

## Diversity Toolkit™

Shortlisted for the GAR ERA Pledge Award!



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## Remembering and Celebrating the Special Moments of Early 2020

We are so honoured that the ArbitralWomen Diversity Toolkit™ (AWDT) has been shortlisted for a GAR Award by the Equal Representation in Arbitration Pledge (*Please see ArbitralWomen's news article regarding all the diversity initiatives shortlisted for the GAR Pledge Award on page 33 herein.*)

The AWDT is a ground-breaking diversity training programme designed to help men and women see the role played by biases and explore ways to address and overcome them.

Unfortunately, the GAR Awards Ceremony, like many other events, had to be postponed due to the Covid-19 pandemic. We appreciate this is an extraordinarily difficult period for many around the world. We wish everyone good health and safety during these unprecedented times.

As we currently shelter in our respective homes around the globe, it is somewhat bitter-sweet to look back on the happier times in January and February 2020 reported in this Newsletter edition — a time when we were starting a new year of seemingly endless possibilities. We look forward to our eventual return to some semblance of normal life. In the meanwhile, please enjoy the reports of special moments and initiatives around the world in dispute resolution submitted by our Members and friends for publication in this Newsletter.

# ArbitralWomen Annual General Meeting on 17 January 2020



AGM hosted at Chaffetz Lindsey in New York | Back row Left to Right: Matilde Flores, Lauren Friedman, Conna Wiener, Dana MacGrath, Erin Valentine  
Front row Left to Right: Jadranka Jakovic, Rekha Rangachari, Sara Chojecki, Rebecca Meyer, Erin Gleason, Rebeca Mosquera, Lilian Marques, Agustina Alfaro, Pilar Colomes less, Gigi D'Souza, Gretta Walters, Caline Mouawad

**The ArbitralWomen Annual General Meeting (AGM)** took place on 17 January 2020. Members participated telephonically from around the world, and, in some cities gathered in person. ArbitralWomen is grateful to our Members at several firms who graciously offered to host the in-person gathering of local members in Geneva at **King & Spalding**, in London at **NERA Economic Consulting**, in New York at **Chaffetz Lindsey** and in Paris at **Freshfields**.

The meeting lasted approximately one hour. **Dana MacGrath** as President delivered welcome remarks and **Louise Woods** as Secretary conducted the AGM.

Several members of the Board delivered committee reports on ArbitralWomen's activities in 2019. **Juliette Fortin** delivered the Treasury report. **Mirèze Philippe** delivered the Membership Committee report, noting an increase of more than 200 members since last year and that more than 50 firms are corporate members. Dana MacGrath delivered the report on ArbitralWomen News activities (our periodic News Alerts, news

webpage and Members' News) noting that ArbitralWomen published more than 80 news items on our Members' professional achievements and more than 25 articles on developments in dispute resolution on our ArbitralWomen News webpage.

**Maria Beatriz Burghetto**, who has joined **Erika Williams** as co-Director of the Newsletter Committee, delivered the report on the committee's work, noting that six Newsletters were published in 2019, with two special edition Newsletters – one on the 2018 Jubilee Celebrations and the other on the 2019 Vienna AGM and Vis Moot. She explained that the other Newsletters typically included an interview with a leading female practitioner or arbitrator, reports on events submitted by Members, and a section on "diversity initiatives in the workplace."

**Marily Paralika** delivered the Events Committee report, noting that **Vanina Sucharitkul** has joined her in coordinating the events work. She noted that in 2019 there were 71 events, of which 28 were in Europe, 6 in South/Central America, 20 in North America, 1 in Africa

and 16 in Asia/Oceania. She also reported that in 2019 ArbitralWomen held events for the first time in Istanbul, Kiev, Kuala Lumpur and Guanxi, China. This was a record number of events.

**Amanda Lee** delivered the Mentorship Committee report. She noted that there has been an increase in participation in the mentorship programme and that at least 6 new ArbitralWomen members joined this year specifically to participate in the AW mentorship programme. She noted that in 2020 we will try to increase the visibility of the mentorship programme so that more Members can learn of it and benefit from participating.

**Mirèze Philippe** delivered the report on behalf of the ArbitralWomen Diversity Toolkit™ Taskforce, noting that a number of trainings had been delivered in 2019 in the US and Canada. In 2020, we seek to deliver the ArbitralWomen Diversity Toolkit™ training sessions to additional countries. **Rekha Rangachari**, a Member of the ArbitralWomen Diversity Toolkit™ Task Force, provided some insights into the trainings that had been



# Key Dates for ArbitralWomen 2020 Board Election Process

Candidates must be AW Members for at least one year since 30 June 2019

Deadline for nomination of candidates is 20 May 2020

Secretary shall Call for Votes (start election voting period) on 8 June 2020

Announcement of the 2020 Board will be made by late June 2020



More details to follow in formal notices

delivered in New York (for which she was one of the trainers) and in Miami.

Members were assured that all the committee reports, including reports from committees that did not present during the AGM, will be circulated to the Members together with the minutes of the AGM.

Following the committee reports, Dana MacGrath provided a high-level overview of the ArbitralWomen Board election process that will take place in May and June 2020. Members are eligible to run for the Board if they have been an ArbitralWomen member for at least one year before the Call for

Nominations. In the first week of May 2020, the Secretary shall issue a **Call for Nominations for Election to the Board**. Nominations shall be submitted within 15 days. Nominees shall submit an acceptance in writing with supporting materials within 7 days of nomination. Thereafter, the Secretary shall issue a **Call for Votes** that includes the list of eligible candidates. The election shall take place by secret ballot over a period of not more than 7 days. The Secretary shall announce to Members who has been elected to the Board at the earliest opportunity following the election, ideally in mid or late June 2020. It was

assured that all these details and more would be set out in formal notices about the election closer to the date.

During the Q&A / Discussion period, several Members offered suggestions on how to reach out to in-house counsel to include them in ArbitralWomen membership. Further brain-storming continued after the official close of the meeting at in-person venues. As a result, we have several potential new initiatives in the pipeline for 2020!

Submitted by Dana MacGrath, ArbitralWomen President and Omni Bridgeway Investment Manager



**AGM hosted at Freshfields in Paris**

Left to Right: Cherine Foty, Marily Paralika, Pascale Lorfing, Mirèze Philippe, Maria Beatriz Burghetto, Gisèle Stephens-Chu, Trisha Mitra, Anna Guillard Sazhko, Affef ben Mansour, Sara Koleilat-Aranjo

# Women Leaders in Arbitration

## Katherine Simpson

**Dr Katherine Simpson**, international arbitrator and legal scholar, has called on the Parties to the Comprehensive Economic and Trade Agreement among Canada, the European Union and its member states (CETA), to remedy the serious under-representation of women in the [agreed roster of arbitrators](#) for dispute settlement under Article 29 of the CETA ("CETA List"). In that list, 50% of the Canadian, 20% of the EU, and 0% of the Chairperson roster nominees are female.

In January 2020, Simpson provided the Treaty Parties the professional credentials of [70 experienced women](#) with the required "specialised knowledge of international trade law", whose skills and qualifications matched at least one person currently on the CETA List. In addition to the alphabetical list that is available online, Simpson sent the Treaty Parties a not-public list where each woman was skills/experience-matched to at least one of the current male nom-

inees, demonstrating that the women proposed are undeniably comparably qualified. This research demonstrated what many already know to be true: there is no shortage of qualified women in international trade law, nor in international dispute resolution generally.

Fortunately, there are no legal barriers preventing the Parties from remedying the gender imbalance created in the previously agreed CETA List. Article 29 of the CETA sets fifteen (15) as a minimum number of roster members; Simpson has proposed that the CETA Joint Committee add additional female roster members until gender parity is achieved.

The gender imbalance in the CETA List took many by surprise. Gender equality has been a priority for the European Commission and for the CETA Joint Committee, which even issued an official [agreement](#) in 2018 to *"improve the capacity and conditions for women... to access and fully benefit*

*from the opportunities created by the CETA"*. The Treaty Parties convened a conference and a workshop dedicated to ensuring that women would benefit from the opportunities created by the CETA and international trade. Overall, the CETA List appeared to many as a step backward; it preserved the gender imbalance that the CETA Parties and the von der Leyen Commission have publicly sought to eliminate.

In an interview with Dr Simpson in Houston in January 2020, ArbitralWomen had the opportunity to discuss her initiative to identify equally well-qualified women to serve on the CETA List of Arbitrators.

Thereafter, in March 2020, ArbitralWomen had the opportunity to follow-up with Simpson about the progress of this initiative and her further thoughts on the issues. This interview incorporates the follow-up interview with Simpson.

### Interview with Katherine Simpson: CETA List of Arbitrators – Where are the Women?

**International trade law is a niche area that is distinct from international investment and commercial arbitration. What prompted or inspired you to take on this initiative to demonstrate to the CETA Parties – and the international dispute resolution community generally – that the gender imbalance in the CETA List can (easily) be remedied? Why did you do this?**

When I saw the December 2019 CETA Arbitrator List, I was truly surprised and disappointed and said, on OGEMID, that I could find at least a dozen women.

Within a few days, after talking with several colleagues, it became a "put your money where your mouth is" project. I was confident that qualified women existed and that by compiling them into a list, I could prove these women are also findable: it is really up to the researcher to see them.

On a practical level, these rosters are important. Treaty-based rosters of arbitrators serve as public verification of the roster members' credentials, backed by public accountability.





The credence given to these lists is enormous. Gender parity in treaty-based lists of arbitrators can be a powerful step toward achieving gender parity in international dispute resolution, generally.

## What was the most troublesome aspect of the CETA List?

First, its authorship. Canada and the EU have made wonderful public statements and programmes in favour of gender equality, and the fact that the legal teams of both had been unable to find a single female Chairperson candidate basically communicated that no such woman exists.

And that was consistent with an oft-repeated explanation for gender imbalance — the “there just aren’t many who are qualified” or “they are just so hard to find” and “we really are few and far between”. This baseless stereotype is the go-to explanation for everything from arbitrator appointments to the underrepresentation of women in leadership roles. And then, there’s the “es gibt doch immer einen wirtschaftlichen Grund” or “there’s always an economic reason for the choice.”

I wondered whether I could provide meaningful assistance by making it easier for them to find highly qualified female candidates. I thought the most meaningful and immediate way for me to assist would be to actually identify qualified candidates, by reference to their existing choices. The European Commission welcomed this and provided me the email addresses for the list, and I have offered to provide them my research steps, as well.

## Tell us about the research that went into this?

My goal was to create a list of qualified female candidates who were comparable to the arbitrators already included on the CETA List. I accepted the Treaty Parties’ deliberate candidate choices and proposed only candidates who matched their qualifications.

First, to find and later recommend women who were truly comparable, I examined the people currently on the CETA List to understand what qualifications made each a valued member of that List. I discovered that each person who had been selected for the CETA roster (and was, therefore, agreed by the Treaty Parties as having “specialised knowledge of international trade law”) had legal experience with the WTO or taught and published about the WTO. The CETA List members could be organised by their [skills and experiences, as follows](#):

- Four (4) CETA Arbitrators had served on the WTO Appellate Body;
- Five (5) CETA Arbitrators have experience as a panelist in dispute resolution proceedings at the WTO;
- Four (4) CETA Arbitrators have served as counsel to parties in a WTO dispute or as counsel to the WTO itself; and



- Three (3) CETA Arbitrators have academic teaching and publications related to the WTO.

The CETA List treats each of these experiences as equal to one another. This non-hierarchical list of qualifying credentials is helpful because CETA Arbitrators with one of the identified credentials often had experiences in the other categories of qualifying credentials. Additionally, further experience was noted:

- Thirteen (13) CETA Arbitrators have had academic appointments
- Twelve (12) CETA Arbitrators have expert or counsel experience in international trade matters;
- Eight (8) have experience in international commercial or investment arbitration;
- Three (3) CETA Arbitrators reported experience in treaty negotiation.
- Some or all of the CETA Arbitrators may have once served as counsel to one of the Treaty Parties.

I used the WTO (as outlined) as a baseline variable and I searched for women who had “specialised knowledge of international trade law” evidenced by experience with the WTO or related academic expertise.

Second, my search for qualified women was supported by one commitment and one assumption. I committed to writing down the name of every qualified female I came across. Next, I assumed that if an ethnic, regional, or demographic group was over-represented, it would indicate a failure in my search, as opposed to a shortage of other practitioners.

*“My goal was to create a list of qualified female candidates who were comparable to the arbitrators already included on the CETA List.”*

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*“Working with these women to memorialise their experience to submit to the CETA Joint Committee was rewarding and energising. It brought me into contact with some phenomenal women and kept me committed to the project.”*

Third, I asked colleagues for recommendations and reviewed edited publications and international trade organisation memberships for names. I used gender-neutral searches in Google. In addition, I asked for recommendations from 210 women who were identified through the recommendations of colleagues and through the Internet searches.

The 70 qualified women identified in the submissions to the CETA Joint Committee were each peer-recommended (not one woman on the list nominated herself), agreed to be listed, and worked with me to draft their professional credentials.

### What were the hardest parts of this initiative to find qualified women for the CETA List?

Having to turn people away who did not have what I understand to be the requisite qualifications for the CETA List but were otherwise impressive dispute resolution lawyers. Those were difficult conversations, but necessary. I believe that the women who I did not include on the list would all perform well in a trade dispute, but my goal was to provide a list of women with as close a match to the skills and experiences of those on the CETA List as possible. Therefore, I felt it necessary to not include several senior women who did not fit into the WTO category.

Throughout this project, the women with whom I connected were helpful and inspirational. In the end, this was a 70+ person group writing project, that was completed in a 10-day period, over what counts as the New Year holiday for many. Every day presented a new challenge and with it, additional inspiration. Each woman worked with me individually (from far-flung locations

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at all hours of the day or night) to prepare her text for the submission (at the suggestion of one of the women: who better than the qualified woman herself to draft her experience?). Working with these women to memorialise their experience to submit to the CETA Joint Committee was rewarding and energising. It brought me into contact with some phenomenal women and kept me committed to the project.

### Why did you limit this project to 10 days?

While I was undertaking my research and preparing the list (and after I spoke with the European Commission and received their invitation to make a submission), the CETA Joint Committee and the European Commission again sought a decision from the Council of the EU consenting to the CETA List roster. I wanted this submission to be considered by the Council of the EU before they made their decision, so it was a time-sensitive matter.

### Do you ever see yourself undertaking this kind of project again?

I am committed to gender parity more than ever after this experience. This work needs to be done. And I am inspired to do more of it.

### Tell us, what will you do next for women in dispute resolution?

I am currently preparing another roster for an arbitral institution, and that one is focused not on gender but on ethnic imbalance.

In the near future, I might prepare an investor-state list or work with others to create one. The European Commission attributed the gender imbalance in the CETA List to its reliance on Member State recommendations and rosters already in place in other EU trade agreements. In reviewing those other rosters, it is clear that the gender imbalance in the CETA List was not an isolated accident: **women account for only 12.9% of all EU arbitrator roster appointments since 2011, and only 10.6% since 2015.** In two thirds of the EU's trade agreement dispute settlement rosters since 2011, the EU proposed no women at all.

Regardless of how one feels about the proposed multilateral court, if the EU decides to rely on Member State recommendations or already in place investor-state rosters to establish it, we can expect the same results: EU Member States have named only 19 women to the ICSID roster of arbitrators (out of a total of 99 nominees: 19%, with 13 member states nominating only men to its panel roster (2 states made no nominations).

The European Commission has provided me with its negotiating directives for the proposed court. I hope to connect with them to establish the characteristics they would like to see in arbitrators for that court.

*“...it is clear that the gender imbalance in the CETA List was not an isolated accident: women account for only 12.9% of all EU arbitrator roster appointments since 2011, and only 10.6% since 2015.”*

### What can ArbitralWomen and other organisations focused on diversity do to help?

Once I establish the baseline parameters for an ISDS list, I hope that ArbitralWomen can contribute to the effort to identify qualified female candidates – not only by suggesting names of qualified women, but by sending out a call to its Membership so that each woman can evaluate whether she is a potential candidate for that list and if so, put her name forward.

ArbitralWomen members can continue to keep themselves visible by publishing and networking with both men and women. We can have our own mental rosters of “if I were to recommend 10 women for a construction dispute or a dispute resolution board, they would be...” Be ready to recommend a colleague!

**There are many problems in international ADR and now in March 2020, most of the world is focusing on how to deal with the Covid-19 pandemic. In the grand scheme of things, some might ask whether it is worth directing scarce resources now to “diversity” in ADR?**

“Diversity” is not some aesthetic goal: it is the tool to improve this field. What if all of the challenges of international ADR – whether they relate to costs, scheduling, legitimacy, transparency, graft and corruption, etc. – could all be ameliorated through diversity?

Innovation happens when different people come together to solve a problem. The appointment of more different people – men and women – will give international ADR an important opportunity for improvement. There is no time like the present, and the Covid-19 pandemic does not excuse the continued appointment of white and male arbitrators in the continued gross disproportion to their representation in the general population.

### Who, in your mind, is responsible for the continued gender imbalance?

Inequality is everyone’s issue, even when it is no one’s fault. And it is made even more difficult by the fact that there are exceptionally qualified men who are being appointed or nominated. The issue is that the equally exceptionally qualified women and exceptionally qualified minorities are not being appointed.

Everyone has a different finger to point, and as among

women, institutions, counsel, and clients, there is a circular blame pattern where each is pointing to the others.

Rather than focus on blame, we can focus on the objective fact that women make up a little over 50% of the population, a little over 50% of the law school classroom, and should make up at least 50% of the leadership positions in international dispute resolution, including arbitrator nominations and appointments.

**WOMEN** can do more to network with men and women, publish, and leave no excuse for anyone to argue that they were invisible.

**INSTITUTIONS** can expand their rosters, require parity, counsel attorneys on the benefits of parity and the idea that their dispute resolution complaints could be resolved through diversity.

**COUNSEL** can advise clients on arbitrator appointments, including by pointing out (as and when appropriate) that counsel is unaware of any complaint that any proposed female arbitrator has ever arrived at a hearing or deliberation underprepared.

**CLIENTS** can accept that women are just as capable and persuasive in the deliberations room, even where they are not represented on Treaty Lists of arbitrators.

**MEN** can (and many do!) make a tremendous impact by refusing appointments and nominations until they are objectively satisfied that the appointing authority / nominator had actually considered female and minority

*This project has shown that there is a root systemic issue that can be remedied. The European Commission volunteered that it had relied on prior treaty rosters and Member State recommendation in creating its List, and all except one person on the European Union roster had had repeat appointments from the EU. On the CETA List, one of the arbitrators has been appointed in 11 of 12 of the EU’s Treaty Lists! This project may be one that shows that the “same-names-game” – the repeat appointment or nomination of the same arbitrators over and over, is partly to blame for continued disproportionate appointments and inequality.*

candidates. Many men have recognised that there cannot be an all-male anything — arbitral panel, group of authors in a collected volume, law faculty, or corporate board — without the active consent and willing participation of men. Just like in conferences where men often refuse to speak on all-male panels (and, thereby, have helped conference organisers create diverse panels), men’s refusal to accept appointments or nominations to all-male arbitration panels / lists has helped women to receive appointments.

**It is still early, but what has been the impact of your initiative to propose qualified women for the CETA List thus far?**

This project has shown that there is a root systemic issue that can be remedied. The European Commission volunteered that it had relied on prior treaty rosters and Member State recommendation in creating its List, and all except one person on the European Union roster had had repeat appointments from the EU. On the CETA List, one of the arbitrators has been appointed in 11 of 12 of the EU’s Treaty Lists! This project may be one that shows that the “same-names-game” – the repeat appointment or nomination of the same arbitrators over and over, is partly to blame for continued disproportionate appointments and inequality.

It is terribly convenient to rely on prior lists of arbitrators – and most firms, countries, and organisations are guilty of it. While some would say that reliance on old rosters is efficient and saves time, others would counter. Given the changes in (at the very least) conflicts of interest and qualifications that happen over years, not to mention developments in the discipline, those rosters can easily become outdated, and any efficiency gains from relying on them would be swallowed up by losses occurring when having to defend one’s arbitrator choice (at least).

Reliance on old rosters also forces people to make appointments based on the state of the industry at the time when the roster was made. Considering the growth of the industry over the past 10 years, one might question the utility or efficiency of relying on a roster 10 years old as the pool for making today’s appointments or nominations. If a roster of available arbitrators was made before telepresence and third-party financing were major issues in international disputes, can one really expect that an arbitrator on that list would necessarily have such expertise?

New rosters and lists can be made and, besides, how long does it truly take to research an arbitrator?

**Isn’t it true that many institutions simply have more men to choose from?**

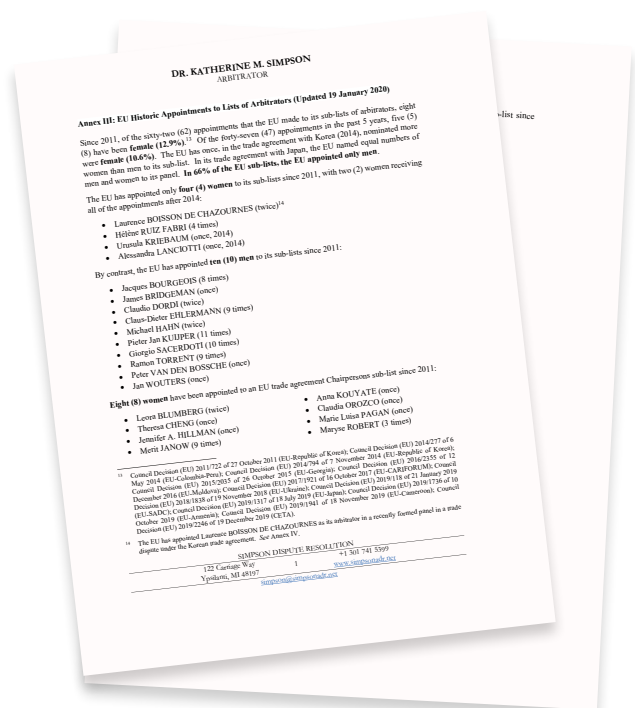
That is beyond question! However, even where there is an overabundance of men on a roster, parity in panel nominations is possible. I struggle to imagine a legitimate roster of arbitrators that is not confined or influenced by even implicit gender or racial prejudice, where it would be impossible to make 50% of the candidates be women. I am open to being proven incorrect, and anyone who wants to try is invited to!

Imagine if institutions were to require gender parity in all of their arbitrator panel proposals. Yes, women would be nominated in a disproportionate amount (as measured by their presence on an institution’s roster), but the market effect could be swift and sweeping: women would become household arbitration names (“I’ve seen her on a few lists of arbitrators”), and perhaps more women would reach out to institutions to be listed! If parity were required, institutions would be under more pressure to improve their outreach.

Gender parity is easy to measure – half and half, 50/50. If a list of proposed arbitrators has 10 people, 5 shall be female. Case appointments are more difficult: the institutions must aim for parity in actual appointments, averaged across cases. And that is where a “parity exception” could come into play: if one gender is overrepresented in appointments, the institution may choose to exclusively propose the appointment of members of the underrepresented group. Law firms could also review their appointments and strive for the same.

Importantly – this is not about aesthetics – it is a way to actively undermine (unintentional) prejudice against women and diverse members of the ADR community because that prejudice may be leading to sub-optimal outcomes. What if any or all of the problems in arbitration could be better ameliorated or even solved with embracing true diversity?

The submissions by Katherine Simpson together with the annexes containing the research and alphabetical list of qualified women to the CETA Joint Committee and the Council of the European Union are available at <https://www.simpsonadr.net/pro-bono.php>.





# Women's Initiatives In Their Workplace

## Hogan Lovells' International Arbitration Women Steering Committee



### How it all began

It was three years ago, at an international arbitration seminar hosted in the NY Offices of Hogan Lovells that the idea first dawned on several of the Hogan Lovells women associates in attendance. There were about 10 associates from across Hogan Lovells' global International Arbitration Group at the event, and in addition to the seminar program, it was the chance to connect with leaders from across the practice and each other that proved most rewarding. Many of the women in the Firm's International Arbitration ("IA") Group voiced their interest in having a stronger network and rapport with the other members of the Group, including its leadership. Others in some of the larger offices sat right down the hall from highly-regarded IA partners and highly connected with the IA community. A natural question arose: how could those in key IA jurisdictions use their relationships and contacts both in and outside the Firm to further sup-

port their counterparts in other offices around the Firm?

The discussions that followed led to the formation of the International Arbitration Women Steering Committee. The Steering Committee was, and still is, intended to connect and support women across the Hogan Lovells IA Group and to offer an additional platform to raise these women's profiles in the IA community.

A long-time supporter of ArbitralWomen, Hogan Lovells had made a commitment to the Equal Representation in Arbitration (ERA) Pledge by being one of the first Firms to sign it. The ERA Pledge seeks to raise the profiles of and improve the representation of women in arbitration and to further the appointment of women as arbitrators on an equal appointment basis. The Steering Committee is an



important step in the fulfillment of this commitment. The group's 7 November 2017 inaugural event was, in fact, held in conjunction with an ArbitralWomen event in Miami.

Since its launch in 2017, the Steering Committee has grown and encompasses a group of regional chairs who provide the momentum for the Steering Committee's activities and fulfillment of its goals. Currently, the group is active in the Asia, Central Europe, the Middle East, the UK, and the US.

### Recent events

One of the first activities launched by the Steering Committee was a collaboration between members in different Hogan Lovells offices on external "IA women" events. Recently, senior associate Silvia Martinez of Hogan Lovells' Madrid office coordinated an IA Women's event co-organized with the Women's Section of the Spanish Arbitration Club. The event featured a discussion with select women identified as the economic leaders of the future who shared their experience as women becoming experts in their field.

Another recent example of a Steering Committee event is the reception it co-hosted with Florida International University Law School's Women's

Initiative Program and University of Miami Law's International Arbitration Institute following the ICC Miami Conference in November 2019. The reception provided an opportunity for young practitioners to network and discuss issues involved in the advancement of women in arbitration.

Already this year, Senior Associate Nata Ghibradze and Associates Jyotsna Chowdhury and Liv Jores organized a joint event between Hogan Lovells and ArbitralWomen with support from the German Institute of Arbitration (DIS) in the firm's Munich office, which explored gender differences in dispute resolution from a number of perspectives. In the first, scientific part, two academics presented their research on gender differences in decision making and negotiations. In the second, practice-oriented part, dispute resolution practitioners with different backgrounds (judge, arbitrator, counsel, in-house counsel) reflected on the academic research and shared their experience and views on gender differences in dispute resolution.

### What's next

Next on the horizon for the Steering Committee is an internal series of quarterly partner presentations on professional development through a

diversity lens. The presentations will rotate offices, and provide next generation IA women leaders at the firm with an opportunity to nurture relationships with more influential partners, as more exposure and familiarity with senior management and partners is crucial in the younger lawyers' development and advancement. The Steering Committee looks forward to coordinating future events focused on women's development with others in the field.

The International Arbitration Women Steering Committee enjoys the full support of Hogan Lovells' International Arbitration Steering Committee and the overall leadership of the firm, and its members look forward to continuing to advance the position of women in the field of international arbitration, while fostering professional growth as individuals. The group is directly mentored by Daniel González, Global Head of International Arbitration; Samaa Haridi, New York City IA partner; and Maria Ramirez, Miami IA partner.

The Steering Committee is currently co-chaired by one of its founders, Senior Associate Gabriella Morello, who serves as representative of the Americas; Shi Jin Chia, representative of Asia; Marie Devereux, representative of the UK; and Senior Associate Nata Ghibradze, representative of Continental Europe.





# Reports on Events

## ArbitralWomen Challenge: Becoming Future Leaders in International Arbitration on 16 January 2020 in Shanghai, China



Left to right: Sophie Ma, Alice Sun, Stella Hu, Crystal Wong, Wang Hai Feng

On 16 January 2020, ArbitralWomen organised an inaugural panel discussion in Shanghai, China. This event was organised by ArbitralWomen Board Member, **Vanina Sucharitkul** and ArbitralWomen member, **Crystal Wong Wai Chin**.

The panelists consisted of: **Alice Sun** (Partner, P.C.Woo & Zhong Lun W&D law firm), Crystal Wong Wai Chin

(ArbitralWomen member and Partner, Lee Hishammuddin Allen & Gledhill), **Stella Hu** (ArbitralWomen member and Senior Consultant, Herbert Smith Freehills) and **Wang Hai Feng** (Vice President of Shanghai Arbitration Association). **Sophie Ma** (Partner, AllBright Law Offices) moderated the session, which was marked by frank and open sharing and anecdotes peppered with lively debate.

Stella Hu first advised that female practitioners should focus on their strengths. She added that women are also generally more adept at multi-tasking, an important trait for female lawyers. Wang Hai Feng was then able to provide positive evidence of what associations and institutions are doing to help introduce and promote new arbitrators. Alice Sun emphasised remote and agile working arrangements, which help women achieve work-life balance in a more seamless manner. Crystal Wong Wai Chin provided insight into what steps young arbitrators can take to get appointed.

This event was attended by approximately 30 practising lawyers and in-house legal counsel, of various generations and geographic background, involved in the field of international arbitration.

Submitted by Crystal Wong Wai Chin, ArbitralWomen member, Partner, Lee Hishammuddin Allen & Gledhill, Kuala Lumpur, Malaysia

## Schiefelbein Global Dispute Resolution Conference on 17 January 2020 in Phoenix, Arizona, USA

The Schiefelbein Global Dispute Resolution Conference at Arizona State University College of Law took place on 17 January 2020, in Phoenix, Arizona, generously sponsored by Les and Linda Schiefelbein. **Victoria Sahani**, ASU Professor of Law, organized the conference and provided welcome remarks. **Claudia Salomon**, global co-chair of Latham & Watkins' International Arbitration Practice and Vice President of the ICC International



Left to right: Eric Tuchmann, Claudia Salomon, Arne Fuchs, Sue Hyun Lim, Christian P. Alberti



Court of Arbitration, moderated a panel on innovation in international arbitration institutions, which included **Sue Hyun Lim**, Secretary General, Korean Commercial Arbitration Board (KCAB) International. **Louise Reilly**, Barrister and Arbitrator, Bar of Ireland, spoke on the panel regarding resolving

international sports disputes. Other topics addressed at the conference included water dispute resolution, cybersecurity, and "smart remedies" in investment treaty arbitration. Full details about the speakers and topics of the conference are available on the conference website.



Click to visit the conference website.

Submitted by Claudia Salomon, Partner, Latham & Watkins, New York City, USA

## Achieving greater gender diversity at the top: how do we get there? on 23 January 2020 in Paris, France

On 23 January 2020, Clyde & Co held a client roundtable entitled "Achieving greater gender diversity at the top: how do we get there?" **Nadia Darwazeh**, ArbitralWomen member, Head of Arbitration at Clyde & Co in Paris, moderated a lively panel with two experts on the topic of gender diversity. The panellists, who generously shared their extensive experience, were:

- **Georges Desvaux**, former Senior Partner at McKinsey as well as the co-author of the famous "Women Matter" McKinsey studies, currently Chief Strategy and Business Development Officer of AXA; and
- **Pauline Caldwell**, HR Director at Clyde & Co.



Panel and audience of the event

Nadia Darwazeh started off the discussion with a simple but very important question: **"Why do we still need to discuss gender diversity today if the topic has been on the agenda for over ten years now?"** The various statistics on gender parity that Nadia shared were both shocking and eye-opening as progress in this area is still very slow. Today, more than 50% of graduates not from law schools worldwide are women and the same proportion of women can be found at entry level positions in law firms. While these numbers have been consistently at this level for years, they do not reflect the proportion of women in senior positions. Looking to the USA, only 5% of CEOs at Fortune 500 companies are women. Another telling statistic is that there are as many (or rather few!) women CEOs as there are CEOs called

"John." According to a study by the OECD World Economic Forum in 2019, if we continue at this rate, we will achieve gender equality in *only 250 years*.

When the first McKinsey report was published in 2007, it was widely recognised that women were under-represented in business and management functions and, unfortunately, the gender parity issue remains the same today. According to Georges Desvaux, *"Today still many people do not really understand what gender diversity means, and there are still not enough people in senior positions who see gender equality as an absolute imperative, which is primarily required for the success of their business and economics in general."*

Urgent steps need to be taken. Different studies, including McKinsey's

2007 report *"Women Matter,"* show that companies that have women in leadership positions perform much better economically. Georges Desvaux noted, in this regard: *"There is a direct link between the share of women in senior executive positions in the firms and the overall performance of these companies."* Furthermore, the shortage of highly skilled workers in the near and medium term, which is expected to reach 40 million by 2030, can be easily fixed by an equal employment rate for women, which would close the gap almost entirely.

**"What is still holding women back? Have we not broken through the glass ceiling yet?"** Nadia Darwazeh asked the panellists. Pauline Caldwell said: *"We have cracked the glass ceiling but have not broken it yet."* Georges Desvaux

agreed that the glass ceiling has not been completely broken, primarily due to a pipeline which leaks all the way up to the top.

*“One of the reasons”*–Pauline Caldwell noted–*“is that there is a difference in expectations between generations, the millennials are just making their way to the top and they are more open to more modern ways of working, whilst the baby boomers are still in charge of making policy decisions now which impact the ability to break through the glass ceiling as they view the world differently.”*

Another reason, as already revealed in McKinsey's 2007 study is that nearly 40% of female respondents believe that women's leadership and communication styles are incompatible with the prevailing styles of top management in companies; 30% of male respondents took the same view. Such assumptions or biases are both misleading and discouraging especially in light of McKinsey's findings concerning different leadership styles, which show that women's behaviour helps to reinforce the “work environment and values,” “accountability” and “leadership team” dimensions. Therefore, companies with more women in their management teams score higher, on average, on their organisational performance criteria. Georges Desvaux added: *“In general, women and men have different leadership styles, but it does not mean that some of them are more or less successful, they are complementary”*.

Furthermore, due to lack of information, women still sometimes make incorrect assumptions about what holding a senior position actually entails. Georges Desvaux emphasised the importance of human contact between seniors and juniors as it leads to a win-win situation for both women and companies. Pauline Caldwell added: *“Women start thinking about the challenges of taking on a leadership position early on in their career.”* Family planning and honest discussions about what a leadership position may actually mean for a woman and how it could co-exist with other life responsibilities are still taboo subjects in the workplace. Pauline Caldwell noted: *“We have seen great examples of teams at Clyde & Co where Partners have had a human conversation with their female*

*senior lawyers about their professional growth and personal plans, which enabled the teams to have smooth promotions and retain the talent.”*

**Mirèze Philippe**, Co-Founder of ArbitralWomen and Special Counsel at the Secretariat of the ICC International Court of Arbitration, reacted from the audience, saying that employers should also be more vocal about different initiatives and programmes that are in place as it will inevitably inspire and encourage others to take a similar course of action towards gender diversity.

The panellists agreed that the factors mentioned above, coupled with unconscious bias and deficient performance measuring systems, i.e. a lack of gender-neutral assessment, hinder women's professional growth at senior levels.

Nadia Darwazeh then challenged the speakers by asking: ***“How can we overcome these numerous hurdles?”*** Georges Desvaux and Pauline Caldwell proposed and discussed a range of effective tools to promote gender diversity. They emphasised the importance of mentorship and role modelling. Georges Desvaux clarified that both women and men can be mentors and role models as these roles are primarily designed for inspiration and encouragement. Mentors and role models can show that it is possible to have a successful career and a meaningful life beyond the office hours.

Georges Desvaux also urged women to find sponsors within their organisations who can help to bolster their careers. He explained that sponsors are often different from mentors and role models, the sponsor's role being to help push the person up the career ladder. Georges Desvaux explained the difference with a pinch of humour: *“Basically, the difference between mentors and sponsors is that you have a coffee with mentors, and sponsors buy you a coffee.”* Nadia Darwazeh then asked: *“Do women need more sponsorship than men?”* Georges Desvaux explained: *“No, they do not, but men usually do not have any problem asking for what they need, whereas women are full of doubts whether it is appropriate, how a potential sponsor will react, etc.”* Pauline Caldwell added that women need to be proactive and

look for their mentors and sponsors. Therefore, they need to constantly develop their network and maintain their contacts.

A dynamic and insightful debate ensued, with the speakers and the audience discussing the different measures that could be taken to motivate top management in companies to actually work towards gender parity. What is more efficient for achieving this goal: quotas for female senior positions, targets, or sanctions for companies? Both Georges Desvaux and Pauline Caldwell were not convinced that quotas for women could work without undermining their professional standing, whereas a few participants in the audience expressed a different opinion. A few clients expressed the view that thanks to quotas, women's applications are examined as carefully as men's applications. David Méheut, Partner at Clyde & Co, added: *“Whilst I have reservations on the application of quotas, I think that quotas are absolutely justified for boards of directors and executive committees. Nobody can seriously say that there are not enough competent profiles for these positions, and quotas are the only way to finally break the glass ceiling.”*

**In the panel's concluding remarks**, Nadia Darwazeh succinctly summarised the interesting debate: *“What I take away from this is that there is not one single thing that can or should be done to achieve gender parity at the top. We need to take a whole range of actions in order to increase gender diversity starting from addressing unconscious bias, making sure we have leaders that are dedicated to the issue and make it a top priority. We need to have mentoring, we need to have sponsorship, we need role modelling, flexibility and paternity leave, which is also a key to equality. We also need to measure the work performance in a gender-neutral way and accept different leaderships models. An important point is also to monitor the progress along the way to ensure that we are in fact advancing, and if we are not making progress then we need to think about how we can do this.”*

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Submitted by Sarah Lucas, ArbitralWomen member, Associate, and Dilara Khamitova, Juriste, International Arbitration, Clyde & Co, Paris, France

## Gender Differences in Dispute Resolution: Science, Experience and Practical Approaches on 24 January 2020 in Munich, Germany



From left to right: Beata Gessel-Kalinowska vel Kalisz, Oliver M. Brupbacher, Nadja Jaisli Kull, Ulrike Fürst, Stefan Riegler

**On 24 January 2020, Hogan Lovells and ArbitralWomen, with the support of the German Arbitration Institute (DIS), hosted an event discussing gender differences in dispute resolution at Hogan Lovells' Munich office. The event was organised by **Nata Ghibradze, Liv Jores** and **Jyotsna Chowdhury** of Hogan Lovells.**

The event began with an informal SpeedNet, where around 40 women gathered to network and exchange ideas and experiences.

The main event was opened by **Karl Pörnbacher**, Partner at Hogan Lovells. Addressing the current statistics on appointments of female arbitrators, he pointed out that while there had been improvements in recent years, we were nowhere near equal opportunities yet. He then posed the following question to be discussed by the speakers and the panel: *Are there gender differences in decision-making and negotiations?*

In the first part, this question was discussed from a scientific point of view. The first speaker was **Ulrike Schultz**, a senior academic at Fern Universität Hagen who gave a

presentation on *"Gender and its Effect on Decision Making"*. She began with the Harvard Implicit Association Test, which revealed unconscious biases of many members of the audience. Ulrike Schultz continued to explain the underrepresentation of women practitioners based upon certain underestimated stereotypes (e.g., women as emotional and men as strong), which are one of the causes of unconscious biases. She concluded her presentation by describing the effects in gender-coded cases, e.g. so called "gendered sympathy" in family law cases. Schultz gave the example of a female judge having more sympathy for the custody claim of a mother than would a male judge.

The second speaker was **Katharina Kugler**, Post-Doctoral Research Associate in the Department of Psychology at Ludwig Maximilian University, Munich. She gave a presentation on *"Gender Differences in Negotiations — a Psychological Perspective"*. Katharina Kugler explained how "male" and "female" "qualities" affect us in negotiations. She demonstrated that generally accepted "male qualities" and qualities of a "good

negotiator" overlap. Kugler observed that generally, women are more hesitant than men to initiate negotiations. However, she stressed that such differences were context-bound and reduced or even eliminated when women were trained as negotiators or represented someone else, for example.

In the second part, a panel of dispute resolution practitioners reflected on their experiences with gender differences. The panellists were **Oliver M. Brupbacher** (Senior Corporate Counsel, Novartis), **Ulrike Fürst** (Presiding Judge, Commercial Chamber, Regional Court Munich), **Nadja Jaisli Kull** (Partner, Bär & Karrer, Zurich and ArbitralWomen member) and **Stefan Riegler** (Partner, Wolf Theiss). ArbitralWomen member **Beata Gessel-Kalinowska vel Kalisz** (Senior Partner, GESSEL) moderated the lively panel discussion in the course of which the panellists expressed different views on whether there were gender differences in practice (e.g. in cross-examinations and pleadings).

The event also witnessed the presentation of the DIS Gender Champion Initiative by **Nadine Lederer**, Senior Associate at Hogan Lovells and Regional Co-Chair of DIS40 in Munich. The initiative aims to achieve better results by a coordinated self-monitoring effort.

A drinks reception concluded the event.



Harvard Implicit Association Test.

Submitted by Liv Jores, ArbitralWomen member, Associate, Hogan Lovells, Munich, Germany; Nata Ghibradze, ArbitralWomen member, Senior Associate, Hogan Lovells, Munich, Germany & Chantal Lorenz, Intern, Hogan Lovells, Munich, Germany



## GAR Live Abu Dhabi on 28 January 2020 in Abu Dhabi, UAE



Left to right: Nadine Debbas Achkar, Akram Abu El-Huda, Antonia Birt, Charles Lilley and Lara Hammoud

### The 5<sup>th</sup> annual GAR Live Abu

Dhabi took place on 28 January 2020 and was co-chaired by **Lara Hammoud** (Abu Dhabi National Oil Company) and **Alec Emmerson** (independent arbitrator). The conference was, as always, thought-provoking, covering three key topics and finishing with a light-hearted debate. The first panel discussed the impacts of technology on arbitration, focusing on AI and the future of arbitration. The panel considered the threats, but more importantly the potential benefits of legal AI to the profession. **Sana Belaïd** (Cisco Systems) moderated the panel consisting of **Cameron Cuffe** (Ashurst LLP), **Brandon Malone** (Quad-

rant Chambers) and **Robert Stephen** (DIFC-LCIA Arbitration Centre), who shared their insights with the audience.

The second panel considered procedural efficiencies in arbitral proceedings (and inefficiencies which must be avoided). The potential of *soft law* to make proceedings more efficient was discussed, with general agreement among the multi-disciplinary panel, which included private practitioners **Antonia Birt** (Curtis Mallet-Prevost Colt & Mosle) and **Charles Lilley** (Berwin Leighton Paisner), in-house counsel **Akram Abu El-Huda** (AL Habtoor Group LLC) and experienced independent arbitrator **Nadine Debbas Achkar** and was moderated by Lara Hammoud.

The third panel addressed the less well-trodden topic of insurance arbitration. Moderated by **Sam Wakerley** (Holman Fenwick Willan), the panel discussed whether ADR methods can be useful for insurance disputes, and if so, what recurring themes counsel and parties should be aware of. The panel consisted of **Brian Boahene** (Ince), **Peter Ellingham** (Kennedys Law), **Amir Ghaffari** (Vinson & Elkins) and **Alfred Thornton** (Clyde & Co).

The final session included a debate convened in Oxford Union style, with experienced counsel arguing for and against the motion: *"This house believes that the erosion of arbitral immunity is to invite the guerrilla into the room."* The skilled debaters were **Michael Black QC** (XXIV Old Buildings) and **Anne K. Hoffmann** (independent arbitrator), arguing in favour of the motion, and **Amani Khalifa** (Freshfields Bruckhaus Deringer) and **Tim Taylor QC** (King & Wood Mallesons), arguing against the motion.

The well attended event was followed by drinks and networking.

Submitted by Antonia Birt, ArbitralWomen member, Partner, Curtis Mallet-Prevost Colt & Mosle, Dubai, UAE

## 5<sup>th</sup> EFILA Annual Conference, on 30 January 2020 in London, UK

On 30 January 2020, we had the pleasure of hosting the 5<sup>th</sup> EFILA Annual Conference at our Herbert Smith Freehills offices in London. The topic of this year's discussion was *"Investment Protection in the EU: Alternatives to intra-EU BITs."* In the wake of a post-*Achmea* world, investment protection within the EU is a topic of undeniable interest amongst arbitration practitioners.

The conference commenced with an opening address by the Chair of the Executive Board of EFILA, **Lukas**



Left to right: Judge Christopher Vajda, Alejandro Garcia, Patricia Nacimiento, Alexandra Diehl

**Mistelis**, which was then followed by two thought-provoking and active panel discussions on “*Investment/ investor protection under EU law*” and “*Alternative tools for effective investment/ investor protection.*”


Following a lunch break, **Meg Kinnear**, Secretary General of ICSID, gave a highly insightful keynote speech on the topic “*Alternative Dispute Resolution in Investment — The Role of Complementary Mechanisms and Approaches*”. Following the keynote address, the final panel discussion of the day was on “*The future of the ECT and intra-EU ECT disputes.*” A closing presentation was

then delivered by **Nikos Lavranos**, Secretary General of EFILA.

As a summary of the overall shared sentiment at the event, it was felt that the next stages are crucial. Firstly, the interaction between EU law and investment/investor protection should be further considered. Secondly, it is essential that further alternatives for investor protection are explored. Also, in light of intra-EU ECT disputes, the contours of the Energy Charter Treaty (“ECT”) will have to be further clarified. In discussions open to the audience, these topics appeared to be particularly sensitive, especially for the future of the energy sector. Notably, policy

considerations such as the continued use of fossil fuels and nuclear energy, as well as other international law considerations were also key concerns.

We kindly thank all presenters, panellists and attendees to the event and wish the EFILA continued success in facilitating these discussions.

 Keynote speech by Meg Kinnear.

Submitted by Patricia Nacimiento, ArbitralWomen member, Partner, Herbert Smith Freehills LLP, Frankfurt, Germany

## Advocacy in Arbitration Seminar on 30 January 2020 in London, UK



Left to right: Ben Valentin QC, Gaurav Pachnanda SA, Anneliese Day QC, Benjamin Hughes, Luca Radicati di Brozolo & Michael Crane QC

- Why arbitrate in London?
- An arbitrator’s perspective on advocacy in arbitration;
- Operating effectively as lead advocate in international arbitration;
- Recent developments in Indian law impacting international arbitration.

A lively and interactive debate followed the panel presentations, with over 120 clients joining for further discussion and networking over drinks after the seminar.

Anneliese Day QC commented: “*It was a privilege to have so many eminent practitioners in international arbitration in attendance and to be able to share ideas for improving the efficacy of written and oral communication in dispute resolution around the world. It was a particular pleasure to see so many women and younger practitioners contributing to the debate.*”

Fountain Court Chambers will be rolling out further programmes on international arbitration during 2020. Please contact Sian Hockett if you are interested in receiving further information.

Submitted by Sian Hockett, Deputy Senior Clerk, Fountain Court Chambers, London, UK

**On 30 January 2020, Fountain Court Chambers** hosted a seminar on ‘*Advocacy in Arbitration*’ at the RSA House, London.

The international panel from Fountain Court included **Michael Crane QC**, **Luca Radicati di Brozolo** (ARBLIT), **Benjamin Hughes** (independent arbitrator), **Anneliese Day QC** (ArbitralWomen

member), **Gaurav Pachnanda SA** and **Ben Valentin QC**, providing insights into conducting effective oral and written advocacy before tribunals, from the perspective of both counsel and arbitrator.

The panel, from diverse jurisdictions around the world, showcased their breadth of experience, covering such hot topics such as:



## Wake up (with) Arbitration! session: “The professor-arbitrator, a professional arbitrator?” on 30 January 2020 in Paris, France



Left to right: Gregory Travaini, Caroline Duclercq, Constance Castres Saint-Martin, Mathias Audit, Valence Borgia, Maria Beatriz Burghetto

**On 30 January 2020, a new** edition of the Wake up (with) Arbitration! breakfast round table, organised by ArbitralWomen members **Valence Borgia, Maria Beatriz Burghetto** and **Caroline Duclercq** was held at the offices of K&L Gates Paris on the subject of “[t]he professor-arbitrator, a professional arbitrator?” with **Mathias Audit** (Professor at Sorbonne Law School, Paris, France) and **Constance Castres Saint-Martin** (Deputy Counsel at the Secretariat of the International Court of Arbitration of the International Chamber of Commerce and Professor at SciencesPo, Paris, France).

“Professional” is to be understood as “acting in a manner which is compliant with the users’ legitimate expectations” and/or “belonging to a recognised profession.”

**The first speaker** had to argue, at the organisers’ request, that professor-arbitrators sometimes do not behave as professional arbitrators in the first sense of the word. After

conceding that professor-arbitrators stand out for their drafting skills, which guarantees the quality and the intelligibility of the award, the speaker highlighted the two main associated concerns: professor-arbitrators’ lack of transparency and lack of management skills. Indeed, professor-arbitrators may not feel the need to disclose that they may spend one or two days a week at a law firm’s offices in a consultant capacity. The first speaker stressed that the root cause may be that they consider themselves intrinsically independent by virtue of their academic role, which requires this of them. In order to break this habit, professor-arbitrators should keep in mind, when filling out their declaration of independence, upon being nominated, two virtues which they normally exhibit: empathy and pedagogy.

Professor-arbitrators represent roughly around one-third of the arbitrators in ICC arbitrations. A minority are appointed by the ICC

Court. This may be explained by the fact that arbitral institutions expect professor-arbitrators to be as good managers as they are judges, as they are both the hand that holds the pen and the fist that bangs on the table. But professor-arbitrators do not systematically acknowledge receipt of correspondence from the parties, preferring to focus on drafting the award, or they may take their time to resolve a minor procedural incident, generating unnecessary stress on the parties and their counsel.

**The second speaker**, who had to defend the opposite position, started by noting that emeritus professors of universities have largely contributed to the theory of arbitration. Regarding the criticism of lack of transparency, the speaker acknowledged that professor-arbitrators are not as sensitised by their universities to the issue of conflict of interests as practitioners are by their law firms. In fact, the consultations they provide constitute independent opinions which do not bind them either to lawyers or to clients and their exchanges with lawyers are generally on an *ad hoc* basis.

On the concern relating to professor-arbitrators’ lack of management skills, the speaker admitted that, for a long time, professors were not proactive concerning administrative tasks and crucially lacked the support of a team by their side. At present, however, many professor-arbitrators work with a tribunal secretary and the image of the solitary professor-arbitrator is now outdated.

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Submitted by Constance Castres Saint-Martin, Deputy Counsel at the Secretariat of the International Court of Arbitration of the International Chamber of Commerce and Professor at SciencesPo, Paris, France



## Toolkit Training Programme for Award Writing by IBA Arb40 | DIS40 | MuCDR on 31 January 2020 in Munich, Germany



Left to right: Alice Broichmann, Tilman Niedermaier, Jan Erik Spangenberg

On 31 January 2020, IBA Arb40, DIS40 and the Munich Centre for Dispute Resolution (MuCDR) jointly organised the “Toolkit Training Programme for Award Writing” at the Ludwig Maximilians University (LMU) in Munich. The Toolkit was created by the International Bar Association’s Arb40 Subcommittee to assist young arbitration practitioners as they approach the drafting of their first arbitral awards. The workshop was led by a panel of three experienced arbitration practitioners who regularly act as arbitrators: **Alice Broichmann**, ArbitralWomen member, Counsel at Allen & Overy LLP, Munich, **Tilman Niedermaier**, Partner at CMS Hasche Sigle, Munich, and **Jan Erik Spangenberg**, Partner at Manner Spangenberg, Hamburg. **Wolfgang Hau**, Chair at LMU in Private law and German, International and comparative law, and co-director of the MuCDR, opened the workshop with a short welcome-address. **Nadine Lederer**, ArbitralWomen member, Senior Asso-

ciate at Hogan Lovells International LLP and regional co-chair of DIS40 in Munich, subsequently welcomed the participants. Her introduction of the workshop and panellists was followed by informative and enlightening lectures by the three speakers, on different aspects of drafting an award.

Alice Broichmann commenced by introducing the participants to the formal and procedural requirements of arbitral awards. She explained the various factors to be considered, such as the nature of the award and the requirements of any applicable institutional rules and of the applicable law.

She was followed by Tilman Niedermaier, who discussed the practical considerations for drafting an award including, *inter alia*, the role of tribunal secretaries in the award writing process. The varying rules concerning signature, date, and place for an award were discussed at length.

Jan Erik Spangenberg concluded the

lecture part of the event by discussing the mandatory requirements with respect to the content of the award. Apart from discussing how to approach the substantive questions of merit, he also gave a very helpful checklist of the procedural developments that must be included in the award.

In the second part of the workshop, the participants were divided into three groups to discuss different issues of a flawed mock award. They used the information learned in the first part to dissect the shortcomings of the award, and later shared their findings.

The final part of the event consisted of a Q&A session led by **Christian Stretz**, Attorney at Ego Humrich Wyen and regional co-chair of DIS40 in Munich, with **Klaus Sachs**, partner at CMS Hasche Sigle in Munich, board member of the MuCDR, who shared useful tips for writing an award along with some anecdotes from his experience. The audience, comprised of a diverse group of young arbitration practitioners based in Germany, Paris, and Vienna, actively participated and contributed thoughts on the various issues raised. The event finished with a lunch kindly sponsored by CMS, giving the participants the opportunity to network and to exchange experiences.

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Submitted by Nadine Lederer, ArbitralWomen member, Senior Associate & Jyotsna Chowdhury, Associate, both at Hogan Lovells International LLP in Munich

## YSIAC – ADGM Advocacy Workshop 2020 on 5 February 2020 in Abu Dhabi, UAE

On 5 February 2020, Abu Dhabi Global Market (ADGM) hosted the Young Singapore International Arbitration Centre Group (YSIAC) for their first Advocacy Workshop.

The format of the workshop included a mock cross-examination of factual witnesses, followed by feedback from the tribunal members and then a short panel to conclude the workshop.

**Khushboo Shahdarpuri**, ArbitralWomen member, YSIAC Committee Member, introduced the case scenario and the concept. **Anne Hoffmann** (independent

arbitrator), **Thomas Snider** (Al Tamimi & Company) and **Yu Jin Tay** (Mayer Brown) acted as Tribunal and Panellists. **Sarah Malik** was the moderator for the panel.

In the first round of cross examination, **Wendy Lin** (co-chair, YSIAC Committee; WongPartnership LLP) and **David Hume** (Shearman & Sterling LLP) acted as counsel and cross-examined **Iryna Akulenka** (ArbitralWomen member, HKA Global Limited) and **Richard Clarke** (Dentons & Co) as the claimant's witnesses, based on the hypothetical case that was presented.

In the second round **Thanos Karvelis** (Shearman & Sterling LLP) and **David Xu** (King & Wood Mallesons) cross-examined **Marcus Starke** (Freshfields Bruckaus Deringer LLP) and **Fatima Balfaqeeh** (ArbitralWomen member, independ-



Left to right: Marcus Clarke, Fatima Balfaqeeh, Anne Hoffmann, Thomas Snider, Yu Jin Tay, David Xu & Thanos Karvelis

ent arbitrator), as the respondent's witnesses, based on the hypothetical case that was provided for the panel.

After those two sessions were concluded, a panel discussion dealt with how to conduct a successful cross-examination, the main notes they had on the hypothetical scenario and how each counsel and witness chose to conduct themselves, with

lessons learned from them.

This event was the first event between YSIAC and ADGM. It was very well attended and received very positive feedback.

Submitted by Fatima Balfaqeeh, ArbitralWomen member, independent arbitrator, Managing Director of RKAH Consultancy, Abu Dhabi, UAE

## ICC YAF: Early-Stage Investments on 5 February 2020 in New York, USA



Left to Right: Rajat Rana, Preeti Bhagnani, Dana MacGrath, Kiran Sequeira, and Ben Love

On 5 February 2020, the International Chamber of Commerce Young Arbitrators Forum organised a panel discussion on Early-Stage Investments in New York, sponsored by Alston & Bird LLP. Panelists included **Preeti Bhagnani** (ArbitralWomen member, Partner, White &

Case LLP), **Ben Love** (Counsel, Reed Smith LLP), **Dana MacGrath** (Investment Manager & Legal Counsel, Omni Bridgeway and President, ArbitralWomen), and **Kiran Sequeira** (Partner, Versant Partners). The panel was moderated by **Rajat Rana** (Senior Associate, Alston & Bird LLP).

Kiran Sequeira began by outlining some basic principles of investment valuation. The value of an investment may be derived from the future cash flows that it will generate. Because early-stage investments often have operating histories of around one to three years, it is difficult to predict their futures reliably, based only on their limited histories. Furthermore, not all early-stage investments are the same: those in the natural resources sector may be easier to value than those investments for which demand is uncertain, such as "new products in the apparel, software, leisure or entertainment sectors."

Preeti Bhagnani illustrated these principles by comparing *Wena Hotels v. Egypt*, in which the tribunal declined to award forward-looking damages for a hotel that had been operating for over a year, with *Gold Reserve v. Venezuela*, in which the tribunal awarded forward-looking damages even though the mine was never functioning. Bhagnani also offered some practice tips. For claimants' counsel, it is useful to corroborate a



valuation with that reached through other methodologies, when possible, in order to demonstrate a valuation's reasonableness. Respondents' counsel, in trying to limit the amount of damages, should consider presenting tribunals with credible alternative valuations.

Ben Love concurred with the importance of corroboration, advising that a variety of financial assessments, including privately kept projections as well as publicly reported financial statements, should be consulted in valuing invest-

ments. Third-party contemporaneous valuations are particularly useful, as tribunals often place a premium on the transaction price for shares as an indicator of an investment's fair value.

Speaking from a funder's perspective, Dana MacGrath observed that the role of funders in performing valuations is different from that of experts. The internal valuations of funders are somewhat conservative and may be well below a tribunal's damages award in a case. The principle behind this, according to Dana

MacGrath, is that funders aim to facilitate a claim; therefore, they offer their funding at a formula that will allow the claimant to get the "lion's share" of the award.

The Young Arbitrators Forum provides participants with opportunities to learn from and network with more experienced practitioners, in order to develop their skills and knowledge.

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Submitted by Chloe Do, ArbitralWomen member, Law Clerk, White & Case LLP, New York, USA

## International Congress for all Mediations 2020 on 5-7 February 2020 in Angers, France

Over five hundred people from all over the world attended the first International Congress for all Mediations ever held in Angers, France. ArbitralWomen member **Ana Sambold**, from California, was invited to speak about commercial mediation and the Singapore Convention, along with **Susanne Schuler** (UK), **Céline Kapral**, **Adrian Borbély**, **Pierre Pelouzet** (France), and **Tsisiana Shamlikashvili** (Russia). **Hervé Carré** was the Chairman and organiser of this wonderful event.

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Submitted by Ana Sambold, ArbitralWomen member, Mediator – Arbitrator, Sambold Law & ADR Services, California, USA



Left to right: Adrian Borvely, Celine Kapral, Hervé Carré, Ahmed Galai, Ana Sambold and Susanne Schuler

## SCAI Innovation Conference 2020, “Fast and Furious”: Urgent and Expedited Relief, Lessons Learnt – Challenges Lying Ahead – Need for Innovative Solutions? on 6 February 2020 in Zurich, Switzerland

On 6 February 2020, the Swiss Chambers' Arbitration Institution (SCAI) held its 4<sup>th</sup> SCAI Innovation Conference on the topic of emergency and expedited relief. SCAI President and ArbitralWomen member and former vice president Gabrielle **Nater-Bass** (Partner, Homburg,

Zurich), welcomed the 116 participants to the conference, before **Diana Akikol** (Partner, ABR Avocats, Geneva) and **Ulrike Gantenberg** (Partner, Heuking Kühn Lüer Wojtek, Düsseldorf) introduced the three topics.

The first panel, composed of **Cecilia**

**Carrara** (Partner, Legance Avvocati Associati, Rome), **Christopher Harris QC** (Barrister, 3 Verulam Buildings, London), **Marieke van Hooijdonk** (Partner, Allen & Overy, Amsterdam) and **Philippe Cavalieros** (Partner, Simmons & Simmons, Paris), which was





Left to right: Diana Akikol and Ulrike Ganteberg

moderated by **Nadja Jaisli Kull** (Partner, Bär & Karrer, Zurich), discussed practical experiences with emergency and interim relief and proposed new approaches to making the granting of emergency and interim relief more effective. The speakers analysed in particular

- i. benefits of the Swiss Rules and the ICC Rules on selected issues;
- ii. advantages of concurrent jurisdiction of state courts and arbitral tribunals;
- iii. essential criteria for granting security for costs in arbitration; and
- iv. enforcement problems with decisions by emergency arbitrators.

The second panel, moderated by **Christian Oetiker** (Partner, Vischer, Basel) and comprised of **Nils Schmidt-Ahrendts** (Partner, Hanefeld Rechtsanwälte, Hamburg), **Gisela Knuts** (Partner, Roschier, Helsinki), **Jennifer Kirby** (Partner, Kirby Arbitration, Paris) and **Michael Cartier** (Partner, Walder Wyss, Zurich) shifted the focus to the topic of general means to expedite the proceedings and discussed in particular

- i. the effective use of case management techniques;
- ii. the limitation of the material scope of the arbitration;
- iii. helpful tools to achieve more

efficiency and effectiveness and  
iv. new legal tech solutions which may increase efficiency.

The third and final panel, moderated by **Elliott Geisinger** (Partner, Schellenberg Wittmer, Geneva), discussed the general question whether arbitrators could learn from judges. The panel was comprised of seasoned (former) judges and arbitrators, including **Christoph Hurni** (High Court Judge, High Court of the Canton of Berne, Berne), **Dame Elisabeth Gloster** (Arbitrator, One Essex Court, London) and **Philipp Habegger** (Partner, Habegger Arbitration, Zurich).

At the end of the conference, **Sandra De Vito Bieri** (Partner, Bratschi, Zurich) and **Simon Gabriel** (Partner, Gabriel Arbitration, Zurich) presented their joint recording of conclusions, before the delivery of final remarks by **Caroline Ming** (SCAI Executive Director & General Counsel, Geneva, Switzerland).



Full conference report will be available here.

Submitted by Alexandra Johnson, ArbitralWomen Board Member, Partner, Bär & Karrer, Geneva, Switzerland and Andreas SCHREGENBERGER, Senior Associate, Gabriel Arbitration, Zurich, Switzerland

## ICC Conference on Arbitration in Africa on 6-7 February 2020 in Dakar, Senegal

On 6 February 2020, the ICC YAF held a conference on “ICC Arbitration — Rules and Practice” for the first time in Dakar, Senegal, as part of a 2-day event on ICC Arbitration in Africa.

The ICC YAF conference presented the opportunity to:

- i. introduce the ICC Rules of Arbitration and
- ii. discuss careers in international arbitration with young Senegalese practitioners.



Left to right: Yaye Diabaté, Habibatou Touré, Moustapha Faye

The first session was led by **Sami Huerbi**, Director of ICC Dispute Resolution Services for Eastern Mediterranean, Middle East & Africa, **Diamana Diawara**, Counsel at the ICC International Court of Arbitration, **Mahamat Atteib**, Associate at Geni & Kebe, and **Mouhamed Kebe**, Partner at Geni & Kebe. The second session was led by **Yaye Diabaté**, Associate at Shearman & Sterling and ArbitralWomen member, **Habibatou Touré**, Partner at Habibatou Touré, and **Moustapha Yaye**, Partner at François Sarr et Associés. The discussion was very interactive, with many

questions posed by the audience to both panels. It was quite inspiring to see the growing interest of the young Senegalese legal community in international arbitration. In particular, many questions were asked about the accessibility of arbitration training for African practitioners.

The ICC conference on 7 February brought together experienced arbitration practitioners, institutions and government officials from the African continent and abroad, to discuss current trends in disputes in Africa, and the latest developments in both the ICC and the OHADA arbitration frameworks.

The fact that this 2-day event was being held in Dakar this year shows the development of international arbitration in the West African region and especially in Senegal. This should be viewed in the wider context of the boom of foreign direct investments in Senegal over the past ten years, a steady economic growth, and the recent discovery of oil and gas reserves offshore Senegal.

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Submitted by Yaye Diabaté, ArbitralWomen member, Associate, Shearman & Sterling LLP, Abu Dhabi, United Arab Emirates.

## 15<sup>th</sup> International Chamber of Commerce (ICC) International Commercial Mediation Competition, on 6–12 February 2020 in Paris, France

The 15<sup>th</sup> International Chamber of Commerce (ICC) International Commercial Mediation Competition was held in Paris between 6 and 12 February 2020. This globally renowned moot selected 350 law students and over 130 ADR professionals from across the world to participate in almost 150 mock mediation sessions throughout the Competition. The event provided students the opportunity to put theory into practice and was a great opportunity for professionals to enlighten and engage a new generation of mediators and mediation users through guidance, feedback and support.

This year, Californian ArbitralWomen member, Ana Sambold, coached a team of four talented students from **The West Bengal National University of Juridical Sciences, Kolkata, Ananya Agrawal, Arshia Roy, Abishek Sankar and Shreya Mishra**. The team secured one of only ten Special Awards given, namely, the Special Award for Distinction in the Interaction with the Mediator.

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Submitted by Ana Sambold, ArbitralWomen member, Mediator – Arbitrator, Sambold Law & ADRS Services, California, USA



Left to right: Abishek Sankar, Ananya Agrawal, Ana Sambold, Arshia Roy and Shreya Mishra



## ASA Annual Conference 2020: Clear Path or Jungle in Commercial Arbitrators' Conflicts of Interest? on 7 February 2020 in Zurich, Switzerland



Panel 3, left to right: Felix Dasser, Paula Hodges, Laurent Gouiffès, Diana Akikol, Laurence Shore

**On 7 February 2020, the** Swiss Arbitration Association (ASA) hosted its annual conference, this year on the topic of conflicts of interest in international commercial arbitration.

Around 250 arbitration practitioners, scholars and interested parties from over 20 jurisdictions across the globe gathered in Zurich to attend the conference and take the valuable opportunity to network.

Following a welcome address by ASA's president, **Felix Dasser**, and an introduction to the topic by **Wolfgang Peter**, the event was split into four panels with distinguished speakers, among which were ArbitralWomen members **Gabrielle Nater-Bass**, **Paula Hodges QC** and **Nathalie Vosser**. While the first three panels each addressed the conference topic from a different perspective, i.e. from the viewpoints of users, major arbitral institutions and state courts, respectively, the fourth was an overarching debate regarding, in particular, the question of whether there is sufficient uniformity of the standards for disclosure by, and challenges to, arbitrators.

As stated during the first panel, users have a certain preference to appoint arbitrators who combine quality, experience and availability. With regard to conflicts of interests, users further tend to favour arbitrators who

err on the side of caution when making disclosures in order to facilitate the smooth conduct of the proceedings and the enforcement of the resulting arbitral award.

The second panel clarified that playing it safe when making disclosures is not necessarily harmful to an arbitrator's career. **Alexander Fessas**, Secretary General of the ICC International Court of Arbitration, emphasised that disclosure does not equal conflict, meaning a disclosure does not automatically prevent an arbitrator from being appointed.

Overall, the speakers appeared to be in favour of consistency when it comes to impartiality and the duty to disclose. As Paula Hodges QC pointed out, this holds true in particular because arbitration is intended to be a neutral forum for dispute resolution. Nevertheless, the last panel raised considerable doubt as to whether true harmonisation of the current standards can be achieved in the near future, considering it unlikely that the IBA Guidelines on Conflicts of Interest in International Arbitration or a similar set of rules would be adopted as a binding piece of legislation in a majority of jurisdictions.

Against this background, the final panellists argued that state courts play an important role in ensuring an inter-

national minimum standard pertaining to conflicts of interest by applying uniform principles in setting aside proceedings. In this respect, however, the presentations of the third panel on the laws of Switzerland, France, England and Wales, and the United States of America had illustrated that there are still a number of differences and unresolved issues. Moreover, the question as to how an arbitrator's failure to comply with the duty to disclose may be sanctioned in case the non-disclosed circumstance is not sufficiently serious to warrant his/her challenge, nor the setting aside of the respective award, remained unanswered.

Addressing the existing uncertainties, Felix Dasser jokingly closed the engaging conference by mentioning that, if nothing else, the proverbial jungle in arbitrators' conflicts of interest would keep securing the livelihood of a number of participants, at least in part.



ASA Annual Conference  
2020 website.

Submitted by Alexandra Johnson, ArbitralWomen Board Member, Partner, Bär & Karrer, Geneva, Switzerland & Nadine Wipf, ArbitralWomen member, Associate, Bär & Karrer, Zurich, Switzerland

## CEA-40 Conference on Jurisdiction and Evidence in Sports Arbitration on 21 February 2020 in Brussels, Belgium

On Friday, 21 February 2020, Brussels welcomed a CEA-40 (Spanish Arbitration Club-under 40s) event, entitled “*Jurisdiction and Evidence in Sports Arbitration.*” The event was organised by **Iuliana Iancu** (ArbitralWomen member and Partner, Hanotiau & van den Berg, Brussels) and **Emily Hay** (ArbitralWomen member and Senior Associate, Hanotiau & van den Berg, Brussels) and was sponsored by ALTIUS. ArbitralWomen, CEPANI40, DIS40 and TDM offered institutional support. The CEA-40 event preceded the Fifth Annual Conference of the Belgian Chapter of the CEA held later the same day.

The CEA-40 event opened with a keynote address by **Wouter Lambrecht** (Attorney at law, FC Barcelona), who set the scene with a brief historical overview of the Court of Arbitration for Sport and an introduction to the main features of sports arbitration.

The event then continued with a panel discussion on jurisdictional issues superbly moderated by **Carmen Núñez-Lagos** (ArbitralWomen member and Independent Arbitrator, Núñez-Lagos

Arbitration). The speakers, **Maarten Draye** (Partner, Hanotiau & van den Berg, Brussels), **Tomás Navarro-Blakemore** (Associate, Froriep, Geneva), **José Carlos Páez** (Partner, Nebot & Páez Abogados, Madrid) and **Hannes D’Hoop** (Chief Legal Officer, Club Brugge), explored, based on questions from Carmen Núñez-Lagos, issues such as: whether sports arbitration can be deemed voluntary arbitration in light of the athletes’ options; whether first instance disciplinary proceedings by sports federations can ever be independent; the participation of third parties (in particular the World Anti-Doping Agency-WADA) in sports arbitration proceedings and whether doping cases, employment cases, disciplinary proceedings or proceedings raising ethical issues fit neatly into the category of arbitrable disputes.

The second panel, expertly moderated by **Giulio Palermo** (Partner, Archipel), dealt with evidentiary issues in sports arbitration. **Annabelle Möckesch** (ArbitralWomen member and Senior Associate, Schellenberg Wittmer) analysed the burden and standard of proof in doping cases, highlighting

particular issues involving minors. **Alexander Vantyghem** (Associate, ALTIUS) covered evidence gathered by disciplinary prosecutors from parallel criminal investigations and proceedings, in light of parallel match-fixing proceedings in Belgium. **Giulia Vigna** (Associate, Coccia De Angelis Vecchio & Associati) followed up with the admissibility of illegally obtained evidence, including the particular balance between public and private interests that have been found to apply. Finally, **Olga Hamama** (ArbitralWomen member and Partner, V29 Legal) addressed restrictions associated with the hearing of anonymous or protected witnesses. She also discussed evidence to prove match-fixing using detection systems which analyse irregular betting movements with mathematical models and algorithmic analysis.

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Submitted by Iuliana Iancu, ArbitralWomen member, Partner, Hanotiau & van den Berg, Brussels & Emily Hay, ArbitralWomen member, Senior Associate, Hanotiau & van den Berg, Brussels, Belgium



Left to right: Giulio Palermo, Annabelle Möckesch, Alexander Vantyghem, Giulia Vigna, Olga Hamama



## ICC YAF: Confidentiality vs. Transparency on 26 February 2020 in London, UK

On 26 February 2020, the Best Friends group of law firms hosted an ICC YAF panel debate at the offices of Slaughter and May in London.

**Martje Verhoeven-de Vries Lentsch** discussed varying perspectives on transparency and confidentiality in international arbitration. Together with **Shane Daly**, associate at Bredin Prat in Paris, **Pascal Hachem**, associate at Bär & Karrer in Zurich and **Nick Sloboda**, barrister at One Essex Court in London, they shared their views during a panel discussion, introduced and moderated by **Peter Wickham**, associate at Slaughter and May, on the friction between confidentiality and the recent push for transparency in international arbitration. While the panel seemed to agree that in general, more transparency in the proceedings would be a welcome development, some different



Left to right: Nick Sloboda, Martje Verhoeven-de Vries Lentsch, Peter Wickham, Shane Daly and Pascal Hachem

views were expressed on the need for confidentiality, how it is valued by parties, what can be the impact of confidentiality and ways to resolve this.

The event was well attended and saw many interesting questions from the audience, sparking a lively debate with the panellists, which inspired many interesting conversations during

the consecutive networking reception.

We hope to see you at the next ICC YAF Event!

Submitted by Martje Verhoeven-de Vries Lentsch, ArbitralWomen member, Partner, De Brauw Blackstone Westbroek, Amsterdam, The Netherlands

## Second Empowerment Session on 26 February 2020 in Lima, Peru



Attendees to the event

On 26 February 2020, an event was held in Lima, Peru, on the topic of "professional risks taken with success,"

with panellists **María Teresa Quiñones** and **Marlene Molero**, moderated by **Sheilah Vargas** (ArbitralWomen

member). The idea behind this session was to sit in a circle and discuss certain topics not often addressed.

This dynamic is based upon the intention to create a comfortable place for the sharing of experiences and challenges faced as part of the professional development of the participants. In this session, the panellists related how they decided to “jump into the pool,” leaving a comfortable working position, in

search of more personal growth. The session provided the opportunity to share and comment on different experiences related to the various fears and challenges one faces when taking a professional risk in favour of a substantial development. This event was made possible thanks to the collaboration

of the American Chamber of Commerce (AMCHAM) and Benites, Vargas & Ugaz Abogados (sponsor).

Submitted by Emily Horna, ArbitralWomen member, Senior Associate, Benites, Vargas & Ugaz Abogados, Lima, Peru

## Eleventh edition of the “Franco-Spanish Cross Looks” on 27-28 February 2020 in Paris, France



On 27-28 February 2020, the XI<sup>th</sup> edition of the “Franco-Spanish Cross Looks” (*Regards croisés*, in French) took place, jointly organised by the French Chapter of the Spanish Arbitration Club (*Club Español del Arbitraje* or CEA) and the French Arbitration Committee (*Comité Français de l'Arbitrage* or CFA), at the offices of Latham & Watkins, in Paris.

The subject of this year’s comparative law colloquium was “best practices in arbitration,” and it marked last year’s launch of the CEA’s updated version of the Code of best practices in arbitration, originally published in 2005.

Just before the colloquium, there was a breakfast presentation of the newly created Madrid International Arbitration Centre, introduced by **Elena Gutierrez García de Cortázar**, ArbitralWomen Board Member, moderated by **Laurence Kiffer**,

ArbitralWomen member, and featuring **Dámaso Riaño**, Deputy Secretary of the Centre, **Patricia Ugalde**, of Mayer Brown, Paris and **José María Pérez**, of Bredin Prat, Paris.

The colloquium commenced with opening speeches by **Laurent Jaeger**, CFA President (King & Spalding, Paris), **Carlos de los Santos**, CEA Vice-president (Garrigues, Madrid) and **Bingen Amezaga**, President of the French Chapter of the CEA (DS Avocats, Paris).

The first round table dealt with “*Recommendations for experts and funders: Problems found in practice, and possible solutions*,” was moderated by **Fernando Mantilla Serrano** (Latham & Watkins, Paris) and featured **Vincent Boca** (Profile Investment, Paris), **David Jiménez-Ayala** (Duff & Phelps, Madrid) & **Laura Cozar**, ArbitralWomen member (Accuracy, Madrid).

The second round table was about “*Counsel’s deontological obligations in Spain and in France: relevance and impact on international arbitration*,” it was moderated by **María Beatriz Burghetto**, ArbitralWomen Board Member, and it featured **Louis Degos** (K&L Gates, Paris), who dealt with French lawyers’ professional ethics and **Carlos Valls Martínez** (Augusta abogados, Barcelona), who spoke of Spanish lawyers’ deontology. Through questions posed by the moderator, which the speakers answered in turn, each on his own system, some similarities and differences between those systems were made evident. For example, while a violation of the Code of Ethics for European lawyers is punishable by the Paris Bar, it is not in Spain. While it was thought necessary for the Paris Bar to enact, in 2008, a specific ethics rule exonerating its



members, when acting in international arbitration, from the rule that prevents attorneys from interviewing or preparing their own party's witnesses, such a rule was not necessary in Spain, whose lawyers' Code of ethics does not contain such a prohibition. The speakers also discussed whether arbitrators could or should have the power to determine whether counsel infringe their ethics rules. As far as the CEA's Code of best practices in arbitration is concerned, even though its Section 132(d) empowers arbitrators to notify counsel's violations of the Code's best practices "to any Bar Associations with which the lawyer is registered, for the determination of ethical responsibilities," it was noted that

this relates to breaches of the CEA's Code, rather than that of counsel's own Code of Ethics, the enforcement of the latter deemed to be outside the scope of arbitrators' mission.

The third round table dealt with "Best practices: what do we expect from institutions and arbitrators?" and was divided into two sections, the first one, directed to arbitral institutions, was moderated by **Eliseo Castineira** (Castineira Law, Paris) and featured **Ziva Filipic**, Managing Counsel, ICC International Arbitration Court, Paris, **Dámaso Riaño**, in his capacity as Secretary General of the Madrid Arbitration Court (CAM, in Spanish) and **Marc Henry**, President of the French Arbitration Association

(Association Française d'Arbitrage or AFA, Paris) (FTMS avocats, Paris). The second section was on arbitrators and it was moderated by **Patricia Saiz González**, ArbitralWomen member, Law Professor at ESADE (Barcelona). **Yves Derains** (Derains & Gharavi, Paris) and **Carmen Núñez Lagos**, ArbitralWomen member (Núñez-Lagos Arbitration, Paris) were the speakers in that section.

The event was very well attended by numerous CEA members and other practitioners from Spain and France.

Submitted by María Beatriz Burghetto, ArbitralWomen Board Member, lawyer and independent arbitrator, Paris, France



Franco-Spanish Cross Looks programme.



Code of best practices in arbitration.



Madrid International Arbitration Centre.

## CPR Annual Meeting: Lean In: Corporate Counsel, Conflicts and the Challenges of Strategic Dispute Prevention and Resolution on 27-29 February 2020 in St. Petersburg, Florida, USA



Left to right: Jennifer Glasser, Rachael Kent, Laura Abrahamson, Ank Santens, Jean Kalicki, Conna Weiner & Edna Sussman.

**ArbitralWomen** was very well represented at CPR's 2020 meeting in St. Petersburg, Florida, USA, with our members attending as CPR Board Members, Council Members and panellists.

White & Case's **Jennifer Glasser** updated the CPR Council on the work of the Arbitration Committee and

Transparency Subcommittee. Mediator and arbitrator **Conna Weiner** spoke about "Risky Business," offering attendees tools on managing litigation interests and risks. **Ank Santens**, of White & Case and **Rachael Kent**, of WilmerHale, discussed the 95-year old Federal Arbitration Act, and wondered

if there would be major changes before it reaches 100. **Jean Kalicki** of Arbitration Chambers and **Edna Sussman** of SussmanADR discussed "Fast and Slow Thinking and Unconscious Emotional Decision Making," And **Laura Abrahamson**, of AECOM, discussed transparency in commercial arbitration.

At this meeting, CPR invited all attendees to "help us change the world, one wave at a time, by considering a new way of doing business that incorporates the critical aspects of dispute prevention and resolution." As always, our members answered the call, seeking to change their fellow CPR Annual Meeting attendees' preconceived notions by offering practical and actionable takeaways, tools and strategies.

Submitted by Tania Zamorsky, marketing and communications consultant for CPR, New York, USA

# News you may have missed from the ArbitralWomen News webpage

This section in the ArbitralWomen Newsletter reports on news posted on the ArbitralWomen News webpage regarding events or announcements that occurred during January and February 2020 that readers may have missed.

## Arbitration Chambers Announces Launch of New York office and Addition of ArbitralWomen Members Jean Kalicki and Lucy Reed



By Dana MacGrath, ArbitralWomen  
President and Omni Bridgeway  
9 January 2020

**Arbitration Chambers**, a leading consortium of independent arbitrators, recently announced the launch of a New York office and the addition of ArbitralWomen members **Jean E. Kalicki** and **Lucy F. Reed**, both world-renowned international commercial and investor-state arbitrators.

**Arbitration Chambers** [↗](#) was established in 2012 in Hong Kong and expanded to London in 2017. Opening in New York gives Arbitration Chambers a presence in three of the world's leading centres for arbitration. Arbitration Chambers is a set of independent arbitrators dedicated solely to the field of international arbitration. Its members hail from both common law and civil law jurisdictions around the world.

"The launch in New York by Arbitration Chambers as its third global location reflects the importance of New York as a seat of international arbitration and global commercial centre," commented ArbitralWomen member **Edna Sussman**, independent arbitrator and Chair of the Board of Directors of the New York International Arbitration Center (NYIAC). "We are thrilled to have Jean Kalicki and Lucy Reed as representatives of New York's impressive bench of leading arbitrators."

"The choice of New York by Arbitration Chambers is momentous, reaffirming the strength and influence of the international arbitration community here," commented ArbitralWomen member **Rekha Rangachari**, Executive Director of NYIAC. "I am delighted to welcome Arbitration Chambers to New York and look forward to opportunities for collaboration."

Jean Kalicki, a long-standing Member and supporter of ArbitralWomen, is recognized as one of the top U.S.-based international arbitrators specializing in investor-state, international and complex commercial disputes. Until April 2016, she was a partner at Arnold & Porter LLP, serving as counsel in a wide range of high-stakes international matters.

Lucy Reed, a long-standing Member and supporter of ArbitralWomen, is one of the highest profile international arbit-

rators in the world. The former head of international arbitration at Freshfields, based in the firm's New York, Hong Kong and Singapore offices, Reed became an independent arbitrator in 2016 while undertaking the roles of Director of the Centre for International Law and Professor at the National University of Singapore (NUS), where she taught international arbitration and conciliation of public international law disputes through December 2019, prior to returning to New York.

With the addition of Jean Kalicki and Lucy Reed in New York, Arbitration Chambers now has four female members among a total of seventeen arbitrators; ArbitralWomen member **Juliet Blanch** is based in London and ArbitralWomen member **Chiann Bao** is based in Hong Kong.

To learn more, please follow the link to the Arbitration Chambers [press release](#) [↗](#) announcing its New York office launch and addition of ArbitralWomen members Jean Kalicki and Lucy Reed.



Jean Kalicki



Lucy Reed



# UNCITRAL Working Group V Discussions on Asset Tracing and Recovery – UNCITRAL’s potential contribution to the development of an asset recovery toolkit

By Joana Rego ArbitralWomen member,  
Founding Partner of Raedas, a specialist  
investigations firm focussing on disputes  
and asset recovery  
5 February 2020

## UNCITRAL Colloquium on Civil Asset Tracing and Recovery

6 December 2019



Vienna International Centre

On 6 December 2019, the United Nations Commission on International Trade Law (UNCITRAL) Working Group V (Insolvency Law) hosted a Colloquium in Vienna on civil asset tracing and recovery. The one-day Colloquium brought together over 100 attendees. This included a select group of international specialists and practitioners to discuss ongoing trends and legal issues around the tracing and recovery of assets in the context of insolvency, fraud and the enforcement of judgements and arbitral awards. The specialists that were present included lawyers, international and intergovernmental organizations, financial institutions, academia, specialist investigators, among others.

One of the main objectives of the Colloquium was to understand how UNCITRAL can contribute to enhancing asset tracing and recovery. Panelists were more or less unanimous in acknowledging the need for a ‘toolkit’ to pool together legal, investigative and strategic solutions by jurisdiction. UNCITRAL can play a role in developing and administrating this toolkit, gathering insight from specialists and making it available to all practitioners.

### Observations made by panelists and practitioners included:

- **Timing:** In the context of asset recovery, the race against time is a given. The existing Model Law on Insolvency has significantly reduced recovery timelines. It was discussed that a similar procedure should be considered by national courts dealing with non-insolvency related recoveries (including asset recoveries related to fraud and the enforcement of judgements and arbitral awards)

allowing for these to take priority, acknowledging that money and other assets move fast.

- **Funding:** asset recovery is by nature international and costly. Lack of funding remains one of the main hinderances to recovery. In some jurisdictions, champerty laws remain a firm barrier to third party funding for asset recovery. It was discussed how funding should be made more readily available for investment in well-coordinated asset recovery strategies.
- **Range of legal systems and practices:** Given the multijurisdictional nature of asset recovery, being able to take advantage the tools offered by each individual jurisdiction can make for more efficient and effective recovery/enforcement. Discussions centered around differences between Common law vs. Civil law with their varying range of injunctive relief (e.g., discovery/disclosure applications, pre-judgement attachment procedures, among others); the use of criminal proceedings to advance civil claims (e.g., Switzerland); legal access to centralized registries of bank accounts (e.g., Fichier des Comptes Bancaires ‘FICOPA’ in France); publicly available information and registries (the UBO registries in the EU); the use of bankruptcy and insolvency proceedings in asset recovery. The

potential advantages of ‘Forum shopping’ were also discussed.

- **Type of assets and complexities of ownership:** Assets may take many forms ranging from a property to a receivable from a third party. While there are legal and investigative tactics that can be used to identify them, the mechanisms for concealing assets continue to grow more sophisticated. Cryptocurrencies and the challenges that exist to their recovery had a center stage in discussions. It was also discussed how basic search tools can be made more widely available to practitioners.

The report of the Colloquium will be submitted for discussion before the Commission at its fifty-third session (set for the 6-17 July 2020 in New York) and upon its issuance will be made available on the [web page of the Commission](#).



Joana Rego

## UNCITRAL Working Group III 38<sup>th</sup> Session in Vienna in January 2020



By Affef Ben Mansour, ArbitralWomen Board Member Independent Counsel and Arbitrator, based in Paris  
5 February 2020

**From 20 to 24 January 2020**, the United Nations Commission on International Trade Law (UNCITRAL) Working Group III ('Working Group') held its thirty-eighth session in Vienna (Austria).

As reported in previous AW report on the [Working Group's thirty-seventh session](#), the Working Group's mandate includes three steps:

- i. the identification and consideration of concerns regarding investor-state dispute settlement (ISDS);
- ii. consideration of whether reform was desirable in light of any identified concerns; and
- iii. if the Working Group were to conclude that reform was desirable, developing any relevant solutions to be recommended to the Commission.

**From its thirty-fourth to thirty-seventh sessions**, the Working Group identified and discussed concerns regarding ISDS. Eventually, the Working Group III reached the conclusion that reform was desirable in light of the identified concerns. **The thirty-eighth session** was then scheduled to focus on developing ISDS reform proposals.

From 14 October 2019, the Working Group held the first part of its [thirty-eighth session in Vienna](#). During that

session, the Working Group considered three reform options regarding the three following items:

- i. A multilateral advisory centre and related capacity-building activities (based on document A/CN.9/WG.III/WP.168);
- ii. A code of conduct (based on document A/CN.9/WG.III/WP.167); and
- iii. Third-party funding (based on document A/CN.9/WG.III/WP.172).

**On 20 January 2020**, the Working Group III resumed its thirty-eighth session in Vienna, which continued for four days. The Agenda included three further reform options for consideration:

- i. A stand-alone review or appellate mechanism;
- ii. A standing multilateral investment court; and
- iii. A selection and appointment of arbitrators and adjudicators.

Other issues with respect to related items were also raised such as, inter alia, the enforcement mechanism of an appellate body's decisions; the enforcement mechanism of a multilateral investment court's judgements; the financing of such permanent bodies; means to ensure diversity in the composition of the Secretariat of any appellate body or multilateral investment court, likewise in the appointment of arbitrators and adjudicators.

With respect to the qualifications and requirements on the one hand, and the selection and appointment of ISDS tribunal members on the other hand, the Secretariat was requested to prepare options covering the different aspects identified during the deliberations and to further analyse the different mechanisms considered by the Working Group.

### Attendance to the resumed thirty-eighth session

In addition to the 56 States Members of the Commission, the thirty-eighth

session also was attended by 41 States as observers along with observers representing the European Union, the International Centre for the Settlement of Investment Disputes (ICSID), the United Nations Conference on Trade and Development (UNCTAD), the African Union, the Asian-African Legal Consultative Organisation (AALCO), the Commonwealth Secretariat, the Eurasian Economic Commission, the Gulf Cooperation Council (GCC), the Maritime Organisation of West and Central Africa (MOWCA), the Organization for Economic Cooperation and Development (OECD), the Permanent Court of Arbitration (PCA) and the South Centre.

**ArbitralWomen** was also represented among the large number of invited non-governmental organizations.

### Calendar

The next UNCITRAL Working Group III session will be held in New York from 30 March to April 2020.

Three parallel events of interest were also announced at the end of the session:

1. the government of the People's Republic of China proposed to host an inter-sessional meeting on international mediation in Hong Kong Special Administrative Region, China during the first week of June 2020;
2. A joint workshop with OECD on the topic of reflective loss and shareholder claims, tentatively scheduled for early July; and
3. the Secretariat was planning to hold a roundtable dialogue in cooperation with the International Chamber of Commerce (ICC) during the first half of 2020 to obtain the views of the investors with regard to the reform options being discussed by the Working Group.

Working Group III's formal report on the session is available [here](#).



## Latest Designations to ICSID Panels: A Mixed Bag for Gender Parity



members are currently all male: Afghanistan, Austria, Barbados, Chile, Cyprus, Egypt, Japan, Republic of Korea, Luxembourg, Malaysia, Mali, Mauritius, Morocco, Paraguay, Portugal, Romania, Saudi Arabia, Singapore, and the UAE.

Conversely, other Member States such as Botswana, North Macedonia, France, Haiti, the United States, Spain, Mexico, Panama, Rwanda, and Zimbabwe have 50% or more women Panel members.

These realities reflect a continued struggle in the fight for gender parity in international arbitration despite the [notable strides](#) made towards equality in recent years within the ICSID framework. These figures must also serve as a reminder of the universality of the problem and the universality of efforts to correct it. Gender imbalance is not localized to a particular region and at the same time, gender parity in designations to the ICSID Panels is being achieved by Member States in all corners of the world.

Member States can and should aim to achieve gender parity in their designations with urgency. First and foremost, in accordance with the criteria for designation set forth at Article 14(1) of the ICSID Convention, the 38 Member States which have not yet made any designations to the ICSID Panels, including Bosnia, Canada, Côte d'Ivoire, the Gambia, Iraq, Kazakhstan, Kosovo, Montenegro, Serbia and Turkmenistan should immediately make gender balanced designations while also not excluding prioritizing female candidates to assist in shifting the overall composition of the ICSID Panels towards gender parity more quickly. Member States which have made all male or mostly male designations to the ICSID Panels should, as soon as practicable (i.e. before the next lapse of the term designations) seek to nominate an equal number of female and male candidates.

Encouragingly, the 26 designations made by several Member States in the first couple of months of 2020, which also appear in the [updated list](#),

By Lara Elborno – ArbitralWomen member and Associate, DLA Piper in Paris.  
22 February 2020

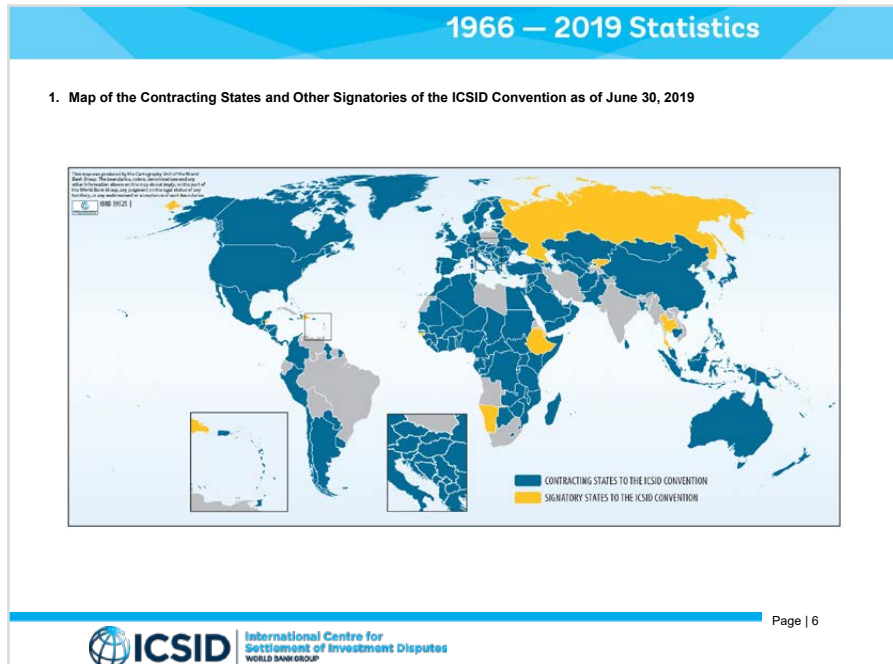
On February 18, 2020, ICSID published an [updated list](#) of the Members of the Panel of Conciliators and Panel of Arbitrators ("ICSID Panels"). Notably, this updated list contained the 60 designations made in 2019 by 14 Member States to the ICSID Panels. During the relevant time period, designations to the ICSID Panels were made by Botswana, Denmark, Finland, France, Germany, Honduras, Republic of Korea, New Zealand, Portugal, Qatar, Saint Lucia, Slovak Republic, Sudan, and Uruguay, with some designations being redesignations.

Of these 60 individuals, only 15 are women. Of these 15 women, five were nominated by France and three were nominated by Germany. Botswana, New Zealand, and Finland each made two female designations. Other Member States which made nominations in 2019, including Denmark, Honduras, Republic of Korea, and Portugal, made no female designations at all.

Such Member States are unfortunately not alone in their lack of gender

diversity. The ICSID Panels are currently comprised of 680 individuals designated by 125 Member States, but only 132 individuals, or, 19% are women. This includes a remarkable 51 Member States which have made all male designations. Crucially, of the Member States which have designated the maximum number of Panel members (four for each Panel under Article 13(1) of the ICSID Convention although a person may serve on both Panels under Article 16(1) of the ICSID Convention), the following Member States' Panel





reflect that 12, i.e. almost half, are women. Four of Spain's seven designations are women.

Panel members are integral to the functioning of the ISDS system at ICSID. The Chairman of the ICSID Administrative Council ("Chairman"), when called upon to appoint a Conciliator or Arbitrator pursuant to Articles 30 or 38 of the ICSID Convention, is restricted in his choice to Panel members. Moreover, all appointments to ad hoc Committees must be made by the Chairman from the Panel of Arbitrators under Article 52(3) of the ICSID Convention.

From 1966 to 2019, ICSID appointments of Arbitrators, Conciliators, and

ad hoc Committee members totaled 713, of which 637 (89%) were male and 76 (11%) were female. Looking only at the figures for 2019, there has been some improvement: 24 (70%) of ICSID appointments were male while 10 (30%) were female. Yet, when considering Party appointments of Arbitrators, Conciliators, and ad hoc Committee members in 2019, it is striking that claimants appointed men 89% of the time (52 out of 58 cases) and women 11% of the time, despite not being restricted in choice to members of the ICSID Panels. Respondents in 2019 appointed men 69% of the time (29 out of 42) and women 31% of the time (13 out of 42). Said differently,

last year the Chairman was three times more likely to appoint women than claimants were and about as likely to appoint women as respondents were, keeping in mind that this result was achieved in spite of the fact that only 19% of the ICSID Panels are currently women. This confirms ICSID's awareness of the problem of gender imbalance and willingness to act to improve it, which can only be expected to yield better results when there is gender parity in the pool of candidates from which the Chairman makes appointments.

Gender parity in the ICSID Panels may also have the added benefit of influencing the parties towards greater gender parity when appointing Arbitrators or Conciliators as (i) Member States having designated women on the ICSID Panels may be more inclined to appoint women in their capacity as respondents, and also because (ii) both claimants and respondents and their counsel may in practice consult the ICSID Panels in their own decision-making process, something which ICSID has indicated that parties are "welcome to do."

Notwithstanding the above, gender parity on ICSID Panels, while necessary, remains just one piece of the diversity puzzle. The legitimacy of the ISDS system as a whole depends also on increasing diversity in other aspects of Arbitrator and Conciliator profiles such as national origin, professional background, race, and religion.

## One-Third of the Incoming VIAC Board of Directors Are Female

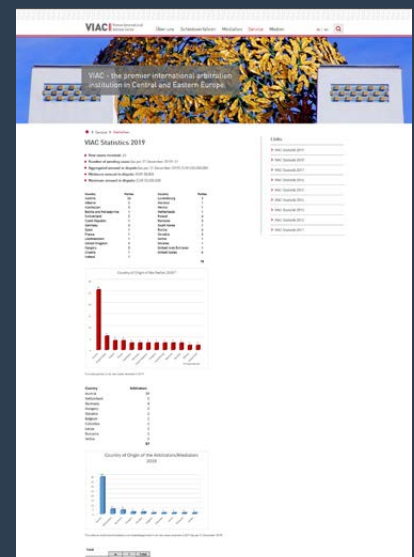
By Dana MacGrath, ArbitralWomen President and Omni Bridgeway  
14 January 2020

The new Board of Directors of the Vienna International Arbitral Centre for the 2020-2022 term includes five female members out of a total of fifteen Board members. Four women have been elected to the Board for the first time, including ArbitralWomen members **Patrizia**

**Netal, Lucia Raimanova and Natalie Voser** together with **Claudia Annacker**. ArbitralWomen member **Irene Welsler** has been re-elected for the term 2020-2022.

The list of newly-elected VIAC Board members can be found [here](#).

Statistics about VIAC's caseload and arbitrators, including the proportion of female arbitrators, can be found [here](#).





# GAR Releases the Shortlists for the Arbitration Pledge Award and GAR 2020 Awards



27 February 2020

Global Arbitration Review has released its shortlists for the GAR Awards 2020, including the shortlist for the Equal Representation in Arbitration Pledge Award (Pledge Award).

ArbitralWomen is honoured that the **ArbitralWomen Diversity Toolkit™** — a bespoke training programme designed to help us see the role played by biases and explore ways to address and overcome them — is among the diversity initiatives shortlisted for the Pledge Award.

Voting is now open for the GAR Awards 2020. GAR subscribers can login and cast their vote [here](#). Voting will close at midnight in London on 1 March. Since so many of us travel to and live in many different time zones around the world, we suggest that those who wish to vote do so by no later than 29 February.

We have set out below the Pledge Award shortlist. Congratulations to all the diversity initiatives that have been shortlisted, many of which are led by ArbitralWomen members and to which ArbitralWomen has provided its support. While ArbitralWomen would be delighted to win the Pledge Award this year, it is important to recognise that all the short-

listed initiatives contribute to our common goal to promote gender parity and diversity in dispute resolution. The **Equal Representation in Arbitration Pledge** itself, now with more than 4,000 signatories globally, is also deserving of congratulations for its substantial work to promote diversity. Indeed, GAR awarded the Arbitration Pledge “Best Development in Arbitration” in 2017.

Regardless of the winner of this year’s Pledge Award, the shortlist has already put so many worthy diversity initiatives in the spotlight. It is encouraging to see such progress being achieved and pursued on so many fronts.

## Equal Representation in Arbitration Pledge Award Shortlist:

- ArbitralWomen Diversity Toolkit™ training programmes (rolled out during 2019)
- JAMS introduces an optional diversity and inclusion rider to its standard arbitration clauses and appoints a diversity programme manager (October 2019)
- WWA-LATAM initiative (Women Way in Arbitration Latin America) launched to promote women in arbitration in

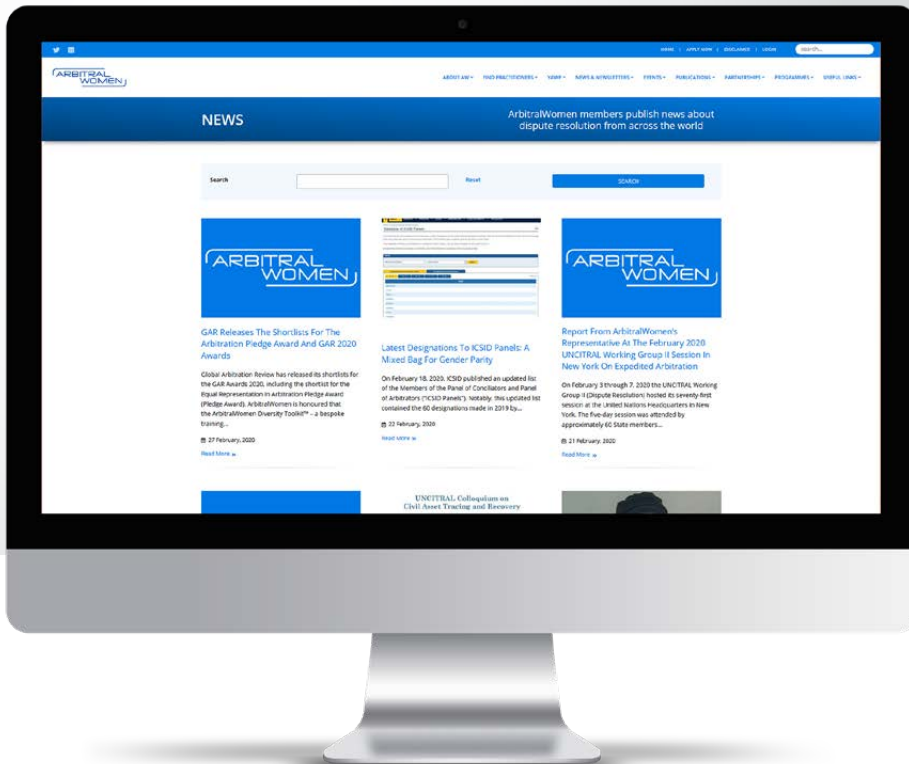
Latin America (June 2019)

- Lucy Greenwood’s continued efforts to collate data and report on female arbitrator appointment statistics (October 2019)
- 43% of LCIA appointments for 2018 were of female arbitrators (reported 1 April 2019)
- AmCham Peru appoints a majority of female court members (December 2019)
- Katherine Simpson provided CETA signatories with a list of 70 experienced women trade experts for inclusion in the CETA List of Arbitrators (January 2020)
- All three Vice Presidents at the International Commercial Arbitration Court (ICAC) at the Ukrainian Chamber of Commerce and Industry are female (last two appointments made in January and October 2019)

Finally, there are many other important GAR award categories for which individuals, entities and initiatives have been shortlisted. ArbitralWomen naturally focuses on the diversity nominations but does not in any way mean to diminish the importance of all the GAR awards. You are encouraged to cast your vote for all award categories!

# Keep up with ArbitralWomen

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



## SPEAKING AT AN EVENT?

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

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

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

**ArbitralWomen thanks all contributors for sharing their stories.**

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## ArbitralWomen Individual & Corporate Membership

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



The many benefits of ArbitralWomen membership are namely:

- Searchability under [Member Directory](#) and [Find Practitioners](#)
- Visibility under your profile and under [Publications](#) once you add articles under My Account / My Articles
- Opportunity to contribute to ArbitralWomen's section under [Kluwer Arbitration Blog](#)
- Promotion of your dispute resolution speaking engagements on our [Events page](#)
- Opportunity to showcase your professional news in ArbitralWomen's periodic news alerts and [Newsletter](#)
- Visibility on the [News](#) page if you contribute to any dispute resolution related news and ArbitralWomen news
- Visibility on the [News about AW Members](#) to announce news about members' promotions and professional developments
- Ability to **obtain referrals** of dispute resolution practitioners
- **Networking** with other women practitioners
- Opportunity to participate in ArbitralWomen's various programmes such as our [Mentoring Programme](#)

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

**Individual Membership:** 150 Euros.

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

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

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

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



Do not hesitate to contact [membership@arbitralwomen.org](mailto:membership@arbitralwomen.org), we would be happy to answer any questions.