law schools with preeminent experts in international arbitration, it is not surprising that programming for NYAW wrapped with the annual Fordham International Arbitration and Mediation Conference.

With all programs and social events conveniently located at venues in midtown Manhattan, NYAW succeeded in ensuring that all events were at full capacity and that the week before U.S. Thanksgiving will become an annual highlight of the international arbitration calendar for years to come. The next installment of NYAW is already being planned for November 17-20, 2020, so save-the-date!



NYAW participants at the closing cocktail, following the Fordham International Arbitration and Mediation Conference

Submitted by Stephanie Cohen, ArbitralWomen member, Independent Arbitrator, New York, USA

SVAMC Brain Teasers in International IP Arbitration on 19 November 2019 in New York, USA

Debevoise & Plimpton in

New York recently hosted the Silicon Valley Arbitration and Mediation Center (**SVAMC**) for a panel event considering “brainteasers” arising in international IP arbitration. The panel was moderated by **Thomas D. Halket**, Chartered Arbitrator and Fellow of the CI Arb and the College of Commercial Arbitrators.

Debevoise partner **Ina Popova** and **Sonia Farber**, Partner at Kluk Farber Law, discussed thorny issues relating to equitable relief in the context of IP arbitration. Ms Popova spoke about changes to the major arbitral rules over the past several years to include procedures for emergency arbitrators and interim relief. She then considered the authority of tribunals to grant interim relief, and how the availability of emergency provisions in arbitral rules has impacted courts’ willingness to grant interim relief. Ms Popova’s presenta-

tion also explained that arbitration clauses should be carefully drafted in order to preserve parties’ ability to seek interim relief from courts—if that is what they want—when their dispute is otherwise subject to arbitration.

Ms Farber further considered the limitations of both courts and tribunals when it comes to granting interim relief, and discussed the factors that parties might keep in mind when deciding where to submit a request for such relief. She also discussed issues relating to enforcement of interim rulings by emergency arbitrators and arbitral tribunals. Specifically, Ms. Farber considered how enforcement might differ based on domestic law and precedent, and thus how different jurisdictions may be more likely than others to recognize an interim ruling by a tribunal or emergency arbitrator.

William H. Baker, Independent Arbitrator and Mediator and the principal of Baker ADR, and **Joseph Zammitt**,

Arbitrator, followed with a presentation on deciding patent validity in international arbitration. Mr Baker’s presentation focused on the new Restatement—formally approved in May 2019—including as it relates to who decides arbitrability and what law applies to the arbitrability of patent validity. Mr Zammitt finished the panel presentation with a discussion of the international legal landscape regarding arbitrability of patent validity, what substantive law is to be applied in determining validity, and issues relating to the enforceability of awards on patent validity.

Submitted by Ina Popova, ArbitralWomen member, Partner, Debevoise & Plimpton, New York, USA; Sonia Farber, ArbitralWomen member, Partner, Kluk Farber Law, New York, USA; and Rhianna Hoover, Associate, Debevoise & Plimpton, New York, USA.

New York Arbitration Week Opening Cocktails on 19 November 2019 in New York, USA



Over 200 delegates gathered for Opening Cocktails celebrating the inaugural launch of New York Arbitration Week on 19 November 2019. The lively crowd networked over canapes at the luxe Crimson & Rye Cocktail Bar. On the detail, (left photo) Dana MacGrath and Rekha Rangachari welcoming guests to the launch party.

Submitted by Rekha Rangachari, ArbitralWomen member and Executive Director of the New York International Arbitration Center

Diversity Challenge: Reinventing the Landscape for Young International Arbitration Practitioners on 20 November 2019 in New York, USA



Co-Facilitators of the Diversity Challenge Sheila Sproule, Amanda Lee, Natalie Reid, Rainbow Willard

The inaugural New York Arbitration Week commenced with the Diversity Challenge at the New York International Arbitration Center, bringing together over seventy-five delegates to discuss the state of play of diversity in the international arbitration practice and the best path forward for systemic change.

The morning program was divided into three segments to engage the broader audience. First, leaders of the young international arbitration groups gave introductions of their group's mission and initiatives. Seven distinct arbitral groups were represented: **Sheila Sproule** and **Niki Borofsky** for the New York based ADR Inclusion Network, **Amanda Lee** and **Cherine Foty** for AW's Young ArbitralWomen Practitioners (YAWP), **Rainbow Willard** for CIArb's Young Members Group (YMG), **Natalie Reid** for CPR Institute's Young Attorneys in Dispute Resolution (Y-ADR), **Rajat Rana** for ICC's Young Arbitrators Forum (YAF), **Viren Mascarenhas** and **Gretta Walters** for ICDR's Young & International (Y&I), **Adelmise Warner** for SVAMC's Young Professionals (YPs), and **Daniela Paez** for the Young International Arbitration Practitioners of New York (YIAP-NY).

Next, delegates numbered off to join break-out sessions. The above-named group leaders served as facilitators for spirited discussions on the broad range of existing initiatives, limitations therewith, and the progressive path forward for practitioners. Topics included regional diversity; cross-cultural and cross-jurisdictional synergies and divergences; access to opportunities (or barriers to entry); access to alternative dispute resolution courses; ways to build one's brand; diversity representation on arbitrator lists, rosters, and within arbitral institution leadership; and the

work of community groups.

Then, the general session reconvened for key takeaways. Each group nominated a spokesperson to share major discussion points and insights. Topics included active mentorship and mentor training with bright line goals for best results; progressive, intentional efforts for regional diversity; non-binary identities and gender pronouns in signature blocks; the "non" diverse identity of young attorneys; broader perspectives for practice group diversity; the role of institutions educating the community on diversity; open directories of arbitrators; active networking; effective recruiting; and transparency and sharing common stories to build stronger, effective networks.

The morning session concluded in robust discussion and a common goal to create an action plan from the group on topics shared and ways to keep diversity top of mind. Delegates maintained high spirits as they continued networking, exchanged business cards, and chatted over tea and coffee before joining the next substantive panel of New York Arbitration Week. #NYAW #nyaw2019 #newyorkarbitrationweek

Submitted by Rekha Rangachari, ArbitralWomen Member, Executive Director of NYIAC, New York, USA



Rekha Rangachari



Cherine Foty

JAMS New York Arbitration Week Panel on M&A and Complex Financial Disputes on 20 November 2019 in New York, USA



Left to Right: Panelist photo: (back row, from left) Julie Bedard, Sharad Khemani, Robert Davidson, Allyson Rothberg, (front) Mark Hickey, Frances Bivens

Executive Director of JAMS

Arbitration Practice **Robert B. Davidson** moderated a discussion about how, when, and why arbitration is used to resolve conflicts related to mergers and acquisitions and complex financial disputes. Expert panelists included outside counsel powerhouses and ArbitralWomen members **Julie Bédard**, head of Skadden's International Litigation and Arbitration Group for the Americas and **Frances E. Bivens** of Davis Polk's Litigation Department. **Sharad J. Khemani**, M&A Counsel from Stryker, **Allyson Rothberg**, Executive Director, Assistant General Counsel of JPMorgan Chase & Co., and **Mark Hickey**, Vice President-Credit Risk Management at Zurich

North America, rounded out the conversation with insightful comments from their in-house perspectives.

Speakers touched on the importance of tailoring dispute resolution strategy to align with jurisdictional risks and enforcement practicalities. Corporate counsel also shared some of the challenges they face educating internal dealmakers about best practices for drafting ADR clauses given the ever-changing diversity of commercial circumstances, partnerships and pressures.

Highlights included lively conversation about:

- the dangers of boilerplate and “cut and paste” ADR clauses—especially considering sometimes drastic dif-

- ferences in default rules,
- challenges to the effectiveness of multi-step dispute resolution clauses—are they too often fodder for litigious stalling?
- the importance of understanding default confidentiality provisions—and how to ensure desired privacy protections,
- skepticism regarding the value of arbitral “appeal” mechanisms—most are far from the “second bite” frustrated parties seek, and
- a clarion call for arbitrators (or institutions) to be bolder in suggesting mediation as a viable option during the arbitration process to facilitate efficient settlement.

At the end of the panel's presentation, Davidson fielded and facilitated questions from the standing-room-only audience of nearly 150 New York Arbitration Week attendees and participants continued the discussion in a bustling networking lunch thereafter.



For information about the panel, click here.

Submitted by Niki Borofsky, Practice Development Manager at JAMS, USA



Unveiling of the ALI Restatement of the US Law of International Commercial and Investor-State Arbitration on 20 November 2019 in New York, USA

A highly anticipated program

on the newly approved American Law Institute (ALI) Restatement of the U.S. Law of International Commercial and Investor-State Arbitration took place on Wednesday, 20 November 2019. The program was presented by the New York Branch of the Chartered Institute of Arbitrators (CIArb NY Branch) and hosted by Sidley Austin LLP.

The program started with an overview of the history of the ALI project delivered by ArbitralWomen Member **Carolyn Lamm**, who was a supporter of this project from its beginning. Thereafter Circuit Judge **M. Margaret McKeown** of the U.S. Court of Appeals for the Ninth Circuit shared a judicial

perspective on the Restatement and its importance to the judiciary.

The program then turned to eight of “hot topics” covered by the Restatement, including the applicability of the doctrine of forum non conveniens in award enforcement proceedings, the availability of discovery under 28 U.S.C. § 1782 in aid of international arbitration proceedings, and the relationship between national courts and arbitral tribunals with regard to certain “gateway” issues. Professor **George Bermann**, the Reporter for the Restatement project, moderated a lively discussion of these topics among Professor **Andrea K. Bjorklund**, Professor **Jack Coe**, **Donald Francis Donovan**, Professor **Christopher**

Drahozal, **Benno Kimmelman**, **Jennifer Kirby**, Professor **Catherine Rogers**, and Professor **Linda Silberman**. Professors Coe, Drahozal and Rogers were Associate Reporters on the project and have worked with Professor Bermann for the past twelve years to bring this project to completion.

The event was attended by more than 150 arbitration practitioners, in-house counsel, arbitrators and academics. The substantive program was followed by a celebratory reception.

Submitted by Benno Kimmelman, Partner, Sidley Austin LLP New York, USA and Dana MacGrath, ArbitralWomen President, Bentham IMF, New York, USA

New York Arbitration Week Dinner on 20 November 2019 in New York, USA



There was a full house in attendance at the Yale Club in New York City on 20 November 2019 for a festive dinner during the inaugural New York Arbitration Week. The evening started with a welcome reception.

During dinner, New York Arbitration Week Co-Chair **Richard**

Mattiaccio thanked the Organizing Committee and many others who had worked so hard to make the inaugural New York Arbitration Week a success.

The evening continued with an innovative twist at dessert time organised by New York Arbitration Week Co-Chair **Frances Bivens**. Attendees were invited to move to another dinner table desig-

nated by a card hidden within the back of his or her name tag, to join a different group to enjoy dessert.

Submitted by Dana MacGrath, ArbitralWomen President, Bentham IMF, New York, USA



Left to Right: Rekha Rangachari, Richard Mattiaccio

North American Launch of the 2020 Cybersecurity Protocol for International Arbitration on 21 November 2019 in New York, USA

On 21 November, 2019, the ICCA-NYC Bar-CPR Working Group on Cybersecurity in Arbitration unveiled the 2020 Cybersecurity Protocol for International Arbitration during a panel at the inaugural New York Arbitration Week.

Members of the Working Group who presented at New York Arbitration week include ArbitralWomen Member **Lea Haber Kuck**, Partner at Skadden Arps, independent arbitrators **Stephanie Cohen** and **Mark Morrill**, **Kathleen Paisley**, Partner at Ambos Lawyers, and **Micaela McMurrrough**, Partner at Covington & Burling. **Eva Chan**, Associate at Skadden Arps, served as secretary to the Working Group and moderator of the discussion.

Although international arbitration is not uniquely vulnerable to data breaches, cybersecurity has been increasingly important in the digital age. The Protocol is the culmination of two years of work and provides guidance



Left to Right: Eva Chan, Kathleen Paisley, Stephanie Cohen, Mark Morrill, Lea Haber Kuck, Micaela McMurrrough

to arbitrators, institutions and parties on cybersecurity issues and establishes baseline security measures. Rather than adopting a one-size-fits-all approach, the Protocol is intended to be a framework for arbitral participants to determine what measures are reasonably necessary in an individual arbitration and increases

awareness regarding the need for information security.

After the panelists presented the Protocol, a lively discussion with the audience followed.

Submitted by Eva Chan, ArbitralWomen Member, Skadden Arps, New York, USA

Expedited Arbitration: Where Practicality Meets Principle, on 21 November 2019 in New York, USA

As part of the inaugural New York Arbitration Week, the International Institute for Conflict Prevention and Resolution (CPR) hosted a breakfast panel on expedited arbitration. **Helena Tavares Erickson**, head of CPR's Dispute Resolution Services, was moderator. ArbitralWomen members **Natalie L. Reid** of Debevoise & Plimpton spoke as an experienced U.S.-based arbitration advocate, **Monica M. Costa** of TozziniFreire of Sao Paulo, Brazil offered the voice of an experienced Brazilian-based arbitration advocate and **Deborah J. Hylton** of Hylton ADR Services shared her perspectives as independent arbitrator, corporate director and former CEO. **Gregory Gallopoulos**, General Counsel of



Left to Right: Deborah Hylton, Gregory Gallopoulos, Natalie Reid, Monica Costa, Helena Erickson

General Dynamics, provided general counsel, client and other business perspectives.

All noted the importance of expedited proceedings when the business needs prompt resolution. "Expedited" may be 4 weeks or less per contract terms or 6-9 months, depending on the clause and situation. Expediting requires an

inherent tradeoff: shortening the time constrains opportunities for exploring and presenting information.

Matters that are well-suited for expediting include key stages that drive later stages in larger projects and mutual value-creation where parties may both be motivated to achieve certainty and move on. High-stakes impact, such as existential threats and broad impacts on numerous people, are not well-suited for expediting.

One obvious way to streamline is to appoint a single arbitrator. Pre-appointing a three-person tribunal in the contract avoids appointment process delay while preserving broader perspectives.

The panelists noted the advan-

tages of New York as a venue for expedited proceedings. It has: many diverse neutrals with broad experiences, well-developed law of arbitration applied by a judiciary that respects arbitration and is reluctant to super-impose its views on an arbitration matter. Justice **Saliann Scarpulla** of the New York Supreme Court (trial court level in New York) is appointed by the Administrative Judge to hear all cases relating to international arbitration. Justice Scarpulla has practices for prompt hearing and ruling on cases involving international arbitration. Panelists noted that is not the case in all jurisdictions!

All noted that effective arbitra-

tor management, combined with advocates' choices tailored to expedited format, are essential to effective expedition. Having some limits agreed by the parties in either the clause or a management conference supports the arbitrator(s) in managing limits without creating grounds for overturning the award. Active arbitrator engagement is essential for disputes on information-sharing or discovery and effective use of limited dispositive motions.

Requiring a time for separate mediation may still be suitable in expedited proceedings, even following mandatory mediation in a stepped clause. Arbitrator(s) including in the procedural order a requirement that parties to

discuss settlement following information-sharing (whether or not a mediator is used) is time-efficient and eliminates the game of chicken in initiating settlement discussions.

While the arbitration clause and/or rules selected dictate the type of award, delay in documenting a reasoned award may be mitigated. A decision may be shared within 48 hours of hearing close, with the reasoned award to come later.

Submitted by ArbitralWomen members Natalie L. Reid, Debevoise & Plimpton, Monica M. Costa, Tozzini-Freire, and Deborah J. Hylton, Hylton ADR Services

ABA Women in Dispute Resolution (WIDR) Dinner on 21 November 2019 in New York, USA



Left to Right: Denise Shaw, Rekha Rangachari, Lisa Love, Maria Hanford and Margarita Echevarria



Group photo

On 21 November 2019, a delightful dinner was organized by the American Bar Association's *Women in Dispute Resolution (WIDR)* during the inaugural New York Arbitration Week. ArbitralWomen Members **Lisa Love** and **Deborah Hylton** took the lead in organising this celebration together with ArbitralWomen Member **Rekha Rangachari**.

The dinner brought together a combination of female arbitrators, arbitration practitioners, in-house counsel, academics and representatives of arbitration related organizations including JAMS and the New York International Arbitration Center (NYIAC). The evening started with cocktails in the restaurant's lounge areas followed by a seated dinner.

It was attended by **Niki Borofsky, Margarita Echevarria, Felicia Farber, Linda Gerstel, Ruth Glick, Maria Hanford, Joan Hogarth, Deborah Hylton, Lisa Love, Dana MacGrath, Monica McCabe, Judith Meyer, Rekha Rangachari** and **Shira Schiendlin**.

Submitted by attendees from WIDR and ArbitralWomen

Emergency Arbitrator Proceedings: Emerging Trends and Lessons Learned on 22 November 2019 in New York, USA

The last day of New York's first Arbitration Week kicked-off with a launch event for the ICC Task Force Report on Emergency Arbitrator Proceedings. Highlights of the Report, which explores



the first 80 emergency arbitrator cases before the ICC, were presented during an interactive discussion among **Alexander Fessas**, Secretary General of the ICC Court, **James Hosking**, Task Force Co-Chair and Partner at Chaffetz Lindsey LLP in New York, and **Stephanie Cohen**, Task Force member and Inde-

pendent Arbitrator in New York. The Report is available on the ICC's new Dispute Resolution Services app or can be downloaded from the ICC website.



Click here to access the report.

Submitted by Stephanie Cohen, ArbitralWomen Member, Independent Arbitrator, New York, USA

Left to Right: Alexander Fessas, Stephanie Cohen, and James Hosking

Fordham Conference on International Arbitration and Mediation on 22 November 2019 in New York, USA

The annual Fordham University School of Law International Arbitration Conference: Key Issues in Commercial and Treaty Arbitration Conference, co-chaired by **Edna Sussman** and **Benno Kimmelman**, was an excellent way to close the inaugural New York Arbitration Week.

The first panel addressed whether there was a "Common Law – Civil Law Divide" on contract interpretation in international arbitration, featuring **Judge Faith Hochberg**, **Nicolas Fletcher QC**, **Melissa Magliana**, **Athina Papaefstratiou Fouchard**, **Irma Rivera Ramirez** and was moderated by **Larry Shore**.

The second panel addressed *ICSID Under the New Rules: A Conversation with Meg Kinnear, Secretary-General of ICSID*. **Donald Donovan** moderated a candid discussion about the issues addressed in the consultations about the various working papers relating to the proposed ICSID arbitration rule changes and related aspects of ICSID case management.

Julian Lew QC gave an inspiring keynote address on "Transparency in

International Arbitration: Practical Value or Voyeurism?"

The afternoon included a series of engaging panels on *Hot Tubbing Experts*, *What Are Global Arbitral Institutions Focusing on Today*, and *Economic Issues in International Arbitration*.



Benno Kimmelman and Edna Sussman, co-chairs of Fordham International Arbitration Conference

The panel on expert hot tubbing included a well-delivered "mock" expert hot tubbing demonstration. This panel featured **Carla Chavich**, **Jennifer Glasser**, **Julian Lew QC**, **Timothy Nelson**, **Greig Taylor** and was moderated by **Thomas Halket**.

The panel on what arbitral institutions are focusing on today featured **Alexander Fessas**, **Kevin Nash**, **Eric Tuchmann** and **Jacomijn van Haersolte-van-Hof**, co-moderated by **Benno Kimmelman** and **Anne Marie Whitesell**.

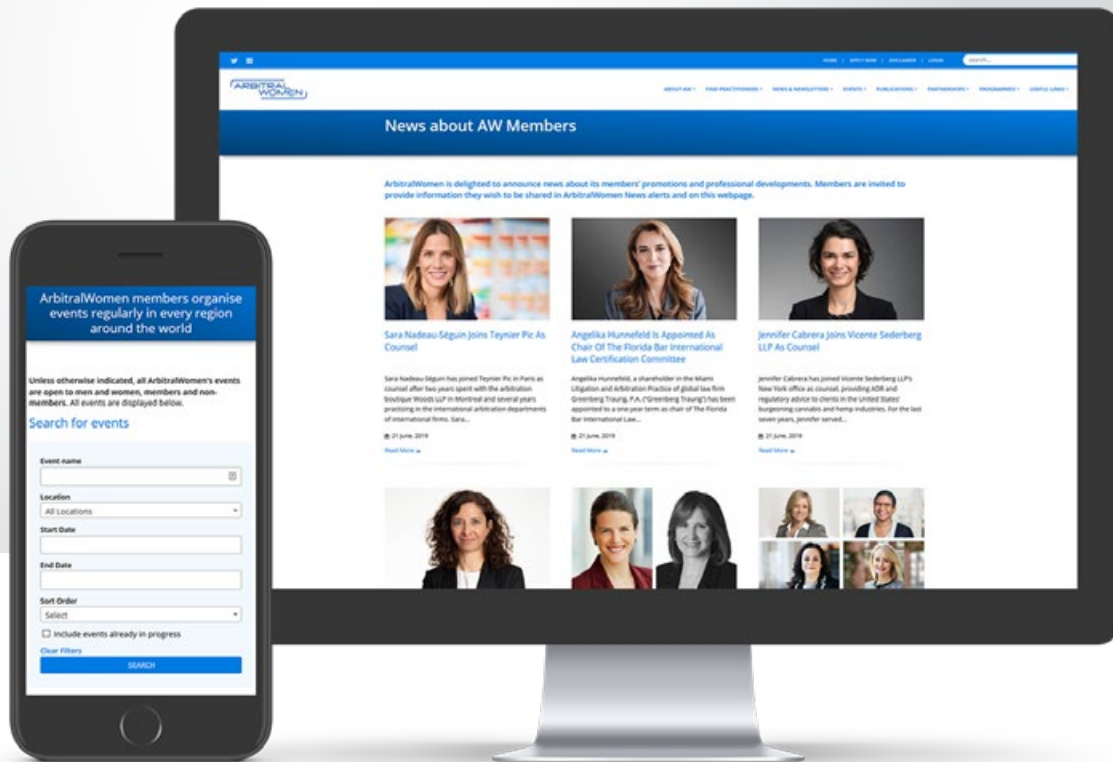
The panel on economic issues in international arbitration featured **Ronnie Barnes**, **Jeffrey Cohen**, **Santiago Dellepiane**, **Isabel Kunsman**, **Meloria Meschi** and **Ben Sacks**, co-moderated by **Robert Smit** and **Marinn Carlson**.

The full-day conference was followed by a reception celebrating the successes of the day, and indeed the week, to close the inaugural New York Arbitration Week. #NYAW #nyaw2019 #newyorkarbitrationweek

Submitted by Dana MacGrath, ArbitralWomen President, Bentham IMF, New York, USA

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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

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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.



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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.