



Inside Issue N° 52

President's Column 02

Revamping the ArbitralWomen Newsletter 03

Women Leaders in Arbitration Sophie Nappert 04

New leadership at ArbitralWomen

ArbitralWomen elects new President and Board for the 2022-2024 term, and appoints seven new members to its Advisory Council

UNCITRAL Working Group III

Page 07

Reports on Events


Page 11

News you may have missed

Page 30

President's Column

This is our first **ArbitralWomen Newsletter** to be published since the new Board of Directors took office for the 2022-2024 term. I am delighted to welcome our new Board members, who share in my excitement at what the future holds for ArbitralWomen members and the dispute resolution community as a whole. During the last two years, we have been through some challenging times, but there is also much to be excited about. The number of women-led initiatives in international dispute resolution keeps growing, as does the number of women in dispute resolution receiving the recognition and opportunities they rightly earned, as highlighted in ArbitralWomen's regular events and news reports.

I wish to thank in particular **Gaëlle Filhol**, the 2020-2022 mandate Secretary and current Vice President of the Board, for her tireless work in ensuring the Board elections were carried out on schedule. The new Board took up its mandate on 1 July 2022. A link to the press release announcing the women leaders who comprise the 2022-2024 ArbitralWomen Board can be found [here](#) .

ArbitralWomen continues in this issue its spotlight on women leaders in ADR by featuring **Sophie Nappert**, international arbitrator in independent practice, a pioneering practitioner at the intersection of arbitration and Legal Tech, and co-founder of ArbTech, which was recently shortlisted for Best Development in the 2022 Global Arbitration Review Awards. We also feature a report by ArbitralWomen representatives **Ena Vidak Gojković**, **Michela D'Avino** and **Isabel San Martín** on UNCITRAL's Working Group III's 42nd session on ISDS reform that took place at the United Nations Headquarters, New York, and remotely from 14 to 18 February 2022.

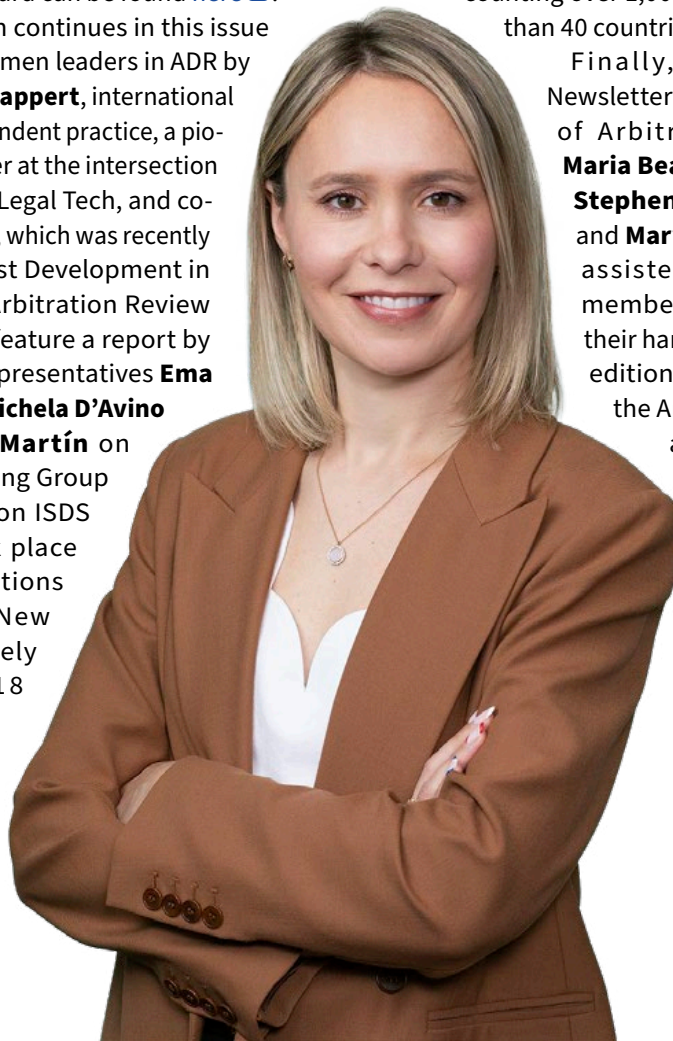
We also report on the many events and initiatives spearheaded by ArbitralWomen members, including a YAWP workshop on timing issues in DCF valuation hosted by FTI Consulting, a hybrid talk for London International Disputes Week entitled 'Changes in Construction and Infrastructure Disputes: 2022 and Beyond', co-hosted by Keating Chambers, Atkin Chambers, HKA, Jones Day and White & Case, and the first of our Local Chatter series: A series of in-person roundtable conversations among women in arbitration led by ArbitralWomen members **Mani Gupta**, **Suruchi Suri**, **Renu Gupta**, **Aanchal Basur** and YAWP Steering Committee member **Manini Brar**.

We also share some exciting news about the impending revamp of the ArbitralWomen Newsletter. Stay tuned!

A special thanks also goes to our outgoing President **Dana MacGrath** for her tireless dedication and commitment to ArbitralWomen and its members during her tenure. Without her stewardship, ArbitralWomen would not be the success it is today, counting over 1,000 members across more than 40 countries.

Finally, I thank the 2022 Newsletter Committee, comprised of ArbitralWomen Directors **Maria Beatriz Burghetto**, **Gisèle Stephens-Chu**, **Katherine Bell** and **Mary Thomson**, generously assisted by ArbitralWomen member **Marie Devereux**, for their hard work in compiling this edition of the Newsletter, and the ArbitralWomen members and friends for their contributions to this Newsletter.

*Louise Woods,
Vinson & Elkins
ArbitralWomen
President*



Revamping the ArbitralWomen Newsletter

Since its launch twelve years ago, ArbitralWomen's Newsletter has informed on ArbitralWomen news, programmes, diversity initiatives and other projects, shone a spotlight on trailblazing women and reported on our members' activities all over the world. The number of issues has doubled over the years, reflecting the dynamism of our vibrant community: there have never been more inspiring stories, trends and successes to celebrate and share with our readers.

As we enter a new term for the ArbitralWomen Board,

we want the Newsletter to be even more informative and effective at promoting our activities and our members. Starting with the next issue (no. 53), the Newsletter will be revamped in a streamlined format that focusses on substantive articles and showcases our members' thought leadership and contributions.



Traditional sections to be maintained – Event reports to be published on the ArbitralWomen website – Call for reports on initiatives to promote gender diversity

Much-loved features such as interviews, articles on women's initiatives in their workplace and reports of UNCITRAL Working Group meetings will be maintained. Reports on our ongoing programmes, events or initiatives will include testimonials from members where appropriate. In addition, as discussed below, we plan to showcase contributions from our members in the field of international arbitration and ADR, or diversity, in a dedicated feature.

We continue to welcome reports (and photos) on events submitted by members: As in the past, you can write a short report on an event where you or other ArbitralWomen Member have been a speaker or moderator and send it to us, together with at least one photo or screenshot. You can find our style guidelines [here](#). These reports

will be published on a dedicated 'Events Reports' page of our website under the 'Events' tab, and no longer in the Newsletter.

We welcome reports on any **initiative / programme aimed at improving gender diversity and/or promoting the recruitment, retention and advancement of women at work, in the field of arbitration/ADR**, that your (or any) organisation has implemented, for the **'Women's Initiatives in their Workplace'** section of the Newsletter. You can find examples of this kind of feature in past issues of the Newsletter (see Issues N°44, 45 and 50, to cite only those published in 2021 and 2022). We apply no word count limit to these features.

provide a platform to publish short articles on a topic of their choice relating to **international alternative dispute resolution or diversity**. The Newsletter reaches a wide audience, including our entire membership (approx. 1,000 members) and followers on social media (close to 15,000 on LinkedIn).

Whether you are promoting a new initiative, want to discuss a legal or procedural issue from a case, report on recent trends and surveys, or share thoughts from a talk or presentation you gave, we would like to hear from you. You may also collaborate with other ArbitralWomen members to submit a joint contribution.

Contributions should be original material of 1,500-2,000 words and include any citations as hyperlinks (rather than footnotes).

New feature – call for publications

To increase knowledge sharing among our Members and promote their thought leadership, the Newsletter will

The ArbitralWomen Newsletter committee (in alphabetical order): co-leads: Maria Beatriz Burghetto & Gisèle Stephens-Chu; Katherine Bell; Mary Thomson & Louise Woods.



To submit a proposal for a feature, a report on workplace initiatives, or enquire about possible topics, please write to us at newsletter@arbitralwomen.com.

Women Leaders in Arbitration

Sophie Nappert

ArbitralWomen continues in this issue its spotlight on women leaders in ADR by featuring Sophie Nappert, international arbitrator in independent practice, a pioneering practitioner at the intersection of arbitration and Legal Tech, and a founder of ArbTech which was recently shortlisted for Best Development in the 2022 Global Arbitration Review Awards.

Sophie, you are a very experienced law practitioner, with an impressively versatile profile – counsel, arbitrator, scholar, LegalTech guru and trailblazer on many fronts. Did you always have a career plan?

Not really as an arbitrator – at the time and the stage of my career that I did it, there was no template. Of course, during my career as counsel, there was a more naturally defined career progression plan within a law firm setting.

After I left my role as counsel [*ed.: Head of Arbitration in a global law firm*] and became a full-time arbitrator – I followed no particular career plan, except for my desire to establish a portfolio of cases as an arbitrator and to be good enough to be competitive in the field. Other activities, such as moderating OGEMID for over 10 years, lecturing, developing scholarship and research in areas such as LegalTech and the psychology of persuasion – all of these were opportunities that I explored as they presented themselves along the way.

There are interesting stories to tell about this journey. For example, when I was considering the offer to moderate OGEMID as part of a team, many peers discouraged me, calling it ‘professional suicide’. I thought it would be interesting to take this on as a way to bring together a community and exchange ideas.

I learnt from my experience with OGEMID that if you find a topic interesting and invite dialogue about it, people will listen and engage. There is an intelligent audience of your peers out there who are curious, and that brings an enormously satisfying intellectual

ArbitralWomen’s mentee of the current 2022 cycle, Lilit Nagapetyan, who shared her doctoral research at one of the previous ArbTech Q&A sessions, interviewed Sophie Nappert about her career journey, her views on the future of the dispute resolution field, and her vision of the challenges and opportunities raised by the decentralised justice.

challenge. This was exactly replicated when I started focusing on LegalTech and writing about it.

Has anything changed since then, would you recommend to younger arbitration practitioners to devise and to follow a career plan in order to succeed in the field?

People operate differently, and it makes sense in a competitive environment to have a plan and to know what one wants. Having said that, the practice of law is being turned on its head and disrupted as we speak, for many reasons, including technological progress.

A career plan should factor in a degree of flexibility to navigate in uncertainty and fall back on your feet.

A good example of this is the emerging phenomenon of decentralised justice – the current challenge for counsel is that their opponents and competitors in that field are lay people and not their lawyer peers. Whatever path younger lawyers may take now, they need to account for this, and they need to know how to make themselves relevant given this fast-paced changing environment.

It is important to engage with the disruptors in a relevant discourse which can help both sides understand each other’s language. Fairness or due process, which are fundamental principles to any dispute resolution system, have to be spelled out to developers and coders of blockchain arbitration platforms. This requires dialogue and understanding how the others think and conceptualise.

Talking about due process, how is it going to be transformed and can balance ever be struck and



maintained between traditional procedural guarantees as we understand them now and the need to adapt to new realities of end users, for example in e-commerce?

The users of online dispute resolution (ODR) will vote with their feet. For example, on a recent ArbTech event, in-house counsel said that, for the right type of disputes, they would consider trading in traditional due process elements and requirements to settle for a process that is 'fair enough' if it is quick, cheap, efficient and allows them to carry on doing business. That said, there will always be complex disputes for which this approach is not suitable, but for low-stake disputes, this can become a new reality.

This has led me to think that there is going to be a spectrum of dispute resolution systems and several offerings of justice, some of which are less procedurally heavy, which meet the current needs of e-commerce.

Another way for lawyers to stay relevant in the field is by understanding the values of Web3 and its users. Peer judgment and validation matter enormously in that ecosystem. Those values differ from that of traditional arbitration, which relies on the trust in the personality of the individual decision-maker.

Wouldn't it therefore make sense to develop ODR from scratch as a separate and autonomous concept of justice subjected to its own principles rather than to regard it as a 'disruption' of the traditional arbitration?

I agree with that. This was the basis for putting together the very first event on 'Dispute Resolution in the Metaverse' in December 2021 hosted by ArbTech in association with Mishcon de Reya. One of the discussion themes was that the Metaverse offered the opportunity to develop a dispute resolution system from scratch, tackling issues of time and costs in an effective manner.

Anonymity – curse or virtue for decentralised justice?

Both. Anonymity is a huge challenge as it can become an open door to abuse. At the same time, in Web3 everything is immortal and the profiles, and activity related to them, can run and remain online indefinitely. This characteristic is a *sine qua non* of the Web3 space. This is uncharted territory for dispute resolution and an exciting field to explore.

What would you foresee be the role and relevance of advocacy in ODR and with wider incorporation of artificial intelligence (AI) in traditional arbitration?

Going forward with the rise of AI, advocacy will still retain its role and significance in legacy arbitration. In ODR the role of advocacy is limited as the entire baseline idea is to get away from the involvement of intermediaries.

What would be the role of legal education in order to equip future practitioners for these transformations?



Sophie and her boys

Future players in arbitration will not need to know how to code themselves but they will need to understand how to engage in dialogue with coders so that coding can automatise and translate legal concepts accurately. Future lawyers will also have to understand how to remain relevant in the field of decentralised justice, where lay people are afforded more trust than legal professionals.

On that note, you were one of the pioneers of the scholarship on technology in arbitration and have successfully launched ArbTech last year which has been shortlisted for Best Development in the 2022 Global Arbitration Review Awards. One year on, what has been the main achievement of ArbTech, in your view?

I set up ArbTech to foster dialogue, not just between lawyers, but also with actors in other LegalTech disciplines, and for all of us LegalTech enthusiasts to understand each other. The greatest source of satisfaction has been the exchange on the forum of relevant and valuable information with the engagement of over 200 active participants from different backgrounds, more than 1,000 followers on LinkedIn, the organisation of a number of cutting-edge events, and the discussion of fascinating topics with experts in the field.

Another distinctive feature of ArbTech is its deep-rooted faith in an entrepreneurial approach: a forthcoming event sponsored by ArbTech will showcase a unique forum where start-ups and providers of Legal Tech services will have an opportunity to pitch their ideas in front of a panel of

specialists in this field. This event, titled ‘The Future of Technology in Arbitration’, will take place before the ICCA Congress, on 16 September 2022, and is expected to be held bi-annually in future. You can view the programme and register [here](#). [ed.: this interview took place several weeks earlier in the year].

Looking forward, ArbTech will remain committed to its core values and mission statement, and will continue to provide an inclusive, nonpartisan, free space for creation.

To continue with the inclusivity ethos, diversity is one of core values promoted by Arbitral Women. I understand that you believe this issue should be championed at the institutional level – drawing on your experience of arbitrating under different arbitration rules, who in the end shall bear the burden of ensuring diversity in arbitral appointments? And how valid is the common fallback argument of the legitimacy of clients’ interest in the ‘most qualified’ person?

We are all responsible for making the field truly inclusive and diverse. Arbitral institutions have risen to the challenge in their almost unanimous approach to nominations as they make a conscious effort to diversify and to provide visibility to less represented arbitrators. LinkedIn has also proven to be a useful tool to that end.

The users of arbitration, on the contrary, are dragging behind, using the ‘merit’ argument as a shield.

Experience remains crucial. In my view, it is important to have, first, extensive experience as counsel. This helps to better understand the pressure surrounding their role, the subtlety of advocacy, and it develops the ability to rule on the spot on important procedural issues such as admissibility of evidence.

This also helps to develop the qualities which I consider essential in order to be a good arbitrator – the ability to be decisive and to make up one’s mind without the temptation to please everyone.

As a current member of ArbitralWomen’s mentoring programme, I would be interested in your view on mentoring, and how the role of ArbitralWomen has evolved over time as you were one of the few members who were at the forefront of its creation?

ArbitralWomen’s work as an association of women was revolutionary at the time of its formation and completely unprecedented. Even years after its inception, some (male) industry players remained bemused and perplexed by its activities. The work that ArbitralWomen does has evolved tremendously with time: most notably, nowadays it actively involves its younger contingent to make them visible and relevant. The mentoring programme offered by ArbitralWomen, likewise, has been fantastic and visionary, especially for practitioners from jurisdictions where arbitration has not yet gained wide recognition.

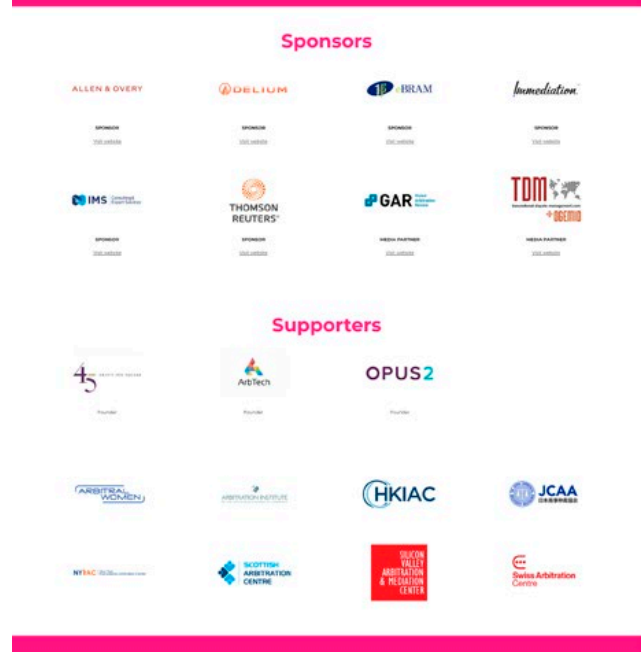
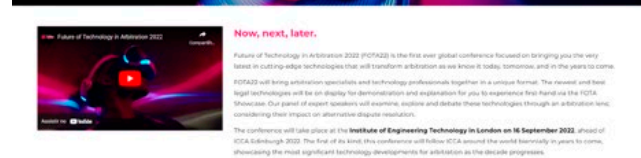
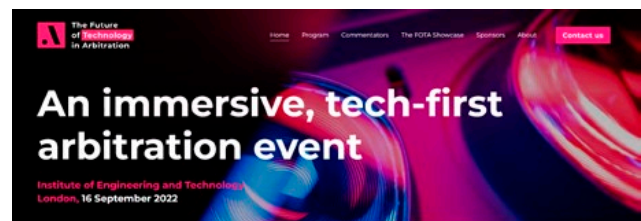
Personally, I never had a mentor, but I had colleagues

who were senior to me and from whom I drew inspiration. I prefer the dynamic where the mentor is an empowerer who, rather than taking someone ‘under their wing’ and plotting their career path for them, instead gives encouragement and instils the confidence to help the mentee develop and use their own ‘wings’ and achieve their goals by taking independent action.

Looking into the future, I wonder if ArbitralWomen might consider rethinking its membership basis and opening the door to wider audience, regardless of gender, in response to the diminishing determinative value society attributes to any gender categories.

Closing remark to readers and any general advice you have for women seeking to further their careers in dispute resolution?

Explore marrying arbitration with emerging fields of activity that may not have a lot in common with it, to make the practice interesting and to differentiate yourself. Do something that fires you up, pursue the topic of interest that you are passionate about – get knowledgeable, make it known, take risks.



UNCITRAL WORKING GROUP III

42nd session, from 14 to 18 February 2022, in New York and remotely



Left to right: Ema Vidak Gojković, Isabel San Martín and Michela D'Avino

The 42nd session of UNCITRAL's Working Group III (Investor-State Dispute Settlement Reform) (WGIII) took place at the United Nations Headquarters, New York, and remotely from 14 to 18 February 2022. Attendees included representatives of State Members; observer States; and observers from the European Union, international organisations and non-governmental organisations. On this occasion, ArbitralWomen was represented by **Ema Vidak Gojković, Michela D'Avino** and **Isabel San Martín**.

At its 50th session in 2017 ([A/72/17 – E – A/72/17](#)), the Commission entrusted WGIII with a broad mandate concern-

ing the possible implementation of an Investor-State dispute settlement (ISDS) reform, through the following steps:

- a. identifying and considering concerns regarding ISDS;
- b. considering whether reform was desirable in the light of any identified concerns; and
- c. if WGIII were to conclude that reform was desirable, developing any relevant solutions to be recommended to the Commission. Accordingly, from its 34th to 37th session, WGIII identified and discussed concerns regarding ISDS, considered that reform was

desirable and, from its 38th to 41st sessions, commenced the consideration of actual reform elements.

At the 42nd session, chaired by **Shane Spelliscy** with **Natalie Yu-Lin Morris-Sharma** as rapporteur, the work on the above matters further progressed. In particular, the session focussed on two topics:

- i. the discussion on the selection and appointment of ISDS tribunal members in the context of a standing multilateral mechanism, and
- ii. discussion of the draft code of conduct for adjudicators.

A. Standing Multilateral Mechanism: selection and appointment of ISDS tribunal members and related matters

WGIII resumed the preliminary consideration of the selection and appointment of ISDS tribunal members in the context of a standing multilateral mechanism ('Permanent Tribunal'), based on Working Paper 213 ([A/CN.9/WG.III/WP.213](#)), which had been discussed at the Group's 38th and 40th sessions.

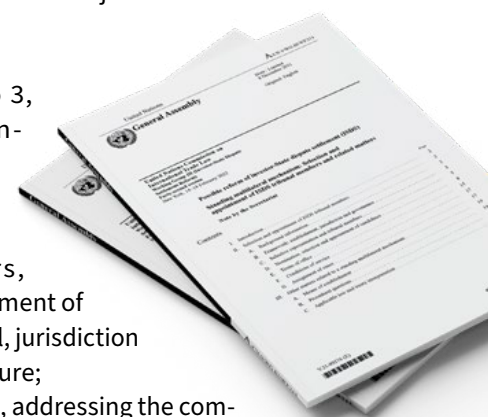
At the outset, several delegations clarified that, while they were willing to share comments on the working document, their final position would depend on the characteristics of the standing mechanism which was yet to be defined and agreed. WGIII considered that the establishment of a Permanent Tribunal would likely require the adoption of a statute whose preamble should set forth the objectives pursued by the Permanent Tribunal and include the definition of key terms.

WGIII's discussion centered around:

- i. draft provisions 1 to 3, setting out the general framework for the selection and appointment of the Tribunal's members, including the establishment of the Permanent Tribunal, jurisdiction and governance structure;
- ii. draft provisions 4 and 5, addressing the composition of the Permanent Tribunal based on the principle of selective representation; and
- iii. draft provisions 6 and 7, concerning the nomination of candidates and the selection process.

i. General framework for the selection and appointment of the Permanent Tribunal's members

The scope of the Permanent Tribunal's jurisdiction (draft



provision 2) was one of the most debated issues on the agenda. Two possible wordings for paragraph 1 were discussed: the first (option 1) providing that jurisdiction of the Permanent Tribunal would extend to disputes ‘arising out of an investment’, and the second (option 2) not including any reference thereto (‘any dispute’). While the first option was clearer as to the nature of the disputes which could be referred to the Permanent Tribunal, delegates expressed concerns over the fact that it could result in a double test regarding the notion of investment (that is, both under the underlying investment instrument and the statute), as is sometimes applied in the ICSID system. Some delegations questioned whether disputes between States would also fall within the scope of this provision (‘any dispute (...) between Contracting States as well as between a Contracting State and a national of another Contracting State’), and some delegations favoured that approach. Several delegations expressed a preference over option 2, which provides that the Tribunal would have jurisdiction over any dispute which the parties had consented to submit to it, although some of them highlighted that the proposed wording — which does not make any reference to ‘investment’ — might open the door to other types of disputes being referred to the Permanent Tribunal, such as commercial disputes. Overall, many delegations stressed the need to expressly clarify that consent must be given in writing, and that consent to submit a dispute to a tribunal established under an international investment agreement was not *per se* consent to submit the dispute to the Permanent Tribunal.

As to the governance structure of the Permanent Tribunal (draft provision 3), it was generally noted that the role and responsibilities of the different bodies should be better clarified. Draft provision 3(a) introduces the concept of a committee of parties, which would carry out several functions within the Permanent Tribunal, while provision 3(b) clarifies that the Permanent Tribunal itself shall develop its own rules of functioning. Delegations generally acknowledged that the Committee would need to be comprised of representatives of a few selected parties (rather than all parties) in order to be more efficient. Attention was also drawn to the need for a balance between the roles of the Committee and of the Permanent Tribunal in order to ensure a smooth functioning of the latter, while allowing a certain degree of supervision by the former. Delegations also discussed the possible quorums for the Committee’s deliberations, leaning towards a simple majority for most of the procedural decisions, and a qualified majority of two thirds (or more) for most substantive decisions. The provisions on the Presidency of the Permanent Tribunal were also discussed, with an emphasis on the need for greater clarity on its routine functioning.

ii. Composition of the Tribunal

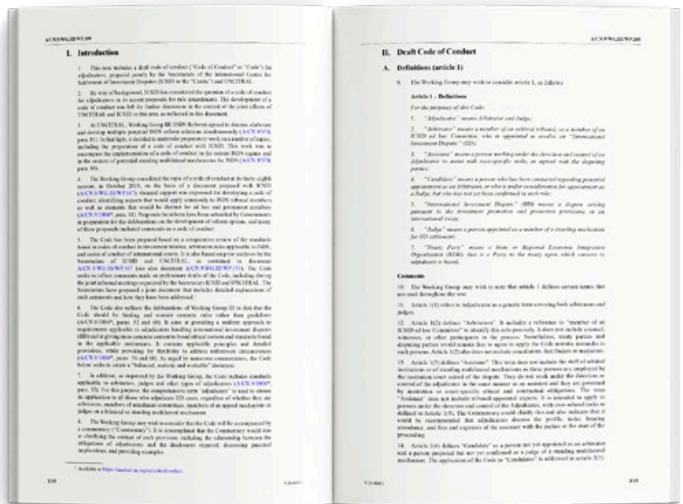
An in-depth discussion followed regarding the composition of the Permanent Tribunal. Draft provision 4 reflects the preference, which emerged within WGIII, for selective rather than full representation, to limit costs and management complexity. Delegations noted that it

would be premature to fix the number of Tribunal members at this stage, and that it may be worth considering a transitional provision, allowing for an evolution over time of the number of members.

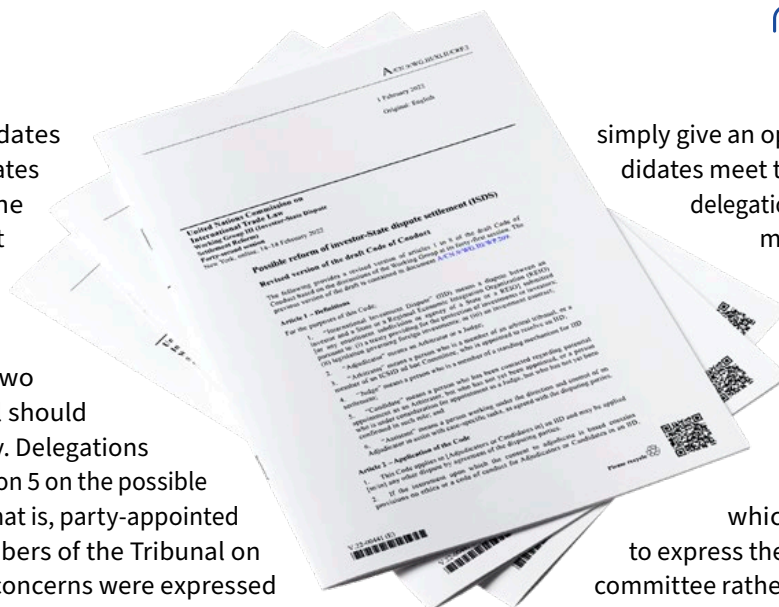
There was a clear preference among most delegations for Permanent Tribunal members to work on a full-time basis, which some delegations considered to be the best way to limit the risk of any external influence or conflicts of interest. Thus, the Permanent Tribunal members would not be able to exercise other professional activities once selected, although some delegations indicated that an exception could be made for academia. A few delegations (among them permanent observers) expressed concern that requiring permanent, full-time positions to the exclusion of any other roles would limit the pool of candidates, and potentially result in a lack of diversity.

Several delegations commented on the required qualifications of the Permanent Tribunal members, including their ability to work in more than one language. Many delegations also emphasised that a diversity of legal traditions should be reflected in the composition of the Permanent Tribunal, and that experience with other fields of law beyond international dispute settlement, such as public law, international trade/economic law or administrative law, would also be desirable. One delegation suggested that candidates should have some experience in dealing with policies of governments or working for States. A few observer organisations expressed concern over this proposal as it could result in the system being perceived as *pro-State*, if candidates were not only nominated by States but also needed to have some experience working for States. Concerns were raised over the fact that a high number of requirements, especially if cumulative, could limit the pool of possible candidates. Diversity and gender balance were also addressed, noting that several aspects (including geographical representation, a balanced representation of gender, levels of development and legal systems) were worthy of being reflected in the statute, as long as their meaning is clearly expressed.

Finally, delegations also discussed the notion of ‘nationality’, giving rise to different views on the role that nationality should play in relation to the composition of the Tribunal, espe-



cially on whether candidates who were nationals of States that are not a party to the Statute of the Permanent Mechanism could be selected. There was, in any case, general consensus on the fact that no two members of the Tribunal should have the same nationality. Delegations also analysed draft provision 5 on the possible role of *ad hoc* members (that is, party-appointed members sitting as members of the Tribunal on a temporary basis), and concerns were expressed especially in the light of its nature of the ‘standing’ mechanism. Accordingly, it was suggested that they could be selected from a roster of qualified candidates, and that there could be a two-stage appointment. Some delegations queried how the residence should be treated for the purpose of determining nationality, and in response some delegations expressed a view that a usual public international law view should be applied, where each State can decide for itself whom it recognises as its national.



simply give an opinion on whether the candidates meet the eligibility criteria. Many delegations supported the establishment of such a panel, noting that its role would be crucial for the selection process. Attention was drawn, however, to the costs that could arise from the review of a high number of applications, which led several delegations to express their preference for an *ad hoc* committee rather than a permanent one or, in any case, for a less complex procedure.

At the end of the time devoted to the Standing Multilateral Mechanism, the Secretariat was asked to prepare a revised version of draft provisions 1-7, leaving consideration of the remaining provisions of Working Paper 213 to a future session.

iii. Nomination, selection and appointment of candidates

The last draft provisions that were discussed (6 and 7), along with draft provision 8 (discussion of which was left for another session), concern the nomination, selection, and appointment of candidates. The underlying rationale is to ensure the appointment of the most qualified and independent candidates, diversity in terms of legal systems, geographical representation, and background, as well as gender balance. As to draft provision No. 6 (nomination of candidates), delegations were invited to consider two options: option 1 provides that the nomination of candidates for election by the Permanent Tribunal be made by any State parties to the Agreement establishing the Permanent Tribunal, while option 2 provides for self-nomination, i.e., an open call for candidacies. Some delegations expressed their preference for option 1, insofar as it leaves the control of the candidates’ nomination in the hands of States; some others welcomed the openness and transparency of the self-nomination process envisaged under option 2, although concerns were expressed over the fact that it may open the door to a very large number of applications, including by candidates that do not meet all the requirements, resulting in an inefficient process. Many delegations agreed that a possible combination of options 1 and 2 would be ideal, as it would ensure the participation of States parties in the Tribunal selection and, at the same time, a transparent, fair and depoliticised nomination procedure, which would increase the legitimacy of the process. The Secretariat was therefore asked to prepare a new draft of this provision that provided a hybrid option of the two proposals.

Finally, delegations were invited to comment on having a selection panel (draft provision 7), which would not make the final selection on who would seat in the Tribunal, but would

B. Draft Code of Conduct

The second part of the 42nd session was devoted to the continuation of the first reading of the draft Code of Conduct, based on Working Paper 209 (A/CN.9/WG.III/WP.209 [🔗](#)). The first reading of the draft Code began during the 41st session in November 2021, when draft Articles 1-8 had been reviewed, and following which a revised version of these Articles was prepared (A/CN.9/WG.III/XLII/CRP.2 [🔗](#)).

i. Fees and expenses

The discussion started with draft Article 9 (Fees and expenses) which provides that the fee discussions be completed prior to or immediately after the tribunal’s constitution, in order to prevent ‘holding hostage’ situations where the tribunal imposes fees at a time when parties are not free (or feel comfortable) to discuss them further, given the fear that their discussion or questions could offend the tribunal. It was confirmed that Article 9 would apply in the context of arbitration only, and not of a standing mechanism with permanent adjudicators. Other important issues debated included how to define and regulate the role and fees of assistants, how to ensure more transparency over the costs of the tribunal and whether Article 9 should include a standard of reasonableness.

ii. Disclosure obligations

Delegations then moved on to draft Article 10 addressing the disclosure obligations applicable to candidates and adjudicators, which was perceived as crucial within the context of the Code of Conduct. It was noted that the goal of draft Article 10 is to establish a standard of disclosure broad enough to address potential situations of conflict of interest and to protect independence and impartiality, while being reasonable

at the same time. It was also suggested that the Commentary to the Code ('Commentary') may include concrete examples of circumstances which would need to be disclosed.

The delegations discussed at length and expressed diverging views over the standard of disclosure. For instance, some delegations considered the expression 'in the eyes of the disputing parties' in paragraph 1 (which reads: 'Candidates and Adjudicators shall disclose any interest, relationship or matter that may, in the eyes of the disputing parties, give rise to doubts as to their independence or impartiality. To this end, they shall make reasonable efforts to become aware of such interest, relationship, or matter') to be a subjective test which might jeopardise the objectiveness desired for disclosure. By contrast, other delegations remarked that the current formulation was inspired by the IBA Guidelines on Conflicts of Interest, and found that it had been drafted this way in order to include a wider standard than the one for disqualification under Article 3.

In sum, the delegations were reading the same provision in two different ways: some considered it too broad, some too narrow; however, all concurred on the fact that the standard of disclosure must be very high. The delegations also discussed another expression in paragraph 1: 'reasonable efforts', noting that it should be replaced by 'best efforts'. It was explained that the purpose of such sentence was to encourage diligence on the part of candidates and adjudicators, so that they proactively assess whether they have any disclosure to make. However, it was recognised that circumstances that warrant disclosure should not be seen as automatically warranting disqualification.

The delegations further addressed: (i) the type of matters that should be disclosed, either because they might raise doubts as to independence and impartiality under Article 10(1) or to enhance transparency; and (ii) the time period which should be considered for the disclosure of any financial, business, professional, or personal relationships falling within certain categories listed under Article 10(2)(a)(i)-(iv) and 10(2)(b)(i)-(iii). While different views were expressed, it was considered that the 'past five years' was a generally acceptable timeframe, although it should be considered as a 'floor', not a 'ceiling'. After discussion, a revised version of Article 10, paragraphs 1 and 2, was presented to WGIII for further consideration. It was explained that paragraph 1 used the long-established UNCITRAL standard for disclosure, and that the proposed wording ('including in the eyes of the disputing parties') was meant to clarify that the disclosure obligations would need to be considered through their lens, without it being a new requirement. It was also clarified that the obligation to make 'reasonable' (or 'best') 'efforts' should apply with respect to all types of disclosures in both paragraphs 1 and 2. WGIII further made comments on paragraphs 3 through 6: The delegations generally empha-

sised the importance of a continuing duty to disclose, and agreed that the Commentary should state that the mere fact that a candidate failed to disclose information did not automatically imply a possible lack of independence or impartiality, as this would depend on the nature or content of the omitted information.

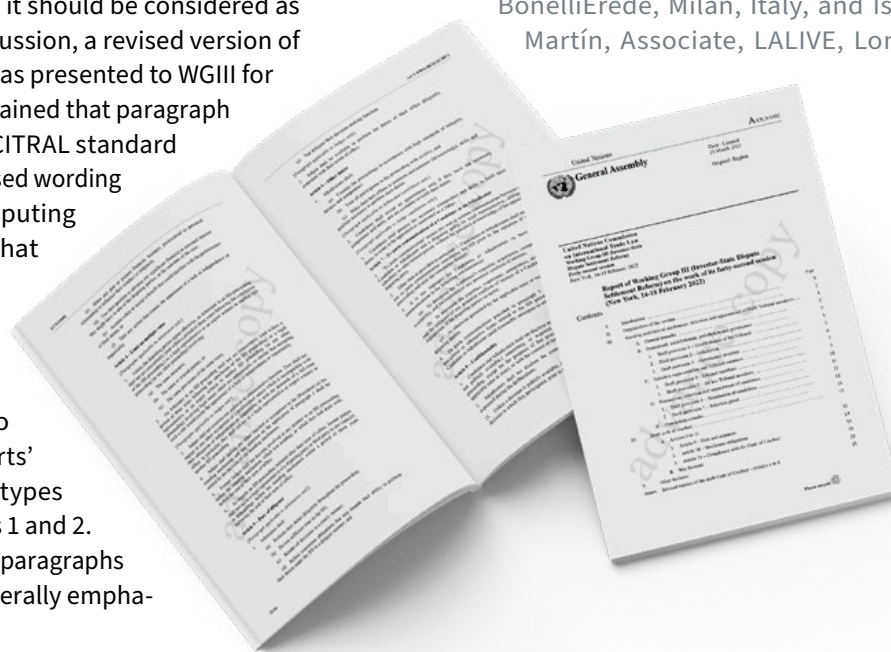
iii. Compliance with the Code of Conduct

Finally, WGIII analysed draft Article 11 which sets forth the consequences of non-compliance with the Code, which may give rise to disqualification or removal of the adjudicator. It was observed that the wording of Article 11 makes it clear that the primary method of implementation of the Code will be through voluntary compliance. The discussion focussed on the procedure for bringing challenges, and on the consequences of non-compliance with the Code. Some delegations noted that reference to disqualification and removal was sufficient, while some others put forward innovative proposals for sanctions, such as communication of findings to bar associations or reduction of fees. Some delegations raised a concern that a request for compliance does not distinguish between different obligations under the Code, even though non-compliance with some provisions could be seen as more severe than non-compliance with others.

At the end of its deliberations, WGIII considered the next steps for the preparation and finalisation of the Code, and requested that the UNCITRAL and ICSID Secretariats prepare a revised version of the Code and an article-by-article Commentary for the next session, which will be held from 5 to 16 September 2022 in Vienna. WGIII aims at submitting them to the Commission for its consideration at the 56th session in 2023.

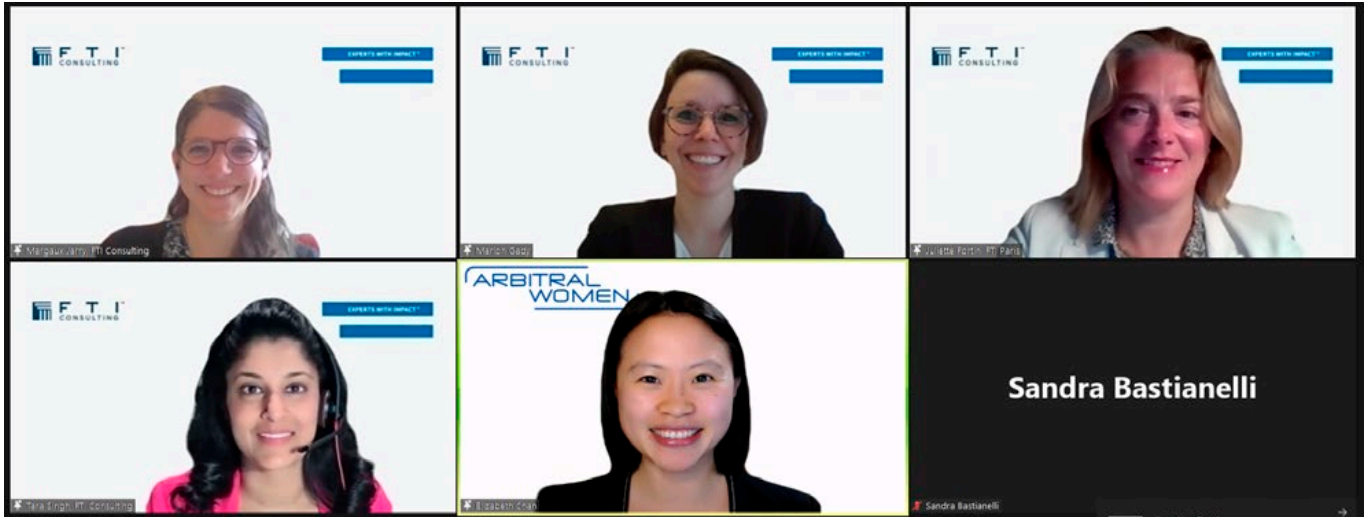
The Secretariat's report on the UNCITRAL WGIII's 42nd session can be found [here](#).

Submitted by ArbitralWomen members Ema Vidak Gojković, Independent Counsel and Arbitrator, Vidak Arbitration, New York, USA, Michela D'Avino, Managing Associate, BonelliErede, Milan, Italy, and Isabel San Martín, Associate, LALIVE, London, UK



Reports on Events

Timing Issues in Discounted Cash Flow Analysis, on 5 and 6 April 2022, by Webinar



Top to bottom, left to right: Margaux Jarry, Marion Gady, Juliette Fortin, Tara Singh and Elizabeth Chan

On 5 and 6 April 2022, **Tara Singh**, **Marion Gady** (both ArbitralWomen members) and **Margaux Jarry** (respectively, Managing Director, Senior Director and Director, FTI Consulting) presented a 90 minute workshop on ‘Timing Issues in Discounted Cash Flow Analysis’. The workshop covered theoretical concepts, substantiated by a fictional case study. The panellists focussed on three frequent debates among experts: the country risk premium (‘CRP’, a component of the discount rate), the assessment date, and pre-award interest.

After some opening remarks, **Tara Singh** began the presentation with a refresher on the fundamentals of discounted cash flow (‘DCF’) analysis. She explained that the DCF is a commonly used valuation methodology because it is forwardlooking and extremely flexible. She nevertheless mentioned the inherent risks of the DCF method, which include a certain degree of subjectivity, the high sensitivity of the result to the parameters used, and the inherent interconnectivity of those parameters.

Margaux Jarry then led a discussion on the discount rate, reminding the attendees that it is one of the main technical parameters of the DCF and

that it reflects i) the time value of money and ii) the risks inherent to the project or asset valued. She explained how the discount rate is calculated, highlighting that the determination of its inputs can be the subject of heated debate among experts.

After Tara Singh presented an overview of the case study, Marion Gady discussed the CRP, a frequently debated input among experts. She explained that, while there is no universal definition of the CRP, it is generally meant to capture political, macroeconomic and environmental risks. After a brief description of various methodologies used to estimate the CRP, the group entered breakout sessions to discuss the CRP in the context of the case study. Attendees were given the opportunity to provide their views, to ask any questions they might have on this topic, and to share some personal experience in relation to this issue.

Marion Gady then discussed the second topic selected – the assessment date. She reminded attendees that, while this is inherently a legal issue, the effects on quantum are so significant that the insight of the expert is often sought.

Finally, Margaux Jarry discussed the last topic selected – the pre-award rate

of interest. She explained that pre-award interest is often awarded to ensure full compensation to the claimant. While there is little consensus and guidance on the selection of an interest rate, Margaux described various approaches to selecting a pre-award interest rate and some useful statistics about the rates most frequently used, both in commercial and investment arbitrations.

The workshop concluded with another 15-minute discussion on the case study focussing on the assessment date and the pre-award interest rate issues, during which attendees debated these issues in the context of the case study and shared interesting, personal anecdotes.

The workshop was concluded by a short Q&A session.

The workshop was very successful with more than 40 participants. In particular, the two discussions between panellists and attendees allowed for lively debates thanks to the active involvement of all participants and the interactive case study.

Submitted by Marion Gady, ArbitralWomen member, Senior Director, FTI Consulting, France

WWL and GAR Live: Future Leaders Arbitration 2022, on 7 April 2022, in London, UK



Left to right: Belinda McRae, Mohammed Khalil, Vanessa Alarcon Duvanel, Manish Aggarwal

On 7 April 2022, *Who's Who Legal* and GAR Live held their third Future Leaders conference in London. It was still the early days of the return to in-person events after two years of online-only activity. The conference gathered speakers from Europe and the United States, including some younger names in the international arbitration market. The event started with a brilliant fireside chat with ArbitralWomen member, **Paula Hodges** QC, Head of Global Arbitration Practice at Herbert Smith Freehills, answering questions by ArbitralWomen member **Naomi Briercliffe**, Counsel at Allen & Overy in London. It was inspiring for the audience to hear the views and experiences of such distinguished practitioner directly in her own words.

This article reports on the first panel of the conference on 'First Time Arbitrator Appointments'. This featured four speakers: **Manish Aggarwal**, Partner at Three Crowns in London, **Mohammed Khalil**, Principal at Oxera in the UK, ArbitralWomen member **Vanessa Alarcon Duvanel**, and **Belinda McRae**, Barrister at

Twenty Essex in London, who moderated the discussion. For most young arbitration practitioners, receiving their first arbitrator appointment is a big milestone in their career and the panel shared how they had been appointed for the first time and what they remembered about their first case as arbitrators. Arbitral institutions are the main source of first-time appointments and a huge support for the younger generation.

While it can take some time to secure your first arbitrator appointment, it is important not to underestimate the amount of work that is required of an arbitrator and the challenges that a young arbitrator can face. The panel shared their experiences on how they transitioned to the mindset of the decision-maker and handled issues of seniority and credibility as a first-time arbitrator. Just as each case is different, each arbitrator's experience is different. The audience contributed eagerly to the debate, providing more stories and anecdotes from first-time arbitrators. A few common themes arose from the

discussion: for example, many first-time arbitrator appointments seem to involve a non-participating party and/or either a litigant-in-person or a party represented by a non-arbitration specialist lawyer. These situations bring up additional issues that are not easy to deal with, much less as a first-time arbitrator. Support from colleagues and the arbitral institution can often prove invaluable.

Mohammed Khalil brought the expert's perspective to the discussion and shared how he progressed from being a lead associate on a matter to becoming the testifying expert. This career evolution shares a lot of common denominators with associates seeking their first arbitrator appointments. In both cases, it is fundamental to work hard and do a great job to ensure that this first opportunity will lead to many more.

Submitted by ArbitralWomen member Vanessa Alarcon Duvanel, Counsel, King & Spalding LLP, Geneva, Switzerland

Diversity and Inclusion: Current Initiatives and Next Steps, on 8 April 2022, hybrid, in Philadelphia, PA, USA and by Webinar



Left to right: in person, June Yeum and Jennifer Yvers

During its 2022 Annual International Arbitration Conference, held on 8 April 2022, the Penn Law International Arbitration Association at the University of Pennsylvania Carey Law School ('Penn Law') hosted a panel entitled 'Diversity and Inclusion: Current Initiatives and Next Steps.'

The panel was moderated by **June Yeum**, Partner at Pillsbury Law in New York, USA, and Lecturer at Penn Law, and included as panellists: ArbitralWomen Board member **Cherine Foty**, Senior Associate at Covington & Burling LLP in Washington, DC, USA ; ArbitralWomen member **Jennifer Ivers**; ArbitralWomen member **Nancy Thevenin**, General Counsel at the United States Council for International Business in New York; and **Marcie Dickson**, Founder and CEO of Alterity ADR in Atlanta, Georgia, USA.

The panel was conducted in a hybrid format, with some panellists participat-

ing online and others in-person at Penn Law in Philadelphia, USA. The discussion focused on the current landscape of diversity within the international arbitration sphere, with a particular emphasis on the experience and practice of women practitioners. The panellists also highlighted the important role of pioneering organizations, including ArbitralWomen, in advancing the interests of female practitioners and creating a network for women in the field.

Specifically, Ms Dickson talked about her experience as the founder of the largest female and minority-owned national dispute resolution firm in the country, as well as challenges and opportunities facing diverse alternative dispute resolution practitioners more broadly.

Ms Foty discussed her experience and perspective as a dual-qualified international arbitration practitioner, and highlighted the crucial work that

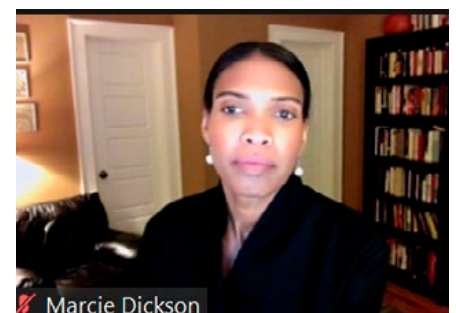
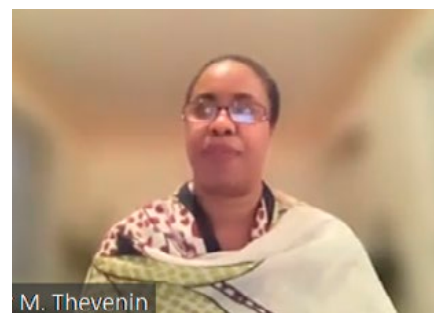
ArbitralWomen and organizations such as Arbitrator Intelligence have been doing to increase the visibility of highly qualified female arbitrators, counsel and experts, and to generate tangible data on their qualities and decision-making capabilities.

Ms Ivers discussed her experience as a practitioner working in private practice and for the U.S. Government, as well as the findings and advice of the International Council for Commercial Arbitration ('ICCA') [Cross-Institutional Task Force on Gender Diversity in International Arbitral Appointments and Proceedings](#) (of which several ArbitralWomen members are also member).

Ms Thevenin spoke about recent initiatives by arbitral institutions in addressing gender and racial diversity issues in the field, and highlighted her involvement in the preparation of '[The New List: Arbitrators of African Descent with a U.S. Nexus](#)' report, which contains profiles of over a hundred arbitrators of African descent.

Many of those in attendance were Penn Law students seeking to learn more about career opportunities for women and minorities in the international arbitration field. The panellists engaged with the students in important and frank discussions about the future of the field with regard to the experiences of women and other diverse practitioners.

Submitted by ArbitralWomen member Jennifer Ivers, Senior Associate, White & Case LLP, Washington, DC, USA



Left to right (by Zoom): Cherine Foty, Nancy M. Thevenin and Marcie Dickson

Witnesses in Arbitration Proceedings – How to deal with fact witnesses before and during the hearing, on 19 April 2022, in Zurich, Switzerland



Left to right: Hanna Roos, Andrea Roth, Benjamin Gottlieb, Stefanie Pfisterer, Andrea Meier, Sarah Ganz, Cinzia Catelli, Stefano Fornara, Benjamin Moss

Two years after the event was initially planned (as it was postponed due to the Covid-19 pandemic), on 19 April 2022, the ICC Young Arbitrators Forum (ICC YAF) was back in Zurich with an in-person event on the use of fact witnesses in arbitration. The event, hosted by **Bär & Karrer**, was organised by ArbitralWomen members **Cinzia Catelli** and **Andrea Roth** and ICC YAF Representative **Benjamin Moss**, Senior Managing Associate, Sidley Geneva.

The event brought together two panels of distinguished arbitration practitioners from Switzerland, Sweden and the UK and was attended by a lively group of mostly very young and young practitioners from all over Switzerland.

The first panel was moderated by **Benjamin Gottlieb**, Senior Associate, Schellenberg Wittmer, Zurich. The speakers — **Andrea Meier**, Partner at Walder Wyss in Zurich, ArbitralWomen member **Stefanie Pfisterer**, Partner at Homburger in Zurich and **Shirin Saif**, Partner at Roschier, in Stockholm, Sweden — addressed issues that arise in the pre-hearing phase and discussed how to draft written witness statements, how to choose witnesses

and how to deal with confidentiality issues. The speakers noted the different cultures in Sweden and Switzerland regarding the use of written witness statements, which are less common in Swedish arbitration proceedings.

Further, the panel discussed the criteria that ought to be considered when selecting factual witnesses and what categories of fact witnesses might be more difficult to handle. The panel also looked at issues arising from post-M&A disputes when selecting a law firm transactions counsel as factual witness.

The second panel, moderated by Cinzia Catelli, took a view on three essential topics at the hearing phase. The speakers — **Stefano Fornara**, Partner at Walder Wyss in Lugano, Switzerland and ArbitralWomen member **Sarah Ganz**, Special Counsel, WilmerHale in London, UK, and **Hanna Roos**, Arbitrator in London — talked about how to best prepare your witnesses for the hearing, how to examine a witness and how to deal with obstacles to examining witnesses. The speakers specifically addressed challenges that have become more common

during the pandemic with the rise of virtual hearings, including the difficulties of examining witnesses within a short amount of time and the extent to which virtual hearings might impair the appreciation of a witness's credibility compared to an examination-in-person.

The panel further considered whether adopting an aggressive tone is always a winning approach in cross-examination, and agreed that this was not a situation where 'one size fits all' — different styles of cross examination might be more or less effective depending on the witness and on the circumstances. The key to effective cross-examination is preparation and a thorough knowledge of the law and facts of the case.

The event was rounded off with drinks on Bär & Karrer's rooftop terrace and dinner at a burger joint. Everyone appreciated the opportunity to meet in person again.

Submitted by ArbitralWomen members Cinzia Catelli, Partner, Bär & Karrer, Zurich, Switzerland and Andrea Roth, Senior Associate, Wartmann Merker, Zurich, Switzerland

Navigating Virtual ADR – Effective Advocacy in Remote Proceedings: What Have We Learned and What Does the Future Look Like?, on 29 April 2022, in Washington DC, USA



Left to right: Cherine Foty, Kabir Duggal, Daniel Gonzalez, Hiro Aragaki and Sandra McCandless

On 29 April 2022, JAMS [hosted a](#) panel at the 2022 International Law Section Annual Conference in Washington, DC titled ‘Navigating Virtual ADR – Effective Advocacy in Remote Proceedings: What Have We Learned and What Does the Future Look Like?’.

Sandra McCandless, Partner at Dentons in California, USA, kicked off the event with a warm welcome to the audience and an introduction of the panel consisting of **Hiro Aragaki**, JAMS Mediator & Arbitrator in Los Angeles, **Kabir Duggal**, Senior International Arbitration Advisor at Arnold & Porter, New York; **Cherine Foty**, Senior Associate, Covington & Burling in Washington, DC; and **Daniel E. González**, Partner at Hogan Lovells in Miami, USA.

This panel covered an array of topics regarding virtual ADR, beginning with the benefits of virtual hearings on costs and the environment. Daniel González noted that virtual hearings have helped to decrease costs related to ADR by reducing the need for inter-

national travel. The panel noted that some companies have adopted policies making remote arbitration hearings the default and that some practitioners have committed to limit the environmental impact of international arbitrations by, among other things, reducing travel. The panel spoke about the pros and cons of these policies and discussed the Green Protocols. Cherine Foty, Vice President of the [Campaign for Greener Arbitration’s](#) Global Steering Committee and a member of the Working Group which drafted the Green Protocols, spoke about how the switch to virtual during the Covid-19 pandemic created an opportunity to reduce the carbon emissions generated by international arbitration. She touched on sustainability concerns relevant to the virtual setting and tools which can be used to conduct virtual international arbitrations in an environmentally-friendly manner.

The panel also discussed how diversity and inclusion efforts had been positively and negatively impacted by the

move to the virtual setting. Kabir Duggal expressed his expectation that there would likely be an increase in diverse third-party neutrals due to the broader reach that virtual hearings would allow at an international level.

Hiro Aragaki provided a third-party neutral’s perspective on virtual ADR by discussing the material differences between in-person and online ADR and how this affected determining the credibility of witnesses in arbitrations. The panel discussed the intricacies of connecting with parties in mediations in the virtual setting and offered tips and suggestions to advocates preparing for remote arbitrations and mediations.

To conclude, the panel answered questions from the audience and opened up the conversation to discuss diverse perspectives regarding virtual ADR and its impact around the world.

Submitted by Margaret Poppe, Senior Global Practice Coordinator, JAMS, Washington DC, USA

Changes in Construction and Infrastructure Disputes: 2022 and Beyond, on 13 May 2022, in London, UK and by Webinar



Left to right: Fiona Parkin, Jennie Wild, James Pickavance, Julian Bailey and Franco Mastrandrea

On 13 May 2022, Keating Chambers, Atkin Chambers, HKA, Jones Day and White & Case hosted a hybrid talk for London International Disputes Week entitled ‘Changes in Construction and Infrastructure Disputes: 2022 and Beyond’. In the wake of recent pressures (including the Covid-19 pandemic, Brexit, the war in Ukraine, tightening of fiscal policy, inflation, supply chain disruption and price increases) the panel considered: ways in which construction contractors and employers were attempting to avoid or extend liability on their contractual counterparts and how English law has responded to these new developments.

The chair, **Fiona Parkin QC**, opened the session, noting that recent pressures had meant that parties were struggling to comply with contractual obligations, often negotiated in a much more benign economic and geopolitical environment. The impact on large infrastructure projects was still percolating through, and likely to be fought over extensively in the coming years.

Jennie Wild, a barrister at Keating

Chambers and ArbitralWomen member, followed by examining how English law had responded to attempts by parties to import flexible and onerous equitable fiduciary duties into a contractual setting. Recent decisions suggested that contractual primacy was gaining dominance (in terms of whether a fiduciary duty might arise, and its scope). Further, the courts were attempting to untangle historically-blurred boundaries between various equitable duties. Such developments were welcome. Where the boundaries were blurred a Tribunal’s assessment of the merits played a greater role, and the outcome was less certain. In contrast, where the test to be met was clear and defined, it was easier to identify at an earlier stage which side of the line given facts were likely to fall, informing strategy and case presentation.

Next, **James Pickavance**, a Partner at Jones Day, considered recent developments in the duty of good faith. Broadly, the courts remained opposed to the application of an overriding concept because other English-law doctrines dealt with unconscionable unfairness

and it had the potential to erode certainty. However, this was an area of English law that was still developing and the concept was becoming more relevant.

Julian Bailey, a Partner at White & Case LLP, then examined the extent to which English law sanctioned the use of commercial pressure to ‘renegotiate’ key contractual terms during contractual performance. A recent Supreme Court decision suggested that lawful acts of pressure could constitute economic duress if the behaviour was unconscionable.

Franco Mastrandrea, a Partner at HKA, then considered how the English law of damages had evolved in order to deal with the practical challenges of delay, disruption and termination, raised in almost all construction and infrastructure disputes.

Kluwer Arbitration Blog’s coverage of the event is available [here](#). Jennie Wild’s slides are available [here](#).

Submitted by ArbitralWomen member Jennie Wild, barrister at Keating Chambers, London, UK

Economic sanctions and dispute resolution, on 16 May 2022, in Budapest, Hungary

On 16 May 2022, an event on ‘Economic sanctions: challenges in dispute resolution and compliance’ took place at KPMG Legal Tóásó Law Firm (Budapest). It served as an opportunity to inform current clientele

and interested third parties alike of the current situation and challenges surrounding economic sanctions, as well as of the effect such sanctions have on dispute resolution, especially international commercial arbitration.

The economic sanctions as unilateral measures raise many questions in compliance-related matters and disputes. The purpose of the event was to address these critical issues.

Tamás Szabados, an Associate

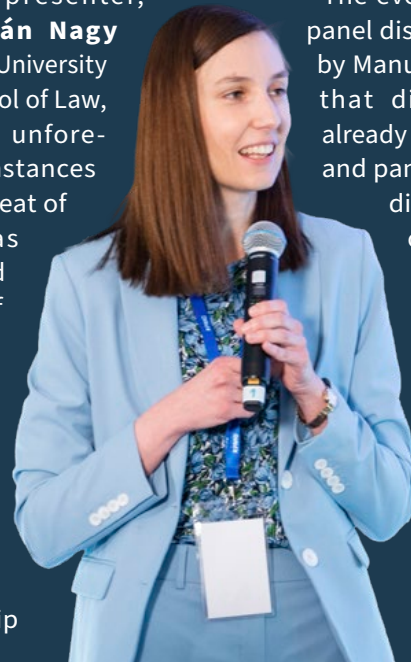


Left to right: János Rinfel, Csongor István Nagy, Manuela Grosu and Tamás Szabados

Professor at Eötvös Loránd University School of Law discussed the conflict of law issues arising from the application of economic sanctions, stemming specifically from the interaction of the law of the forum (*lex fori*), the law of other states, the governing law (*lex causae*) and the law of the place of performance (*lex loci solutionis*).

János Rinfel, a Senior Associate at KPMG Legal Tóásó Law Firm then approached the topic of sanctions from a multinational perspective, detailing how to detect a sanctioned individual under EU, UK and US law. Furthermore, he set forth a simplified list of steps to take in order to ensure compliance and detailed the potential consequences of failing to do so.

The next presenter, **Csongor István Nagy** Professor of the University of Szeged, School of Law, first analysed unforeseeable circumstances related to the seat of arbitration, as well as examined the methods of challenging an arbitrator, such as via citizenship-based exclusion. This was proceeded by an exploration of the relationship



Manuela Grosu

between the legal principles of *pacta sunt servanda* and *clausula rebus sic stantibus*.

Finally, **Manuela Grosu**, a Managing Associate at KPMG Legal Tóásó Law Firm and a member of ArbitralWomen, addressed three distinct topics. The first topic was the post-award implication of sanctions covering issues surrounding the recognition and enforcement of arbitral awards, and the practical difficulties of making payments. The subsequent topic addressed foreign policy tools as public policy concerns, by analysing related case law under the NYC Article V (2). The third topic focussed on the enforcement of international arbitral awards in Russia.

The event concluded with a panel discussion – moderated by Manuela Grosu – and Q&A that discussed problems already faced by the audience and panellists in the arena of dispute resolution and compliance.

Submitted by Manuela Grosu, LL.M. Ph.D., ArbitralWomen member, Managing Associate, KPMG Legal Tóásó Law Firm, Budapest, Hungary

Contributed by

YAWP

Local Chatter: A series of in-person roundtable conversations among women in arbitration, on 20 May 2022, by Webinar

On 22 May 2022, YAWP organised a roundtable discussion amongst leading independent practitioners based in Delhi, India, titled: ‘Local Chatter: A series of in-person roundtable conversations among women in arbitration, Roundtable 1’. Broadcast to a virtual audience, the discussion focussed on the

speakers’ individual journeys to setting up their independent practices in the highly competitive arena of commercial arbitration in India.

Jae Hee Su, YAWP SC Member, Senior Associate, Allen & Overy, Singapore, opened the well-attended session with an introduction to YAWP and its con-

tribution to enhancing the visibility of female practitioners in international arbitration. The moderator, **Aanchal Basur**, Partner, AB Law, began by inviting **Renu Gupta**, Founding Partner, Olive Law, to share how she arrived at the decision of founding her own practice. Renu narrated that her initial foray into law

and court practice was more by chance than design, but her choices became conscious and steadfast over time. This was followed by **Suruchi Suri**, Partner, Suri & Co., describing her experiences with managing client and colleague perceptions as a female counsel – often the only one in a room – in the beginning of her career. **Mani Gupta**, Partner, Sarthak Advocates & Solicitors, touched upon the ‘must-do’s’ for profile-building and providing services valued by clients. The speakers also discussed their views on the future of arbitration in India and shared advice for younger practitioners seeking to set up independent practices.

It emerged that in their formative years the panelists paid attention to learning by observation, identifying their strengths and weaknesses, and developing reliable networks of mentors, seniors, and colleagues. All agreed that an important means to establishing a successful practice was developing a distinct ‘USP’



Left to right: Mani Gupta, Suruchi Suri, Renu Gupta, Aanchal Basur, Manini Brar

over the years and staying true to it. The conversation was peppered with anecdotes and common experiences exchanged over a cup of coffee which made the entire event relaxed, personal and engaging. Almost everyone in the (virtual) audience stayed right until the end of the discussion, which was

concluded with remarks from **Manini Brar**, YAWP SC Member, Arbitrator and Counsel, Arbridge Chambers.

Submitted by Manini Brar, YAWP SC Member, Arbitrator and Independent Counsel, Arbridge Chambers, New Delhi, India

International Arbitration: Technical Disputes and their Quantification, on 20 May 2022, in Milan, Italy

SLCG, MDisputes, HKA, and Omni Bridgeway co-hosted the Conference ‘International Arbitration: Technical Disputes and their Quantification’ on 20 May 2022 at Palazzo Turati in Milan. More than 180 participants attended either in person or virtually to learn first-hand from expert practitioners about the benefits of effective collaboration among experts and the legal team in international arbitration.

Toby Hunt (Partner, HKA) chaired the event, which included a networking lunch. **Alexis Mourre** (Partner, MCG Arbitration) kicked off the conference with a keynote where he described technical disputes as those in which some of the most critical issues are of a technical or engineering nature. He argued that arbitration of these disputes is likely to benefit from tailor-made proceedings, and he suggested five areas of departure from standard practice that could help achieve this effectively (site visits,



Left to right: Franco Mastrandrea, Kathryn Siebke, Edoardo Marcenaro

early access to information, tribunal experts, early consultation on techni-

cal reports, and early determination of technical issues).

Pedro Arcoverde (Counsel, ICC Court, Paris) also spoke about the importance of Italy for international technical disputes, and **Benedetta Coppo**, (Milan Chamber of Arbitration, Rome office) discussed the experience of the Milan Arbitration Chamber on technical disputes.

There were two panel discussions with insight into how international arbitration can provide successful outcomes to address commercial challenges between parties in complex technical disputes. The first panel discussed 'Getting the best out of the experts' featuring ArbitralWomen member **Kathryn Siebke** (Partner, SLCG), **Franco Mastrandrea** (Partner, HKA), **Edoardo Marcenaro** (Head of Legal and Corporate Affairs, Enel Global Infrastructure and Networks) and moderated by **Michael McIlwrath**

(Founder & CEO, MDisputes). In particular, the panellists discussed the use of teaching sessions during evidentiary hearings, in which an off-the-record discussion is held between the experts and/or technical fact witnesses and the arbitral tribunal. The aim of the session is to aid the tribunal in its ability to grasp the technical issues in dispute, without getting into the arguments. Keeping the session off-the-record allows all sides to have more freedom to ask questions and focus solely on 'teaching' rather than 'pleading'. The panel noted that it has had success with teaching sessions at the start of the hearing, and received positive feedback from arbitrators who appreciated the opportunity to interact directly with the experts and fully understand the technical issues before cross-examinations take place.

The afternoon session addressed 'Quantification: navigating factors and variables', with **Roberto Calabresi** (Partner, SLCG), **Colin Johnson** (Partner, HKA), **Jurriaan Braat** (Managing Director Enforcement & EMEA, Omni Bridgeway), **Dominique Speekenbrink**, (Vice President Litigation ABB Group) and moderated by **Catherine Rogers** (Law Professor, Bocconi University School of Law). The panel discussed the importance of determining the real value when quantifying technical disputes and some of the factors that can impact that. In addition to an explanation of methods adopted, case study examples were provided followed by Q&A and discussion.

Submitted by Kathryn Siebke, ArbitralWomen member, Partner, SLCG, Florence, Italy



Going Solo: The Rise of Female Arbitrator Practices, on 24 May 2022, by Webinar

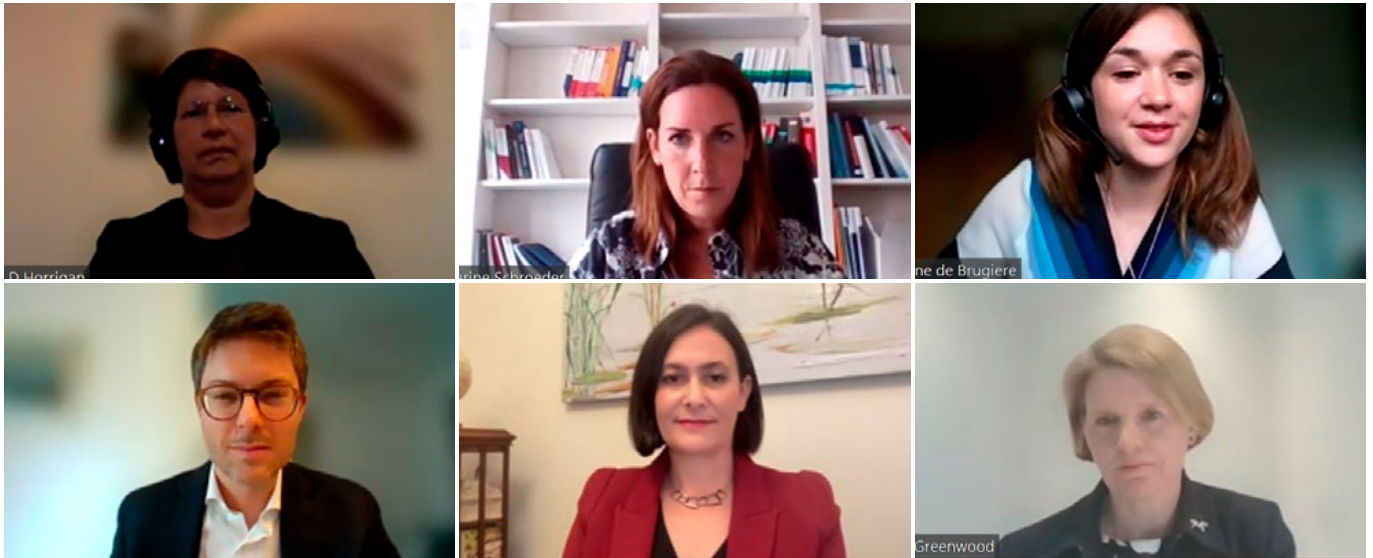
On 24 May 2022, the ERA Pledge Young Practitioners' Subcommittee and Herbert Smith Freehills hosted a panel discussion on the launch and management of solo independent female arbitrator practices. The panel was moderated by **Maguelonne de Brugiere** (Herbert Smith Freehills) and **Michele Potestà** (Levy Kaufmann Kohler) and comprised of independent arbitrators and ArbitralWomen members **Lucy Greenwood**, **Brenda Horrigan**, **Judith Levine** and **Catherine Schroeder**.

The conversation was a particularly

relevant one in the context of the wider community push to see improved female representation in panel appointments. A lot of ground was covered in the webinar, from the panellists' motivations from starting their own independent practice, to the management of their careers as arbitrators and their broader contributions to the field of arbitration.

The panellists were unanimous about the benefits of running their own practice: all fundamentally enjoy the role of arbitrator, and appreciate the autonomy and flexibility that operat-

ing independently provides. There are drawbacks as well: at times, a lack of resources or support to manage heavy and complex caseloads, the unpredictability of revenue streams and the challenges associated with financial planning as a result. Unsurprisingly, all panellists agreed that operating solo can also be a lonely affair, although there are many ways to replicate the camaraderie and teamwork you find operating in an institution, firm or organisation, for example through networks and mentorship schemes.



Top to bottom, left to right: Brenda Horrigan, Catherine Schroeder, Maguelonne de Brugiere, Michele Potesta, Judith Levine and Lucy Greenwood

Catherine shared the planning process she underwent prior to launching her practice, including her preparation of a detailed business plan setting out her predicted costs and expenses (office space rental, equipment purchase, memberships and subscription fees, marketing costs, etc), as well as incoming revenue streams. Once launched, all panellists agreed that it can be a challenge to juggle time spent on business development alongside managing casework, and that it can be difficult to identify which business development activities are those that have the most effect. One non-negotiable however, is active but

smart networking, in particular with institutions, to ensure ongoing arbitral appointments. There was a broad consensus that it is not necessary to be based in a major hub to be successful in obtaining arbitrator appointments, although it is necessary to be visible and to network with the major institutions.

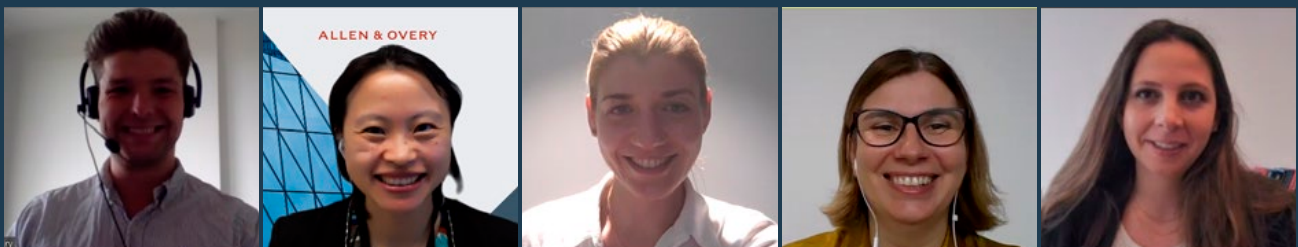
The panellists closed the discussion by sharing their advice to aspiring arbitrators. This included to ‘work hard, be proactive and be visible’ (Catherine), to believe in yourself and not be afraid to self-promote (Lucy), to work where you want but not lose touch with your home jurisdiction (Judith), and to keep in touch

with colleagues throughout your career as networks cannot be built overnight (Brenda). Other excellent advice provided during the panel included to keep a detailed record of matters worked on throughout a career (Brenda) and that the best business development is to be excellent at what you do (Judith).

[A recording of the session is available here.](#)

Submitted by Maguelonne de Brugiere, Senior Associate, Herbert Smith Freehills, London, UK

Dealing with Disputes on Complex Projects, on 8 and 15 June 2022, by Webinar



Left to right: Dan Tilbury, Elizabeth Chan, Athanasia Arapogianni, Pascale Leymin, Nelida Abi Saab

On 8 and 15 June 2022, a multidisciplinary team of BRG professionals with disputes expertise spanning construction, energy and economics delivered two sessions titled *Dealing with Disputes on Complex Projects* to

ArbitralWomen’s global network, in association with Young ArbitralWomen Practitioners (YAWP) and the Equal Representation in Arbitration Pledge Young Practitioners’ Subcommittee (ERA Pledge YPSC). ArbitralWomen

members **Athanasia Arapogianni** and **Pascale Leymin**, alongside **Nelida Abi Saab**, presented an overview of complex projects and issues faced by experts when working on disputes concerning such projects, including

the speakers' first-hand experience.

Elizabeth Chan, ArbitralWomen Board member and Co-Director of YAWP, and **Krystle Baptista**, YAWP Steering Committee member, provided introductions. The sessions began with an audience poll, revealing that the majority of attendees were counsel and solicitors in private practice, or expert services providers, who joined in roughly equal numbers. Other attendees included arbitrators, barristers, funders and further members of the wider arbitration community.

Nelida set the scene by differentiating *complex* projects from merely *complicated* ones; in the former, changes in one area will likely ripple throughout the system in unpredictable and hard-to-trace ways. She then articulated common characteristics and risks of complex projects. Pascale described the most common causes of disputes on complex projects and what makes dealing with these disputes particularly difficult.

The audience was then invited to contribute to the discussion. The audience identified data, time and time management, cost and budgets, and changes in schedules and matter requirements, as contributing factors to the challenge of dealing with disputes on complex projects. The BRG team discussed these live. Athanasia expanded on these issues and gave an overview of key challenges faced by experts, such as data and timing, appointments, process as related to expert independence and impartiality, and damages analysis, particularly regarding dealing with uncertainty and complexity. The audience was then asked to highlight specific issues faced by experts or by arbitrators and lawyers dealing with complex construction disputes. Issues included the production of joint statements, collaboration between expert and legal teams late in the dispute process, how to align the valuation/damages approach with the legal case and how

to simplify the damages approach for the tribunal without sacrificing nuance.

The sessions concluded with a selection of case studies highlighting potential ways to resolve the issues discussed in the session, with Nelida referencing an airport extension project, Athanasia discussing a solar power plant project and Pascale speaking to projects in the petrochemical and mining sectors.



An abridged copy of the event deck is available here.

The views and opinions expressed in this article are those of the authors and do not necessarily reflect the opinions, position or policy of Berkeley Research Group, LLC or its other employees and affiliates.

Submitted by Nelida Abi Saab, Athanasia Arapogianni, Pascale Leymin and Dan Tilbury, BRG, London, UK

Bucharest Arbitration Days 2022, Timely Perspectives on Energy Disputes and Their Resolution Mechanism, on 9-10 June 2022, in Bucharest, Romania and by Webinar

During 9-10 June 2022, the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania, together with the support of CIArb, TDM OGEMID and Young Romanian Arbitration Practitioners (YRAP), organised and hosted in a hybrid format the 2022 edition of the Bucharest Arbitration Days, titled 'Timely Perspectives on Energy Disputes and Their Resolution Mechanism'. The aim of the event was to highlight the implications of the energy transition and investment disputes, in the context of a market shaped by the post-pandemic world and existing armed conflicts.

The event brought together a panel of distinguished practitioners from European and UAE countries, to present the regional approaches to energy projects and dispute settlement, with



Left to right: Giorgiana Tecuci, Lavinia Tănase, Daiana Ichimescu, Sofia Cozac, Louise Woods, Violeta Saranciuc, Cătălina Bîzîc, Crina Baltag, Sara Koleilat-Aranjo, Sorina Olaru

a focus on the EU energy market, the Energy Charter Treaty and its modernisation process.


The event was opened by **Bogdan Chirițoiu**, President of the Romanian Competition Council and **Ștefan Deaconu**, President of the Court of International Commercial Arbitration. They invited the keynote speaker, Professor **Peter D. Cameron**, to address timely issues concerning the different competition phases in the EU energy markets linked to specific social and economic priorities, arguing that we are facing the beginning of a fourth 'age' of competition in the EU, shaped by energy saving, diversity of supplies and the enhanced promotion of renewables.

The event featured several members of ArbitralWomen as moderators or speakers, namely **Louise Woods**, President of the ArbitralWomen Board, Partner, Vinson & Elkins based in London; **Sara Koleilat-Aranjo**, ArbitralWomen Board member, Partner, Al Tamimi & Company, UAE; **Crina Baltag**, FCI Arb, Associate Professor in International Arbitration, Stockholm University;

Luminița Popa, FCI Arb, ICC Court member, Managing Partner at Suci, Popa si Asociatii, Bucharest; **Daiana Ichimescu**, MCI Arb, YRAP Board, Senior Associate at Suci, Popa si Asociatii, Bucharest; **Cătălina Bîzîc**, YRAP Board, Associate at Morgan Lewis, Germany.

The lively and interactive discussions covered subjects such as 'Infrastructure and Energy Projects: Commercial Arbitration as Preferred Dispute Resolution Mechanism', 'Energy Disputes: User Perspective', or 'Sustainability and Climate Change Disputes'. In terms of commercial arbitration, the panellists agreed that there is an increase of cases regarding the revision of contracts due to force majeure, fortuitous cases, hardship or other commercial arrangements that do not fall squarely into either one of these categories. Especially in the context of new energy legislation enacted by States, some of the panellists considered that the notion of foreseeability is changing. Also, cases involving renewables and new technologies, such as hydrogen, will likely be on the rise in the near future. From a Romanian perspective, Luminița

Popa highlighted that there has been an increase in commercial arbitration cases involving joint operating agreements, likely due to the fact that Romania is still a large producer of fossil fuels and there are currently many petroleum perimeters which are under exploration and development.

 A recording of the event is available here.

Following the event, an informal gathering of the attending ArbitralWomen members took place, which was chaired by Sara Koleilat-Aranjo and hosted by **Violeta Saranciuc**, Managing Associate at Zamfirescu Racotî Vasile & Partners, Bucharest.

Submitted by ArbitralWomen members Luminița Popa, FCI Arb, ICC Court member, Managing Partner at Suci, Popa si Asociatii, Bucharest, Romania and Daiana Ichimescu, MCI Arb, YRAP Board, Senior Associate at Suci, Popa si Asociatii, Bucharest, Romania

ArbitralWomen Italian Arbitration Day Breakfast, on 10 June 2022, in Rome, Italy

SLCG hosted an ArbitralWomen breakfast on 10 June 2022, as a side event to the first edition of the Italian Arbitration Day (IAD), which was organised by the Italian Association for Arbitration and the Milan Chamber of Arbitration, with the support of several national and international organisations and took place on 9 June 2022 in Rome. The breakfast was open to ArbitralWomen members and others attending IAD, to provide the opportunity to network and reconnect in an informal setting.

Close to 30 participants from various countries gathered at SLCG's Rome office to talk, share views and meet new people. The theme of the event was the hot topic of today's reality – diversity in international arbitration. ArbitralWomen member



Several attendees to the ArbitralWomen Italian Arbitration Day Breakfast

Kathryn Siebke (Partner, SLCG) gave a welcome speech, outlining the importance of enhancing gender diversity in international arbitration and the benefits of networking

opportunities, for women in particular. She noted that one benefit of the pandemic has been the explosion of online events that allow practitioners from all over the world to connect,



Left to right: Mélanie Van Leeuwen, Kathryn Siebke, Roberto Calabresi, Maria Beatrice Deli

not just those based in arbitration hubs where in-person conferences and events usually take place.

Special guest **Mélanie Van Leeuwen** (Partner, Derains & Gharavi, Paris; Chair, ICC Commission on Arbitration and ADR – the ‘ICC Commission’) then gave a keynote on ‘Promoting Diversity in International Arbitration: News from Inside’. By outlining the activities of the ICC Commission, she highlighted the importance of diversity in international arbitration, not only in terms of gender, but also age, nationality, ethnicity, and disabilities.

The ICC Commission’s membership is composed of appointees by ICC’s National Committees and it is unique in its wide geographic coverage. According to Ms van Leeuwen, one of its goals is to adequately represent the diverse and vibrant community of ICC arbitration and ADR users, practitioners, and providers, in terms of regional representation and geographical coverage, gender diversity, professional profile and background, as well as the various sectors and industries, emerging and competing markets, law firms and arbitration chambers or offices. Emphasis is also given to the fact that,

pursuant to its title and its mission, the ICC Commission gathers expertise in the field of arbitration as well as ADR.

This is important, because diversity in all of its guises allows for a variety of viewpoints, which take into consideration different backgrounds, experiences, and attitudes. Ms Van Leeuwen noted that research has proven that diversely composed teams, which includes arbitral tribunals and counsel teams, generate better decisions and higher quality work product.

In addition, engagement and commitment are also an integral part of improvement. Members of the ICC Commission should actively participate in all Commission meetings and influence the development of its activities.

Ms Van Leeuwen’s talk concluded with a group discussion on what each of us can do to improve diversity in our field, which allowed the participants to exchange their opinions with other members of the arbitration community.

Submitted by Caterina Aliberti, ArbitralWomen member, Associate, SLCG, Florence, Italy

ITA’s 34th Annual Workshop and Meeting, on 15-17 June 2022, in Austin, Texas, USA

The Institute of Transnational Arbitration held their 34th Annual Workshop and Meeting in Austin, Texas from 15 – 17 June 2022. The conference brought together practitioners from around the world to discuss key issues in international arbitration.

Day 2 featured a panel on ‘Arbitrator’s Deliberations Post-Hearing’. The panel of Professor **Lucy Reed**, Dr **Christopher Boog** and ArbitralWomen’s Professor **Janet Walker** CM, moderated by **John Fellas**, gave the arbitrators’ insight into how they conduct deliberations and organise the aspects of an arbitration after the hearing. The panelists considered their perspectives on



Left to right: John Fellas, Lucy Reed, Christopher Boog, Janet Walker

when the deliberations should begin, the usefulness of post-hearing briefs, ways of building consensus, techniques that might be adopted to make the process more efficient, and the target audience for their awards.

Submitted by Janet Walker, CM, ArbitralWomen member, Distinguished Research Professor, Osgoode Hall Law School, Toronto, Canada, Chartered Arbitrator (Toronto, London & Sydney)

Elevate your ADR Practice, Profile, and Appointments, on 17 June 2022, by Webinar



Left to right: Janice Sperow, Natalie Armstrong-Motin, Rich Lee and Winter Wheeler

On 17 June 2022, the Federal Bar Association Alternative Dispute Resolution Section hosted a webinar on Elevating your ADR Practice, Profile, and Appointments, co-sponsored by Arbitral Women, which featured a variety of practical tips by a panel of distinguished speakers in the ADR space, each speaking from a different perspective. **Bryan Branon** of CIArb, and past Chair of the FBA ADR Section, deftly moderated the discussion.

Rich Lee, CEO and Co-Founder of New Era ADR, a fast-growing VC-backed, dispute resolution provider, shared what he looks for in neutrals. As former General Counsel of two preeminent tech companies, Rich explained, that ‘while expertise and qualifications constitute essential minimums, ADR users need to relate to their selected neutrals. For Millennials, Gen Zers, and rising in-house counsel, technology, adaptability, and diversity rule their everyday; they want tech-savvy, relatable, current neutrals’.

Natalie Armstrong-Motin, owner of Marketing Resolutions, www.HowToMarketMyMediationPractice.com and marketing guru specialising in serving neutrals, advocated raising your profile through social media, podcasts, local bar associations, writing articles, and speaking opportunities. She suggested, ‘organising and then moderating a panel of experts in your practice area.’ Like Rich, Natalie believes in using current tools to boost your relatability, such as shooting a video clip of your philosophy as a



Federal Bar Association

neutral to post on your website – and yes, you must have a website and professional email! Natalie recommended staying ahead of the curve by getting involved with dispute prevention, ADR’s future.

Winter Wheeler, an experienced mediator at Miles Mediation & Arbitration and Winter Wheeler Mediation & Arbitration, LLC, and author of #Networked, leveraged LinkedIn, Ted talks, and networking to increase her profile and name recognition. She explained how during the pandemic she turned to LinkedIn to stay connected by posting regularly. As a result, attorneys all over the country learned her name and her availability by videoconference. Now Winter features regular Ted talks to keep visible.

ArbitralWomen member **Janice Sperow**, a full-time arbitrator focusing on commercial, employment, and

healthcare disputes listed some important memberships, such as Academy of Court-Appointed Neutrals for special master experience, the International Institute for Conflict Prevention and Resolution (CPR) for cutting edge think-tank ADR issues, niche area groups in your subject areas, such as the American Health Law Association (AHLA), and diversity and inclusion focussed groups, such as Arbitral Women and Arbitrators of African American Descent. To gain experience, Janice recommended local community arbitrations, such as the Better Business Bureau, state and local bar association fee dispute panels, court arbitration rosters, city and county hearing officer positions, Judge *Pro Tem* list, joining a government roster, such as the EEOC, and joining FINRA’s panel (Financial Industry Neutral Regulatory Agency) as a wing arbitrator to learn from experienced chairs.

Co-sponsored by the American Bar Association Dispute Resolution Section, the Academy of Court-Appointed Neutrals, ArbitralWomen, the Chartered Institute of Arbitrators, the International Institute for Conflict Prevention & Resolution, the National Academy of Distinguished Neutrals, New Era ADR, and the United States Council for International Business (USCIB) & the International Chamber of Commerce (ICC).

Submitted by ArbitralWomen member Janice Sperow, panellist and arbitrator, California, USA

16th CEA International Conference ‘Improving arbitration: resolving earlier and better’, on 20 and 21 June 2022 in Madrid, Spain



Gabrielle Kaufmann-Kohler

The 16th edition of the Club Español del Arbitraje (CEA)'s international conference brought together more than 400 practitioners to discuss several topical subjects in international arbitration, including ethical obligations, expedited proceedings, early dismissal of claims, lost profits assessments, sealed offers, multi-tiered clauses and corruption. The event featured a vastly practical approach to these issues, focussing on best practices and encouraging audience participation to assess the main perceptions of today's arbitral community regarding unresolved concerns.

ArbitralWomen member Professor **Gabrielle Kaufmann-Kohler** delivered an insightful keynote address on the distinctive role of international arbitrators in the fight against corruption and on what arbitrators can and should do when faced with corruption issues.

Professor Kaufmann-Kohler opened her presentation noting that parties regularly invoke corruption in arbitration mainly as a shield, i.e., a defence raised by respondents against a claim, or less frequently as a sword relied upon by claimants to bring claims against their allegedly corrupt counterparties. Irrespective of whether it is a shield or a sword, corruption can play a part at all stages of an arbitration, be it jurisdiction,

liability, annulment, or enforcement proceedings.

She further observed that some issues involving corruption in international arbitration are seemingly settled, including: (i) the transnational public policy consensus that corruption is illegal and must be fought against; (ii) the arbitral tribunal's duty to investigate on its own motion when faced with signs of corruption in the record; and (iii) the arbitrators' prerogative to decide whether to stay the arbitration or not pending the outcome of criminal proceedings.

By contrast, there are grey areas in which the applicable rules and principles are still debated. On evidentiary issues, Professor Kaufmann-Kohler acknowledged the existing discussions on burden and standard of proof, among them the propositions that: (i) where one party has provided initial evidence showing corruption, the burden of proof would shift to the other party to refute it; and (ii) corruption allegations would justify applying a heightened standard of proof. However, these debates lose relevance when, as often happens, arbitrators use the red flags methodology, resorting to indicia to prove corruption.

The address also dealt with another open issue concerning the conse-

quences of a finding of corruption. If a claim is dismissed due to corruption, a respondent also involved in the corrupt act may unfairly benefit from the proceeds of that corruption. In this scenario, most legal systems bar restitution based on the principle that where both parties are guilty, restitution is unwarranted. However, in order to prevent a corrupt party from becoming unjustly enriched, a conceivable alternative would be to grant restitution when reasonable under the circumstances, as contemplated in the UNIDROIT Principles. The tribunal may then order the respondent to pay to the claimant only the value contributed by the latter under the contract, excluding any profit. As a matter of principle, this solution should not undermine the efforts to deter corruption, and thus requires careful scrutiny under the specific circumstances, relying for instance on the guidance provided by the UNIDROIT Principles.

In addition, CEA-40 and CEA Women organised side events on 19 and 21 June 2022 respectively, dealing with specific issues of interest in arbitration practice. The CEA-40 meeting covered new trends in environmental disputes. In turn, the CEA Women event began with a coaching session on tips to achieve personal goals, followed by an interview with **Noiana Marigo**, Partner at Freshfields Bruckhaus Deringer (New York/Madrid) conducted by ArbitralWomen member **Patricia Saiz**, Independent Arbitrator (Barcelona/Madrid). The interview shed light on Noiana Marigo's career path to partnership at a prominent international arbitration practice. She also recounted the challenges she faced along the way and the measures she promoted to improve gender diversity, notably the development of the [Equal Representation in Arbitration Pledge](#) aimed at improving women representation in arbitration.

Submitted by Laura Zimmerman, ArbitralWomen member, Associate, Lévy Kaufmann-Kohler, Geneva, Switzerland

Arbitration Fund for African Students (AFAS) in conversation with the Honourable Justice Edward Torgbor, on 23 June 2022, by Webinar



Eunice Shang-Simpson

The sixth 'Conversation' in AFAS's monthly Conversation Series 2022 took place on 23 June 2022, with **Eunice Shang-Simpson**, LL.M, FCI Arb in conversation with the Honourable Justice **Edward Torgbor**, a specialist International and Chartered Arbitrator and Mediator based in Nairobi (Kenya), about his illustrious career in the legal, judicial, and academic fields and in dispute resolution.

The Honourable Justice Edward Torgbor is a Chartered Arbitrator of the Chartered Institute of Arbitrators (CI Arb) (England) and a former Vice President of the LCIA African Users Council. His international expertise is underpinned by having completed an LLB at the University of Edinburgh, an LLB and LL.M at Cambridge, and an LL.D

at Stellenbosch University. He is also an Academic Visitor at the University of Oxford, England.

Judge Torgbor has many years of experience in the legal, judicial, and academic fields, and in dispute resolution. He was a barrister in England; a Judge of the High Court of Kenya; a Professor of Law at Stellenbosch University, South Africa; a Court Member of the Arbitration Foundation of South Africa (AFSA), and a former Court Member of the LCIA. His many accolades include being a winner of the prestigious CI Arb President's Prize for Best Award Writing in 1997. He is also the winner of the Inaugural Award of the East Africa International Arbitration Prize Award for the 'African Arbitrator of the year 2019'.

Judge Torgbor took us on a journey from his first foray into law in the Borough Solicitor's Office of the former London Borough of Islington, then to Fountain Chambers as a pupil barrister and barrister, and later to an illustrious decade as a Judge in the High Court in Kenya. He also shared

with us his love for Academia and gave our audience some tips on how to make the most of a mentoring relationship. He further shared his views on diversity in the field of international arbitration and finally regaled us with tales of an amazing historic journey taken with other Commonwealth students overland from England to India, including tours to the Taj Mahal, the Vice-Regal Palace in Simla at the foothills of the Himalayas. This experience had a profound impact on his life, with some of his fellow travellers remaining close friends all these decades later!

This very informative and insightful Conversation was well-attended by new and old friends of AFAS globally. We are very grateful to Judge Torgbor for his time and his insights.

Submitted by Eunice Shang-Simpson, ArbitralWomen member, Lecturer Practitioner at School of Law, Canterbury Christ Church University, Kent, UK

(This report was first published on the AFAS website [🔗](#))



Contributed by

YAWP

You can't be what you can't see: A Breakfast Chat with Ms Claudia Salomon, on 23 June 2022, in Singapore

In June 2022, Young ArbitralWomen Practitioners, with the support of the International Chamber of Commerce (ICC) and the Women in Practice Committee of the Law Society of Singapore,

organised and hosted a breakfast event at Allen & Overy's Singapore office, titled 'You can't be what you can't see: A Breakfast Chat with Ms Claudia Salomon'. The event was part of the first visit to

Singapore by **Claudia Salomon** in her role as the President of the International Court of Arbitration of the ICC, and coincided with the 7th ICC Asia Pacific Conference on International Arbitration.



Claudia Salomon speaking to the attendees



Left to right: Claudia Salomon, Jae Hee Suh, Irene Mira and Sapna Jhangiani

Chris Mainwaring-Taylor, partner at Allen & Overy Singapore, welcomed the attendees to the well-attended event. ArbitralWomen member **Sapna Jhangiani** QC, International Legal Counsel at Attorney-General's Chambers of Singapore opened the session by introducing Ms Salomon and her interviewers, **Jae Hee Suh**, YAWP Steering Committee Member and Senior Associate at Allen & Overy Singapore and **Irene Mira**, Deputy Director, South Asia, ICC. Ms Jhangiani noted that it was important to build belief in infinite possibilities

and that Ms Salomon was an excellent example of such infinite possibilities.

Ms Salomon began by sharing a fond memory of attending her first ArbitralWomen event in Paris as a midlevel associate. She also shared a series of photographs, including one of herself in 1993 as a student attending a conference that marked the 40th anniversary of the admission of women to Harvard Law School, and explained how hearing from Justice **Ruth Bader Ginsburg** and the chairperson of the conference greatly inspired her.

On her journey to the presidency of the ICC Court, Ms Salomon noted that she did not make a leap into uncharted territory, because there were already female leadership figures at the head of various arbitration institutions. In addition, her predecessor in the ICC Court presidency, **Alexis Mourre**, had ensured that there was gender parity on the ICC Court, on which Ms Salomon had previously served as Vice-President. Ms Salomon shared that the opportunity to be ICC Court's President coincided with a point in her career where she felt ready to take on an executive role and she benefited during the selection process from the help and advice of contacts from all around the world, both male and female, who actively advocated for her candidacy.

The interviewers noted ICC's increased visibility on professional social media channels, such as LinkedIn, under Ms Salomon's leadership. Ms Salomon's advice to the attendees on the use of social media was to take a thoughtful but selective approach to highlighting one's achievements, in order for each update or project to contribute meaningfully to one's profile.

When asked about her experience with receiving support from and offering support to other women, Ms Salomon shared that she used to participate in an informal network of female lawyers who would get together for meetings with no agenda other than to celebrate major milestones in each other's careers. This reinforced her belief that there were always ways to be supportive of other women even in a competitive professional setting. She encouraged attendees to get more involved in events organised by ArbitralWomen, which is a very effective support network for women in arbitration.

The interview was followed by a vibrant networking session over breakfast, one of the first such in-person gatherings for the Singapore arbitration community since the beginning of the Covid-19 pandemic.

Submitted by Hongchuan Zhang-Krogman, ArbitralWomen member, Associate, Allen & Overy, Singapore

Hot topics in international arbitration, on 29 June 2022, in Tbilisi, Georgia

On 29 June 2022, ICC Young Arbitrators Forum (YAF) and the Georgian International Arbitration Centre (GIAC) hosted a hybrid event titled ‘Hot Topics in International Arbitration’ in Tbilisi, Georgia. The event kicked off with a welcoming note from **Beka Injia** (Secretary General of Georgian Arbitration Centre) and **Benjamin Moss** (ICC YAF Representative for Switzerland and Georgia and a Senior Managing Associate at Sidley Austin, Geneva). The event was divided into two major parts – a panel discussion and a debate.

The event continued with the panel discussion moderated by ArbitralWomen member **Laurie Achtouk-Spivak** (Counsel at Cleary Gottlieb, Paris), discussing one of the hot topics of the event: key considerations when selecting arbitrators in international arbitration proceedings. The panel consisted of **John Adam** (Partner, SQUIRE PATTON BOGGS), **Rusa Tchkuaseli** (Legal Director, BLC LAW) and ArbitralWomen member **Victoria Pernt** (Counsel at SCHOENHERR Attorneys at Law). Laurie Achtouk-Spivak emphasised the importance of party autonomy when it comes to the selection of arbitrators. John Adam underlined the importance of the human aspect, real-life interactions and personal knowledge of arbitrators, when selecting arbitrators. The panel further focussed on the importance of diversity (gender, origin, age, etc.) in the pool of arbitrators as one of the essential aspects for a better arbitrator selection process.

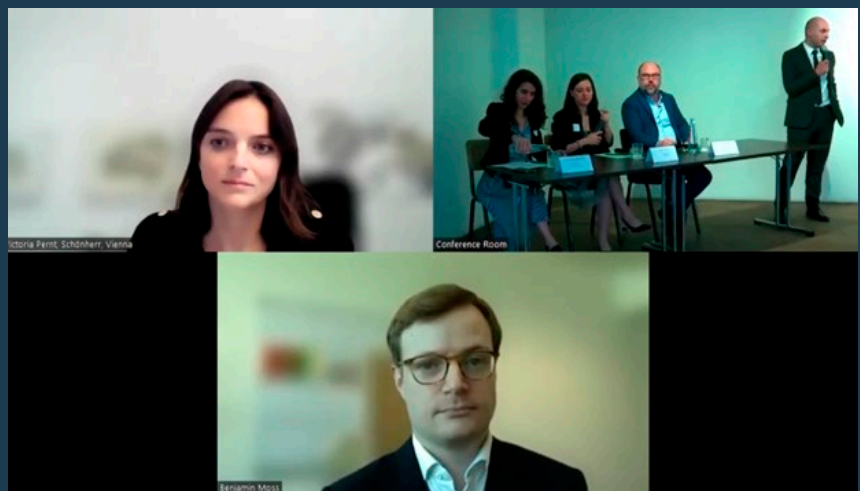
Next, ArbitralWomen Board member **Nata Ghibradze** (Senior Associate, Hogan Lovells) moderated the debate, for which the proposition was that the introduction of fast-track arbitration procedures by arbitral institutions over the past decade is a desirable development in international commercial arbitration. **Olga Sendetska** (Associate, Freshfields Bruckhaus



Left to right: Laurie Achtouk-Spivak, Rusa Tchkuaseli, John Adam



Left to right: Olga Sendetska, Nata Ghibradze, Jaba Gvelebiani



Top to bottom, left to right: Victoria Pernt, Beka Injia's welcoming note and Benjamin Moss

Deringer) and **Jaba Gvelebiani** (Head of Legal KPMG, Tbilisi) engaged in a thought-provoking debate arguing in favor and against it.

The panel discussion and debate rounds were followed by a Q&A session that gave the audience an opportunity to engage with the speakers and

further reflect on both topics. The event concluded with a networking reception.

Submitted by Nata Ghibradze, ArbitralWomen Board member and Senior Associate at Hogan Lovells, Munich, Germany

Increasing efficiency in construction arbitration: Proceedings, tools, and techniques, on 30 June 2022, in Munich, Germany



Left to right: Małgorzata Surdek-Janicka, Katherine Bell, Liv Jores, Eliane Fischer

On 30 June 2022, Hogan Lovells in collaboration with ArbitralWomen hosted an event on increasing efficiency in construction arbitration. An ArbitralWomen SpeedNet event kicked-off the evening, where women were able to interact with peers and establish new connections. **Nata Ghibradze** (Senior Associate, Hogan Lovells, Munich, Germany) delivered the welcome address highlighting the importance of the topic and how rare it is to have a female-only line up of speakers at a construction event.

ArbitralWomen member **Małgorzata Surdek-Janicka** (Vice President of the ICC Court of Arbitration and independent arbitrator, Warsaw, Poland) delivered the keynote address. At the outset, she differentiated efficiency and effectiveness: while efficiency is doing things right, effectiveness is doing the right things. Małgorzata further explained the iron triangle of time, quality and costs. While users want to achieve all three, in practice only two of the three features can be realised. Małgorzata identified 1) the use of dispute board proceedings for dispute avoidance, 2) the use of technology for evidence management and 3) active case management by the arbitrators as

valuable means for increasing efficiency in construction disputes. She concluded that a flexible, well-managed and tailor-made arbitration is the key to efficiency.

In the subsequent panel discussion moderated by **Liv Jores** (Senior Associate, Hogan Lovells, London/Munich, UK/Germany), **Katherine Bell** (ArbitralWomen Board member; Partner, Schellenberg Wittmer, Zurich, Switzerland) **Eliane Fischer** (Partner, rothorn legal, Zurich, Switzerland) and Dr **Ramona Schardt** (Division Litigation Counsel, Siemens Energy, Munich, Germany) first discussed the causes of inefficiencies, such as the complex nature of construction disputes, voluminous evidence, due process paranoia and the behaviour of the parties.

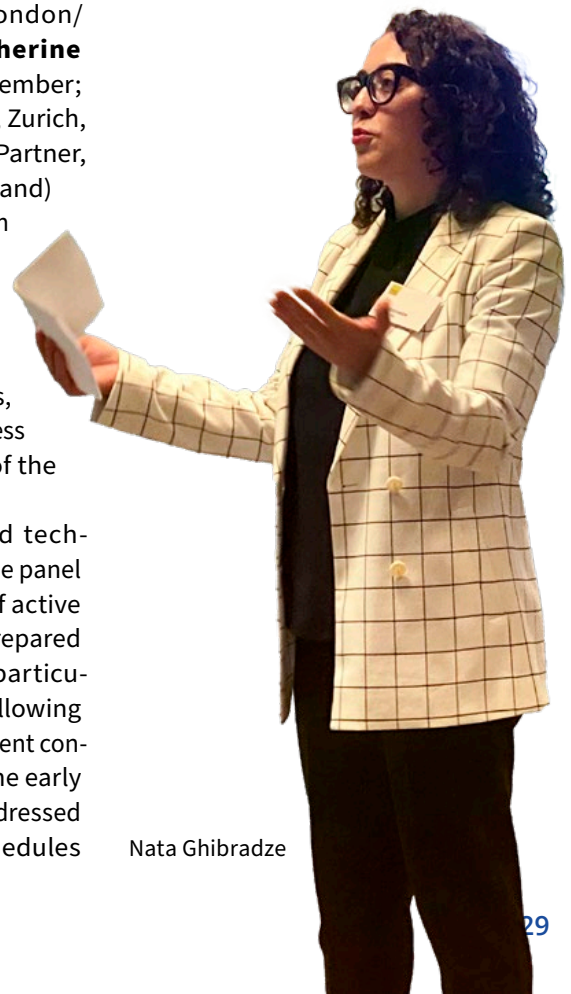
In terms of the tools and techniques to increase efficiency, the panel focussed on the importance of active case management by a well-prepared tribunal from the outset. In particular, the panel identified the following important tools: case management conferences, a tailor-made PO1, the early identification of issues to be addressed by the parties, the use of schedules

and chronologies of facts, bifurcation of the proceedings and sampling and extrapolation.

The panel further discussed the use of technology in dealing with voluminous construction cases and in visualising various issues. While visualisation can help the tribunal to grasp the issue, it can be challenging for the other side to address. Building Information Modelling (BIM), already relatively widely used in the UK but less so in Continental Europe, can be valuable — both as evidence and as a visualisation tool — but it much depends on the input by the parties.

An engaging Q&A session and networking reception brought the evening to a close.

Submitted by Liv Jores, ArbitralWomen member, Senior Associate, Hogan Lovells, London/Munich, UK/Germany, Nata Ghibradze, ArbitralWomen Board member, Senior Associate, Hogan Lovells, Munich, Germany and Leah Thomas, Intern, Hogan Lovells, Munich, Germany



Nata Ghibradze

News you may have missed from the ArbitralWomen News webpage

This section of the ArbitralWomen Newsletter reports on news posted recently on the ArbitralWomen News webpage that readers may have missed.

The AAA-ICDR Foundation Invites Grant Proposals to Support Diversity and Civil Justice Programmes



AMERICAN ARBITRATION ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

FOUNDATION

Submitted by ArbitralWomen advisory board member and Independent Arbitrator Dana MacGrath, MacGrath Arbitration
17 June, 2022

The American Arbitration Association-International Commercial Dispute Resolution Foundation invites grant proposals seeking between \$50,000 and \$250,000 in funding to support programmes that will address any of the following priority areas:

- **Bridge Community Conflict** with a focus on civil discourse seeking to mend societal divisions
- **Prevent and Reduce Violence** with a focus on vulnerable and underserved communities and police/social service partnerships

- **Support Diversity, Equity, and Inclusion** with a focus on access to justice

Organisations interested in applying for a Foundation grant should submit a preliminary application by **9 September 2022**. The AAA-ICDR Foundation will select a limited number of applicants to draft a more detailed proposal. Click [here](#) to apply.

Each year the AAA-ICDR Foundation issues a Request for Proposals (RFPs) focused on Foundation priorities for the upcoming grant cycle. It is an invitation for organisations to submit an application that aligns with the Foundation's mission and focus priorities.

The RFP is typically announced each June. It is a two-step application process

starting with an Initial Description of Grant Request. After review, a limited number of organisations will be invited to submit a proposal for consideration. It is a competitive review process each year.

For additional information, please click on one of the below links:

- [Online Grant Application](#)
- [New Online Applicant Tutorial: Written Instructions](#)
- [New Online Site Access and Account Creation Video](#)
- [New Online Applying for Funding Video](#)
- [New Online Applicant Dashboard Video](#)
- [FAQs for Grant Applicants and Grantees](#)
- [Reporting Guidelines for Grantees](#)

ArbitralWomen is honoured to have been a AAA-ICDR Foundation grant recipient in the past, which made it possible to create and launch the ArbitralWomen Diversity Toolkit.

Update on the CETA Pool: Uplifting News for Gender Diversity!

24 June, 2022

ArbitralWomen members have been following with interest the developments regarding the Comprehensive Economic and Trade Agreement between Canada, the European Union and its Member States (**CETA**) to remedy the under-representation of

women for roles in dispute settlement under Article 29 of the CETA.

Women around the world applauded when the European Commission became a signatory to the [Equal Representation in Arbitration Pledge](#) (ERA Pledge) in December 2020. You can find the European Commission press

release [here](#).

Fast-forward to late June 2022: the European Commission demonstrates that it “walks the talk” regarding its commitment to improving gender diversity and the ERA Pledge, releasing an expanded pool of arbitrators that includes an increased number of women, many of whom are




European Commission

ArbitralWomen members.

More specifically, the European Commission published a pool of almost 400 individuals eligible for appointment in bilateral disputes under trade agreements with third countries as arbitrators and/or trade and sustainable development (TSD) experts. The expanded pool responds to demands from stakeholders and the European Parliament for a more transparent, independent, and inclusive process. Pool members come from diverse backgrounds and include legal practitioners and academics from around the world and across the EU.

The Commission will draw from the new pool to propose the appointment of arbitrators and TSD experts in

specific cases, or for pre-agreed lists (rosters) under the relevant bilateral agreements with third countries. More information on this and the process by which the pool was created can be found [here](#) .

We congratulate all arbitrators and TSD experts included in the pool, including but not limited to the more than 15 ArbitralWomen members listed below (in alphabetical order):

- Susan Ahern (Arbitrator)
- Claudia Annacker (Arbitrator)
- Krystle Baptista Serna (Arbitrator and TSD Expert)
- Maria Beatriz Burghetto (Arbitrator)
- Sofia Cozac (Arbitrator)

- Michela D'Avino (Arbitrator)
- Belen Olmos Giupponi (Arbitrator and TSD Expert)
- Andrea Hulbert (Arbitrator Chair)
- Jean Kalicki (Arbitrator Chair)
- Louise Reilly (Arbitrator)
- Nazareth Romero (Arbitrator and TSD Expert)
- Monique Sasson (TSD Expert)
- Ana Stanic (Arbitrator and TSD Expert)
- Erica Stein (Arbitrator)
- Deva Villanua (Arbitrator and TSD Expert)
- Janet Whittaker (Arbitrator and TSD Expert and Arbitrator Chair)
- Galina Zukova (Arbitrator)

We also congratulate the European Commission on this step forward for diversity.

Finally, we thank the many members of the international arbitration community who facilitated this progress and who continue to champion diversity in the field.

ArbitralWomen Announces Leadership for 2022-2024 Term

30 June, 2022

30 June 2022 – ArbitralWomen is pleased to announce the results of the election of its incoming Board of Directors for the 2022-2024 Term, which includes nine new members out of the 18 elected in June 2022.

The incoming Board of Directors selected **Louise Woods**, Partner at Vinson & Elkins in London, to assume the role of President of the Board, and **Gaëlle Filhol**, Managing Partner at Betto Perben Filhol, to assume the role of Vice President. As Vice President, Ms. Filhol will also assume the role of Chair of Young ArbitralWomen Practitioners (YAWP), ArbitralWomen's young practitioner group launched by former ArbitralWomen Vice President **Gabrielle Nater-Bass**.

"I am honoured to have been selected to serve as President of the Board of

ArbitralWomen and look forward to working with the diverse and talented women elected to the 2022 Board" said **Ms. Woods**. "We will miss Dana MacGrath, our outgoing President, who has done a fantastic job of leading the organisation over the past 4 years. I am very grateful to be joined by Gaëlle Filhol, as Vice President. She brings several years of experience on the Board of ArbitralWomen, having most recently served as Secretary. I look forward to working with Gaëlle and the rest of the 2022 Board as we continue the important work that ArbitralWomen does to support, promote and encourage women in international dispute resolution all over the world."

"I am very grateful to have worked under Dana MacGrath's leadership over the past four years. The organization has benefited tremendously from Dana's energy and vision. I could see no better successor than Louise Woods, who is not

only an accomplished lawyer but also a strong advocate for women in arbitration. I look forward to assisting Louise in her new role and continuing to promote women in arbitration" said **Ms. Filhol**.

The 2022 Executive Board also includes **Gisèle Stephens-Chu**, Founder of Stephens Chu Dispute Resolution, who will serve as Secretary, **Marion Lespiau**, Senior Director in the London Economic and Consulting practice at FTI Consulting, who will serve as Treasurer, Paris-based independent arbitrator and counsel **Maria Beatriz Burghetto**, who will serve as Communications Director, and co-founders **Louise Barrington** and **Mirèze Philippe**.

The incoming Board members are from many countries and include arbitrators, experts, and practitioners.

"It has been an honour and a privilege to lead ArbitralWomen for the last four years, and I wish our talented incoming

Board a successful term ahead” said **Ms. MacGrath**, outgoing President of ArbitralWomen.

ArbitralWomen wishes to thank outgoing ArbitralWomen President **Dana MacGrath**, and the following 2020 Board members who are rotating off the Board for their hard work and dedication to ArbitralWomen’s mission to promote women and diversity in dispute resolution: **Affef Ben Mansour, Juliette Fortin, Yasmine Lahlou, Amanda Lee, Patricia Nacimiento, Alison Pearsall, Rose Rameau, Donna Ross, Vanina Sucharitkul**, and **Erika Williams**. We look forward to their continued involvement in our activities and initiatives as

ArbitralWomen members.

“We are blessed to have had tireless, talented and dedicated Board Directors who contributed not only by continuing ArbitralWomen’s many projects, both old and new, but who also improved many signature ArbitralWomen programmes” said ArbitralWomen Co-Founders **Louise Barrington** and **Mirèze Philippe**.

Ms. Barrington and **Ms. Philippe** continued: “Under the leadership of Dana MacGrath, ArbitralWomen’s governance has become stronger and stronger, we are grateful for her work, day in day out. It is difficult to mention every Board Director, we are grateful to them all. We wish however to extend our profound thanks

to two Executive Committee members who held very important roles: Juliette Fortin who served as Treasurer for eight years and Amanda Lee who served as Communications Director. We look forward to continued efforts with the new Board and the new members whom we welcome. We are delighted that Louise Woods as President and Gaëlle Filhol as Vice-President will continue bringing the organisation forward, thanks to the excellent experience they have gained on the Board in recent years”.

Please join us in congratulating the 2022 ArbitralWomen Board Members set out in the table below:

ArbitralWomen Board of Directors 2022-2024 Term

(new members indicated by an asterisk)

Name	Nationality(ies)	City(ies) of Residence
Louise Barrington	Canadian	Hong Kong and Toronto
Katherine Bell *	British and Swiss	Zurich
Catherine Bratic *	American and Italian	Houston
Maria Beatriz Burghetto	Argentinian and Spanish	Paris
Elizabeth Chan	British and New Zealander	Hong Kong
Sally El Sawah *	Egyptian and French	Paris and Cairo
Gaëlle Filhol	French	Paris
Cherine Foty	American and French	Washington, DC
Nata Ghibradze *	Georgian	Munich
Sara Koleilat-Aranjo	French and Lebanese	Dubai
Floriane Lavaud *	French	New York
Alina Leoveanu *	French and Romanian	Paris
Marion Lespiau *	British and French	London
Mirèze Philippe	Lebanese and French	Paris
Rebeca Mosquera	American and Panamanian	New York
Nesreen Osman *	British and Sudanese	Dubai
Rekha Rangachari	American	New York
Gisèle Stephens-Chu	British and French	Paris
Mary Thomson *	British, Chinese, and Malaysian	London and Singapore
Louise Woods	British	London

ArbitralWomen is an international non-governmental organisation for the promotion of women and diversity in international dispute resolution. For almost 30 years, ArbitralWomen has developed many programmes and opportunities to support and promote women in international dispute resolution as well serving as

a leader in the efforts to overcome gender bias in the legal profession.

Of note is ArbitralWomen’s **Diversity Toolkit™**, a unique training programme designed to help practitioners identify bias and explore ways to address and overcome it, which was shortlisted for the Equal Representation in Arbitration

(ERA) Pledge Award.

ArbitralWomen has a **mentorship programme** and a **parental mentorship programme** and regularly promotes the achievements and activities of its members in its News Alerts, on its webpage dedicated to **news about its members**, and in its periodic Newsletters.

ArbitralWomen Announces Advisory Council Appointments

30 June, 2022

30 June 2022 – ArbitralWomen is pleased to announce the appointment of seven new members of its Advisory Council. The Advisory Council, composed of several former ArbitralWomen Board members and officers, provides advice and guidance to the Board of ArbitralWomen.

The new members will join ArbitralWomen’s Advisory Board with effect from 1 July 2022, upon stepping down from the Board of ArbitralWomen, and include **Dana MacGrath**, Immediate Past President of ArbitralWomen, and independent arbitrator at MacGrath Arbitration, based in New York, together with:

- **Juliette Fortin**, Immediate Past Treasurer, and Senior Managing Director at FTI Consulting, based in Paris
- **Yasmine Lahlou**, Partner at Chaffetz Lindsey, based in New York
- **Amanda Lee**, Immediate Past Communications Director, and Consultant at Costigan King, based in London
- **Donna Ross**, Founder of Donna Ross Dispute Resolution, based in Melbourne
- **Patricia Nacimiento**, Head of the German dispute resolution team at Herbert Smith Freehills, based in Frankfurt

- **Rose Rameau**, Managing Partner of Rameau Law, based in Washington, DC

“We look forward to supporting the Board of ArbitralWomen going forward” said **Ms. MacGrath**.

The Advisory Board is composed of a number of former members and officers of the Board of ArbitralWomen, including **Lorraine Brennan**, President from 2010 to 2012, **Dominique Brown-Berset**, President from 2012 to 2014, **Gillian Carmichael Lemaire**, Newsletter Director from 2014 to 2018, **Karen Mills**, who held several roles on the Board from 2005 to 2020, and **Gabrielle Nater-Bass**, Vice-President from 2014 to 2018.

“We are delighted to welcome 7 new members to the Advisory Council, each of whom is an experienced practitioner in international dispute resolution and has made an invaluable contribution to ArbitralWomen during her tenure on the Board. ArbitralWomen will benefit greatly from their continued involvement and I and the other Board members from their guidance and advice” said **Louise Woods**, 2022-2024 ArbitralWomen President and Head of International Disputes – Europe at Vinson & Elkins in London.

Further information about the members of the Advisory Council is set out below:

ArbitralWomen Advisory Council

(new members indicated by an asterisk)

Name	Nationality(ies)	City(ies) of Residence
Lorraine Brennan	American	New York
Dominique Brown-Berset	Swiss	Geneva
Gillian Carmichael Lemaire	British and Scottish	London
Juliette Fortin *	French	Paris
Yasmine Lahlou *	American, French and Moroccan	New York
Amanda Lee *	British	London
Dana MacGrath *	American	New York
Karen Mills	American	Jakarta
Gabrielle Nater-Bass	Swiss	Zurich
Rose Rameau *	American and Haitian	Washington, DC
Donna Ross *	American and Australian	Melbourne

ArbitralWomen & Kluwer Arbitration Blog

ArbitralWomen has a long-standing collaboration with [Kluwer Arbitrator Blog](#), the leading publication of its kind presenting a high-quality examination of hot topics and latest developments in international arbitration, with an impressive global readership of 120,000 views per post.

As part of this collaboration, ArbitralWomen liaises with Kluwer Arbitration Blog to ensure priority publication of articles submitted by its members. Published contribu-

tions will also feature on the [AW website](#).

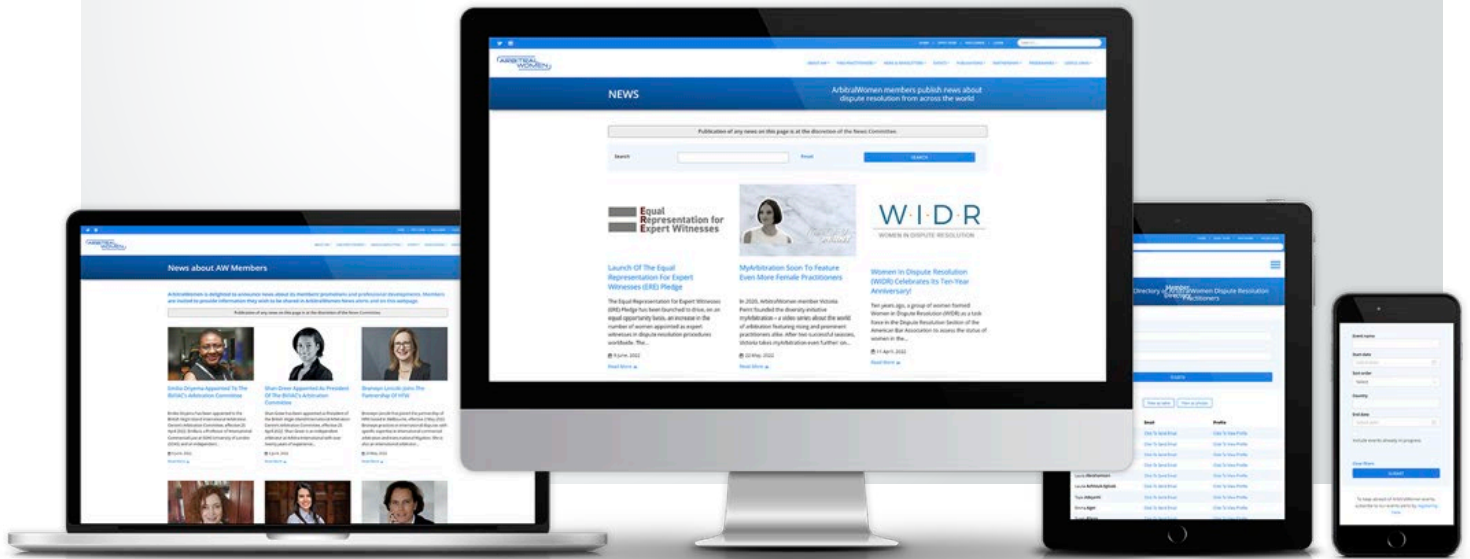
We strongly encourage our members to make use of this great opportunity! Please send your article or idea for a topic to the AW-Kluwer Arbitration Blog Committee, consisting of ArbitralWomen Board Members Katherine Bell and Alina Leoveanu, at kluwer@arbitralwomen.org.

We kindly ask you to take note of the Kluwer Arbitration Blog [editorial guidelines](#).

We look forward to receiving your ideas and submissions!

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](#).



ARBITRALWOMEN INITIATIVES SHORTLISTED FOR GAR PLEDGE AWARD 2022!

ArbitralWomen is honoured that our Revamped Parental Mentoring Programme and our Collaboration with Dispute Resolution Data (DRD) have both been shortlisted for the GAR Pledge Award. For more information on our Parental Mentoring Programme, see above article on page 46. For more information on our Collaboration with DRD, please visit our [News Page here](#).

ArbitralWomen congratulates all initiatives shortlisted for GAR Awards 2022! We also honour and thank everyone who has contributed to advancing gender parity and diversity in arbitration in their own way regardless of whether they have received an award nomination. Together we collectively make the difference that achieves meaningful progress.

ArbitralWomen thanks all contributors for sharing their stories.

Social Media

Follow us on Twitter [@ArbitralWomen](#) and our LinkedIn page: www.linkedin.com/company/arbitralwomen/

Newsletter Editorial Board

Maria Beatriz Burghetto,
Dana MacGrath, Erika Williams

Newsletter Committee

Affef Ben Mansour, Patricia Nacimiento, Donna Ross, Gisèle Stephens-Chu

Graphic Design: Diego Souza Mello
diego@smartfrog.com.br

AW Activities at a Glance: [click here](#)

Membership
Runs Now
Annually
from Date of
Payment



ArbitralWomen Individual & Corporate Membership

ArbitralWomen's 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, we would be happy to answer any questions.