



COLUMBIA LAW SCHOOL

COLUMBIA INTERNATIONAL  
ARBITRATION ASSOCIATION



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW



# COLUMBIA ARBITRATION DAY 2016

## The System Reexamined: Challenging Assumptions in International Arbitration

**Friday, February 19, 2016**

**Columbia Law School, New York**

***New York State Areas of Professional Practice  
7.0 total New York State CLE credits are available for this event:  
5.5 Areas of Professional Practice credits & 1.5 Ethics and Professionalism credits***



GRAF & PITKOWITZ

 Freshfields Bruckhaus Deringer US LLP **Debevoise & Plimpton** **WHITE & CASE** **chadbourne** **KING & SPALDING**

SYNERCUS GROUP



MILAN  
CHAMBER OF  
ARBITRATION

**NYIAC** New York  
International Arbitration Center



NEW YORK STATE BAR ASSOCIATION  
DISPUTE RESOLUTION SECTION



**VIAC** Vienna International  
Arbitral Centre







## Welcome from the Dean



Dear Conference Participant,

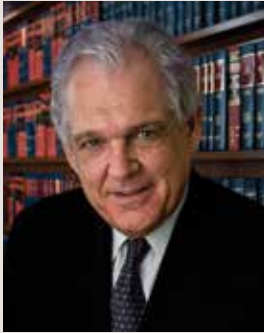
It is my pleasure to invite you to Columbia Arbitration Day on February 19th, 2016. We are very pleased to host several leading practitioners in the field of international arbitration, outstanding faculty, as well as students and alumni, for a day-long conference. This effort arises from our recognition of the common interests of practitioners, academics, and students in this field, and our belief that we can offer a valuable and unique service by bringing these diverse groups together. We hope to provide a platform for the mutually beneficial exchange of ideas and solutions to some of the most prominent and difficult issues this field faces today.

We hope that you will take advantage of this opportunity, and we look forward to welcoming you to Columbia Law School.

Best,  
Gillian Lester  
Dean and the Lucy G. Moses Professor of Law



## Welcome from Professor George Bermann



Now in its seventh year, Columbia Arbitration Day (“CAD”) has become a fixture on the international arbitration community’s annual calendar—and for good reason. The event has a sterling reputation, even alongside the many fine programs that populate the field. Attainment of this status is all the more impressive due to the fact that the Columbia International Arbitration Association (CIAA) has made this possible with minimal reliance on the faculty and administration of the Law School. It is a tribute to the initiative, resourcefulness and energy of the student organizers.

The theme this year, like those of years past, is central to the health and vitality of the international arbitration regime, both commercial and investor-State. New challenges seem to be a constant for international arbitration, a reality that helps make the field the dynamic and ever-changing one that it is. This year’s program reflects the CIAA’s attunement to the nature and importance of the challenges that the regime currently faces. Criticism of arbitration is as robust as ever, and the more fora that explore the critiques, the better.

The roster of speakers is also as magnificent as ever. That too is a product of CIAA’s energy and ambition in attracting the best and brightest to address us on this occasion. It is a genuine tribute to the program that invitees accept with alacrity invitations to speak at CAD.

I am delighted to be back at the law school this academic year after a substantial health-related absence, and witnessing and modestly contributing to the achievements of our international arbitration-minded students – both J.D. and LL.M. – is among this homecoming’s brightest aspects.

And so, along with the Dean and CIAA, I welcome you to this year’s installment of CAD. I have every confidence that you will find the day as instructive as it is enjoyable. Thank you for being part of it.

With sincerest regards,  
Professor George A. Bermann  
Director, Center for International Commercial and Investment Arbitration  
Columbia Law School



## Welcome from the Conference Chairs



Dear Conference Participants:

It is our pleasure to invite you to the seventh annual Columbia Arbitration Day on Friday, February 19th, 2016. For the past seven years, Columbia Arbitration Day has brought together scholars, practitioners, and students from across the world to Columbia Law School for an annual discussion on the challenges that drive the international arbitration community.

The theme of this year's conference is "The System Reexamined: Challenging Assumptions in International Arbitration." In light of the complex and evolving nature of the field, this theme reflects a desire to consider new perspectives on issues that have long been accepted as canonical aspects of the system. Our four panels each require us to reevaluate

preconceptions of international arbitration: the trends and prospects of class arbitrations, the role of auxiliaries and associated conflicts of interest, challenges to the system's legitimacy, and the enforcement of arbitral awards in situations of public international law violations.

Columbia Arbitration Day 2016 will be a unique opportunity for scholars, practitioners, and students to share experiences and gain insight into some of the most significant and dynamic issues in the field. We hope that this forum will allow participants to capitalize on opportunities to learn from fellow experts, make meaningful connections, and further the dialogue on international arbitration.

Thank you for your participation, and welcome to Columbia Arbitration Day 2016.

Sincerely yours,

Simón Navarro González, Tamer Mallat, Libby Marden, Mevelyn Ong, and Amanda Jiménez Pintón  
Columbia Arbitration Day 2016 Conference Co-Chairs



## Welcome from the Founder and Executive Advisor



With the Columbia Arbitration Day now in its 7th year, we can look back at a series of events that has not only helped keep the international arbitration community on top of issues current at the time, but also allows us to draw a trend-line of topics that is indicative of the arbitration community's own agility and ability to swiftly adjust to the challenges facing arbitration and its users.

So it comes as no surprise that this year, under the theme of "The System Reexamined", the Columbia Arbitration Day takes a particularly hard look at the challenges facing the arbitration community today, including key topics such as the evolution of class action arbitration, the resolution of conflicts of interests in various contexts (e.g., third party funding) and diversity in arbitration.

In short: this year's program promises yet again to be a highly compressed, day-long opportunity for practitioners, arbitrators and academics to hear the leading experts speak on the prime issues facing arbitration today.

The engine of success for this outstanding program is a team of incredibly dedicated students which has (on top of mastering Columbia's demanding curriculum) spent several months preparing this event, exchanging views with academics and practitioners, shaping the topics and panels, and securing speakers and funding for the conference. It has been a privilege for me to work with them. Please join me in congratulating the team of conference chairs and the organizing committee for putting on such a terrific program.

With this, I welcome you to this year's edition of the Columbia Arbitration Day, which I am certain you will find to be a very rewarding and intellectually enriching experience.

Sincerely yours,  
Dr. Matthias M. Pitkowitz  
Chief Executive Officer, Synercus Group  
Founder and Executive Advisor, Columbia Arbitration Day



## Information

### Date

Friday, February 19, 2016

### Conference Venue

Columbia Law School

Jerome L. Greene Hall

435 West 116th Street, at the intersection of Amsterdam Avenue

New York, NY 10027

### Travel

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. For further information on hotel accommodation please visit <http://www.columbia.edu/content/visitors-center.html>

### Registration

Pre-register online at <http://web.law.columbia.edu/columbia-arbitration-day>. Online pre-registration is necessary to secure attendance. Please note that conference rates are flat and fees cannot be prorated according to attendance. Space is limited. Confirmed reservations are transferable. In order for your name to appear on the list of participants, which will be distributed at the conference, your registration information must have been received by February 15, 2016.

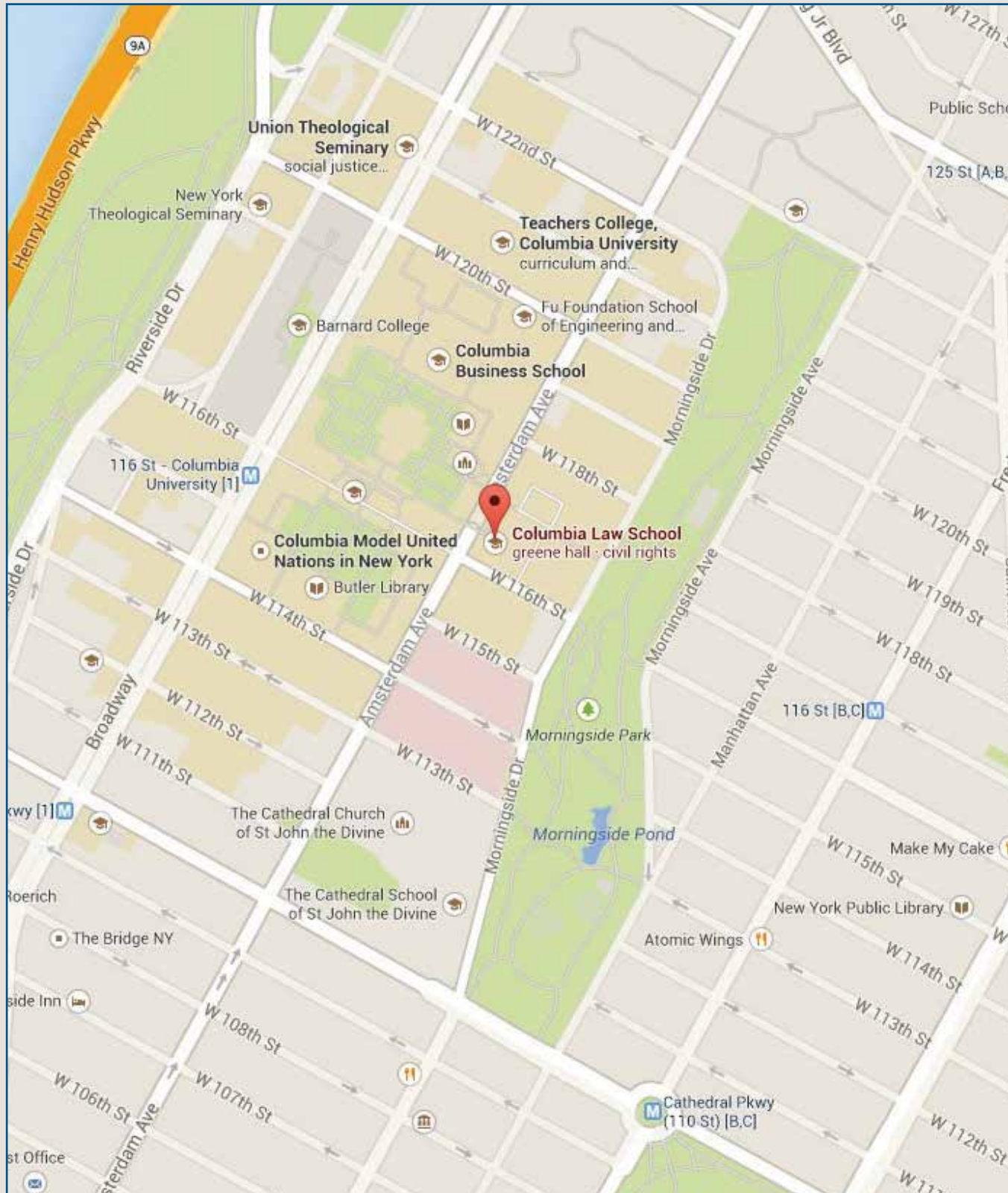
### Columbia Law School's CLE Financial Aid Policy

Persons seeking a hardship scholarship should register using the form below and then separately complete their registration by submitting a scholarship request, no later than February 15, 2016, to the Columbia International Arbitration Association ([ciaa@law.columbia.edu](mailto:ciaa@law.columbia.edu); carbon copy to [tm2783@columbia.edu](mailto:tm2783@columbia.edu)). Requests, which will be answered, should detail in a few sentences the basis of the applicant's need and the background to his or her interest. Please understand that without a complete scholarship request, the applicant may be notified that the scholarship registration has been cancelled.





## Columbia Law School Map







COLUMBIA LAW SCHOOL

COLUMBIA INTERNATIONAL  
ARBITRATION ASSOCIATION



GRAFF & PITKOWITZ  
ATTORNEYS-AT-LAW

### Information Regarding New York CLE Credits

Columbia Law School has been certified by the New York State Continuing Legal Education (CLE) Board as an Accredited Provider of CLE programs. Under New York State CLE regulations, the live non-transitional CLE Program will provide 5.5 credit hours that can be applied toward the Areas of Professional Practice requirement and 1.5 credit hours that can be applied toward the Ethics and Professionalism requirement. CLE credit is awarded only to New York attorneys for full attendance of a Program in its entirety. Attorneys attending only part of a Program are not eligible for partial credit for it, although they are most welcome to attend it. Attendance is determined by an attorney's sign-in and sign-out, as shown in the Conference registers. On sign-out, attorneys should also submit their completed Evaluation Form, provided at the Conference. Please note the NYS Certificates of Attendance will be sent to the email address as it appears in the register unless otherwise noted there. Attorneys seeking credit for a jurisdiction other than New York should consult the relevant jurisdiction's guidelines for the reporting of such credit.

### Inquiries

Please direct your inquiries regarding CLE to Michael Patullo ([michael.patullo@columbia.edu](mailto:michael.patullo@columbia.edu)) and all other registration or conference inquiries to the Columbia International Arbitration Association ([ciaa@law.columbia.edu](mailto:ciaa@law.columbia.edu)).



*Chadbourne lawyers have a wealth of experience in all forms of arbitration, including commercial, investor-state, NAFTA, and WTO proceedings before panels worldwide.*

*We are proud supporters of*  
**Columbia Arbitration Day 2016**



COLUMBIA LAW SCHOOL

COLUMBIA INTERNATIONAL  
ARBITRATION ASSOCIATION



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW

## Panels

The first panel, *“Trends and prospects in class arbitrations,”* focuses on the issues that arise in group and class arbitrations in light of recent cases both in the United States and abroad.

The second panel, *“The role of auxiliaries and associated conflicts of interest,”* is a mock case that addresses the conflicts of interest that arise from the involvement of third parties in arbitral proceedings, include third-party funders, administrative secretaries, and amicus curiae.

The Keynote Address, “Diversity in 2016,” discusses the essential role that women and minorities play in international arbitration and the importance of diversity in the legitimacy of the whole dispute resolution system.

The third panel, *“Challenges of legitimacy in international arbitration,”* discusses the procedural and substantive dimensions of systemic legitimacy issues that are common to both commercial and investment arbitration.

The fourth panel, *“Enforcing arbitral awards in public international law and public policy violations: the case of corruption,”* is a mock case that examines the consequences of corruption on the enforcement of awards and analyzes the tools available to practitioners, arbitrators, and judges to address these issues.

# We are proud to support Columbia Arbitration Day

The International Arbitration practice at White & Case is widely recognized as preeminent in its field. With more than 150 arbitration practitioners, we cover every jurisdiction, arbitral forum and industry sector, and work under multiple laws and in diverse languages.

---

### “Clearly the best in the business”

*Chambers Global: International Arbitration*  
(Band One)

### Law Firm of the Year for International Arbitration – Commercial

*U.S. News & World Report and Best Lawyers®*

---

[whitecase.com](http://whitecase.com)

WHITE & CASE

In this advertisement, White & Case means the international legal practice comprising White & Case LLP, a New York State registered limited liability partnership, White & Case LLP, a limited liability partnership incorporated under English law and all other affiliated partnerships, companies and entities.



# Challenge Accepted.



Graf & Pitkowitz is a full service law firm based in Vienna, with a strong focus on international arbitration. Our attorneys have represented domestic and international companies in complex arbitrations at all of the world's leading arbitration centers.

Graf & Pitkowitz  
Attorneys at Law  
[office@gpp.at](mailto:office@gpp.at)  
[www.gpp.at](http://www.gpp.at)

Tel +43 (1) 401 17-0  
Fax +43 (1) 401 17-40  
Stadiongasse 2  
A-1010 Vienna

Tel +43 (316) 833 777-0  
Fax +43 (316) 833 777-33  
Marburger Kai 47  
A-8010 Graz



## Conference Program

Friday, February 19 at Columbia University School of Law, Jerome Greene Hall

8:30 a.m. – 8:50 a.m.

*Jerome Greene Hall Lobby*

**Registration & Breakfast**

8:50 a.m. – 9:00 a.m.

*Jerome Greene Hall 106*

**Conference Opening**

**Nikolaus Pitkowitz**, *Graf & Pitkowitz*

9:00 a.m. – 10:20 a.m.

*Jerome Greene Hall 106*

**Panel 1 – Trends and prospects of class arbitration**

MODERATOR: **John Fellas**, *Hughes Hubbard & Reed LLP*

**Daniel Slifkin**, *Cravath, Swaine & Moore LLP*

**Carolyn B. Lamm**, *White & Case LLP*

**Noiana Marigo**, *Freshfields Bruckhaus Deringer LLP*

**Mark Beckett**, *Chadbourne & Park LLP*

10:20 a.m. – 10:40 a.m.

*Outside Jerome Greene Hall 106*

**Coffee Break**

10:40 a.m. – 12:00 p.m.

*Jerome Greene Hall 106*

**Panel 2 - Mock Case: The role of auxiliaries and associated conflicts of interests**

MODERATOR: **Sophie Nappert**, *Independent Arbitrator*

**John Beechey**, *Independent Arbitrator*

**Chiann Bao**, *Hong Kong International Arbitration Centre*

**Roland Ziadé**, *Linklaters LLP*

**José Antonio Caínzos**, *Clifford Chance LLP*

12:00 p.m. – 1:10 p.m.

*Faculty House, 2nd Floor*

**Lunch**

1:10 p.m. – 2:00 p.m.

*Faculty House 2nd Floor*

**Keynote Address: Diversity in 2016**

**Yas Banifatemi**, *Shearman & Sterling LLP*

**Emmanuel Gaillard**, *Shearman & Sterling LLP*

2:00 p.m. – 3:20 p.m.

*Jerome Greene Hall 106*

**Panel 3 - Challenges of legitimacy in international arbitration**

MODERATOR: **George Bermann**, *Columbia Law School*

**José Manuel García Represa**, *Dechert LLP*

**Gabrielle Kaufmann-Kohler**, *Lévy Kaufmann-Kohler*

**Justin D'Agostino**, *Herbert Smith Freehills LLP*

**José Ricardo Feris**, *ICC International Court of Arbitration*

3:20 p.m. – 3:40 p.m.

*Jerome Greene Hall Lobby*

**Coffee Break**

3:40 p.m. – 5:00 p.m.

*Jerome Greene Hall, 106*

**Panel 4 - Mock Case: Enforcing arbitral awards in situations of international public law and public policy violations**

MODERATOR: **Kabir Duggal**, *Baker & McKenzie LLP*

**Eric Schwartz**, *King & Spalding LLP*

**Hon. Delissa A. Ridgway**, *U.S. Court of International Trade*

**Martin Doe**, *Permanent Court of Arbitration*

**Floriane Lavaud**, *Debevoise & Plimpton LLP*

5:00 p.m. – 5:15 p.m.

*Jerome Greene Hall, 106*

**Concluding Remarks by CAD Co-Chair and Raffle Contest**

5:15 p.m. – 7:00 p.m.

*Drapkin Lounge*

**Cocktail Reception**



## Materials for Panel 2 Mock Case: The role of auxiliaries and associated conflicts of interest

### Regulatory Background

In early 2015, the International Bar Association (IBA) revised its *Guidelines on Conflicts of Interest in International Arbitration*. The main changes concern the effects of “advance waiver,” standards of impartiality and independence governing i) arbitrators who are also employed at large law firms that may be engaged as counsel in the present or related proceedings, ii) arbitral administrative secretaries, and iii) third party funders. This mock case will consider the conflicts of interest issues that arise from the involvement of third parties in arbitral proceedings. The “third parties” under the spotlight may include third-party funders, administrative secretaries and amicus curiae.

Suggested ideas for the role-playing component

### Case Background

The dispute involves two non-state parties and the institution administering the arbitration is the ICC Arbitration Court. The members of the arbitral tribunal are Mr. Prestigious (appointed by the claimant), Ms. Intellectual (appointed by the respondent) and Ms. Sapiencia (appointed by the two other co-arbitrators).

One month after the appointment of the tribunal, the executed Terms of Reference provided that the proceedings would be “strictly confidential,” and that other than as required by law, no notice of the proceedings would be disclosed to any persons or entities who was not a party to the arbitration.

Following the establishment of the Terms of the Reference, three things occurred:

- The claimant - in fulfilment of its corporate disclosure obligations - released a media statement stating that arbitration had been filed against the respondent in relation to a resource development project in a developing country X. The claimant contended that respondent’s defective performance of its construction obligations under the contract had led to a poisonous groundwater leakage, resulting in severe detrimental impact for the indigenous residents residing downstream of the project. The claimant stated that it was seeking several billion dollars in damages, to remedy the construction defects and to establish a compensation fund for the affected residents.
- The tribunal informed the parties that it would be assisted by an administrative secretary (AS). There was no proviso made in the parties’ Terms of Reference for the involvement of an AS. The AS did not submit a disclosure statement pertaining to his independence and impartiality prior to his appointment as an AS. In any case, no party requested the submission of such a statement, and no party made an objection to his appointment at the relevant time.
- The respondent found out that the claimant lacked financial resources and suspected that it was relying on a third-party funder to cover the costs of this arbitration. The claimant has not disclosed any information related to the identity of an alleged funder or the existence of a funding agreement.

### During the proceedings

Following the release of this media statement, an environmental NGO monitoring projects in developing country X sought permission to act as an amicus curiae on the basis that it had an interest as environmental and human rights issues were implicated. If the NGO was allowed to participate, its submissions would strengthen respondent’s partial defense that the construction defects were a consequence of the plaintiff essentially requiring it to violate certain employment conditions; yet conversely, also support claimant’s contention that respondent’s defective



performance had caused the environmental catastrophe. Both parties objected to the NGO's participation as amicus, primarily on the grounds that the developing trend in investment arbitration in favor of transparency allowing such participation ought not to be relevant here.

At the same time, Respondent's suspicions are confirmed. The claimant has just issued a press release informing that it is receiving funds to cover the costs of the present arbitration by a non-identified third-party. Pursuant to the press release, this third party would be entitled to receive a portion of any amount recovered in relation to any final settlement of, or award, in connection with the arbitration. Following the request for document production and the subsequent reception of claimant's documents, Respondent finds out the identity of the funder. It further discovers that Mr. Prestigious, claimant's appointed arbitrator, is also serving as counsel in another arbitration in which the disputed claim is funded by the same funder. Respondent challenges Mr. Prestigious and files a security for costs order based, inter alia, on the claimant's insolvency situation and the lack of transparency surrounding the third-party funder.

As a result of the involvement of the third-party funder, there are additional discussion between the parties on the way the arbitral tribunal should allocate the costs of the arbitration. The claimant requests that it should be awarded costs of proceedings including legal costs based on the outcome-based recovery method frequently used in investment arbitration. In contrast, the respondent argues that the outcome-based recovery method is not applicable to this arbitration and that the claimant is not entitled to recover those legal costs since they could have been born by the third-party funder.

#### **Once the award has been rendered**

On the day that the arbitral tribunal was to notify its final award to the parties, the AS accidentally forwarded his LL.M thesis, together with an electronic copy of the final award. As a consequence, it was discovered that the AS's thesis supervisor was in fact, the President of the tribunal Ms. Sapiencia, and that the peer review was undertaken by Mr. Prestigious, claimant's appointed arbitrator. Moreover, the thesis focused on resolving an expert witness dispute that was a mirror-image of one of the most significant issues in dispute in the present proceedings. The thesis concluded in favor of the claimant just in the same fashion the final award did.

In scrutinizing the arbitral award, the ICC Court requested the time and expenses of the tribunal members, as well as that of the AS. Copying in the parties in its email, the tribunal notified the ICC Court that it had recorded the following time estimates: 200 hours (Ms. Sapiencia) -120 (Mr. Prestigious) -120 hours (Ms. Intellectual). The AS provided his time estimate as 700 hours, much of which was devoted to managing the arbitration (including issuing all procedural orders and "assisting in the drafting" of the award).





### **Materials for Panel 4 Mock Case: Enforcing arbitral awards in situations of public international law and public policy violations: the case of corruption**

Party A is a State agency of the Popular Republic of Tamerland that oversees oil and gas licensing (the “Tamerland Oil and Gas Authority”). Party B (“IsalInvestments”) is a multinational headquartered in New York City. Party C (“KabirProm”) is a multinational also headquartered in New York City.

Towards the end of 2012, a leading team of international geologists discovered important oil reserves in a remote Tamerland region. A bid was organized by the State, and a number of companies tendered for exclusive rights to develop and exploit the region’s oil reserves.

In 2014, IsalInvestments won the bid, and subsequently entered into a contract (“Contract A”) with the Tamerland Oil and Gas Authority. The contract confers IsalInvestments, inter alia, exclusive rights to exploit oil reserves in the oil-rich Tamerland region for a duration of ten years. The law governing the contract is New York law. An arbitration clause provides for ICC arbitration. The number of arbitrators shall be one.

A year later, in 2015, IsalInvestments’ main competitor, KabirProm, entered into a contract (“Contract B”) with the Tamerland Oil and Gas Authority. The contract granted KabirProm exclusive rights to exploit oil fields in the same region that IsalInvestments had established itself just a year earlier. The terms of Contract B are identical to those of Contract A.

Shortly thereafter, Tamerland authorities rescinded Contract A, and stripped IsalInvestments of its license.

IsalInvestments filed for ICC arbitration against KabirProm and Tamerland. After receiving two notices, the ICC Court decided to consolidate the two proceedings into one arbitration. After bitter negotiations, the parties finally agreed upon the appointment of Mr. Miraculous, a national of Tamerland, as sole-arbitrator. IsalInvestments, reluctant about the nomination of Mr. Miraculous, accepted his appointment only after Tamerland and KabirProm agreed not to challenge the jurisdiction of the arbitral tribunal. IsalInvestments is pressed for time as it must pay interest on a high-yield bond it issued to finance its unfortunate investment. IsalInvestments alleges to have incurred losses of over USD 2 billion. No bilateral investment treaty exists between the United States and Tamerland.

In addition to bringing a breach of contract claim, IsalInvestments suspects KabirProm to have paid substantial bribes to senior Tamerland officials to obtain Contract B.

Unbeknownst to Respondents, a number of exiled former high-ranking officials that were present during the signing of Contract B, but which soon after fell out of favor with the Tamerland government, recently approached IsalInvestments, and have agreed to testify before the arbitral tribunal. The team of lawyers representing IsalInvestments believe that they have a strong case to meet the standard and burden of proof required to prove allegations of corruption.

#### Questions and Issues

##### **During the proceedings:**

During the proceedings, sole arbitrator Mr. Miraculous, unsure of how to deal with the allegations of corruption, goes before the arbitral institution administering the case to seek its’ advice as to whether there is a legal or ethical ground to seek a dismissal of the case.

A question the arbitrator and the institution face, is whether an arbitral tribunal is empowered and competent to adjudicate claims of corruption, which are, in many jurisdictions, within the sole purview of criminal courts. Must proceedings be stayed until this issue is settled by the local courts?



If you were the arbitral institution and are asked to provide guidance on legal and ethical questions, what would you advise, and what factors would you consider in making your determination?

During proceedings, the arbitrator is also faced with the issue of the burden and standard of proof to deal with allegations of corruption. How would the arbitrator and institution, in a broad setting, look at red flags and issues of that nature? Is there a role to also be played by the parties' attorneys?

Another question that might merit some discussion: what would the tribunal do if the domestic investigating authorities had decided that there was no corruption established, yet the applicant raised it again in the arbitration?

After considering these issues, the institution finally determines that there is no basis to seek dismissal.

**At the enforcement stage:**

In his final award, and notwithstanding IsalInvestments' compelling case, Mr. Miraculous found that all allegations of corruption were baseless. With respect to the breach of contract claim, Mr. Miraculous looked to the act of state doctrine to dismiss IsalInvestments' case. In addition, Mr. Miraculous ordered IsalInvestments to pay USD 300 million to Tamerland and KabirProm in damages for bringing a frivolous suit, in addition to attorneys' fees of over USD 20 million.

Tamerland and KabirProm move to seek enforcement of the award in New York, where IsalInvestments holds all of its assets. IsalInvestments vehemently challenges the attempt to enforce the award before the New York judge, on the grounds that it violates international public policy.

What are the powers and instruments at the judge's disposal to address this case? Does the New York Convention provide any tools to address these issues?

Assume that IsalInvestments accuses sole arbitrator Mr. Miraculous (a national of Tamerland) of having being influenced by Tamerland authorities. What is the burden and standard of proof needed for IsalInvestments to contest the enforcement of the award? How would the judge address these issues?



## Conference Opening

### Nikolaus Pitkowitz, Graf & Pitkowitz, Austria

Dr. Nikolaus Pitkowitz is founding partner and head of dispute resolution at Graf & Pitkowitz, Vienna. Dr. Pitkowitz has acted as counsel and arbitrator in a multitude of international arbitrations, including several high profile disputes. Dr. Pitkowitz is Vice-President of VIAC (Vienna International Arbitral Centre). He has been appointed as arbitrator and panel member of several arbitration institutions including ICC, ICDR, SIAC, CIETAC, HKIAC, KCAB and KLRCA. He is also a Fellow of the Chartered Institute of Arbitrators (FCIArb) and Vice-chair of the International Arbitration Committee of the Section of International Law of the American Bar Association (ABA). Dr. Pitkowitz is author of numerous publications on international dispute resolution.



## Speaker Biographies

### Panel 1: Trends and prospects of class arbitrations

*Moderator: John Fellas, Hughes Hubbard & Reed LLP, New York*

Mr. John Fellas is a partner in the New York office of Hughes Hubbard & Reed LLP, and co-chair of the Arbitration Practice, and co-chair of the International Practice of that firm. Mr. Fellas has practiced in both the U.S. and England, and as well as being a member of the New York Bar, he is also a Solicitor of the Supreme Court of England and Wales.

He has served as counsel, and as chair, sole arbitrator and co-arbitrator, in arbitrations under the AAA, ICDR, ICC, LCIA, UNICTRAL, SIAC and ad hoc rules. He also serves on the Mediation Panel of the District Court for the Southern District of New York. He has also been retained to act as an expert witness on U.S. law in proceedings in other countries. He is a member of the Board of Directors of the American Arbitration Association and of the Subcommittee on the Revision of the International Centre of Dispute Resolution Arbitration Rules.

He has been recognized for his practice in international arbitration by: Who's Who Legal – The International Who's Who Of Business Lawyers; Chambers USA - Guide to America's Leading Business Lawyers; Chambers Global; The Best Lawyers In America; Euromoney Expert Guides -- Best of the Best USA. Recent editions of Chambers Global and Chambers USA noted that he is "a wonderful lawyer with very thorough legal knowledge," and that he is "one of the best--his reputation is phenomenal and deserved." He has also been recognized for his practice in commercial litigation by: Who's Who Legal – The International Who's Who of Business Lawyers; New York Super Lawyers. He is co-editor of *International Commercial Arbitration in New York* (Oxford University Press 2010). He received a B.A. (Hons.) from the University of Durham, England, and both an LL.M. and an S.J.D. from the Harvard Law School.

**Mark Beckett**, *Chadbourne & Parke LLP, New York*

Mr. Mark Beckett specializes in international commercial arbitration and international investment arbitration, as well as corporate social responsibility and Alien Tort Statute / Torture Victim Protection Act claims. He is the head of the International Arbitration Group. His practice focuses on the resolution of disputes relating to project construction, long-term purchase agreements, complex commercial, acquisition and joint venture disputes, and those involving demand guarantees, corporate guarantees and state undertakings. Mr. Beckett also arbitrates disputes involving the expropriation of assets by sovereigns giving rise to state responsibility under international law. His experience includes complex arbitrations under the major international rules (ICC, ICDR, LCIA, UNCITRAL, ICSID, etc.) and representation of a diverse range of clients, including in the investment and finance, construction and project development, insurance, technology, power, consumer products and fashion industries. Mr. Beckett is the US Member on the ICC International Court of Arbitration. He is also a Lecturer on Law at Harvard Law School teaching International Commercial Arbitrations

**Carolyn B. Lamm**, *White & Case LLP, Washington DC, United States*

Ms. Carolyn B. Lamm is a partner of White & Case LLP based in Washington, DC and Co-Chair of the International Arbitration Americas. Ms. Lamm has led teams and argued successfully ICSID, ICC, ICDR, Vienna Center, and Geneva Chamber international arbitrations. She was past President of the District of Columbia Bar and the American Bar Association; Chair of the Board of the American-Uzbekistan Chamber of Commerce; member of the Board of the American-Turkish Council and the American Indonesian Chamber of Commerce.

Ms. Lamm sits as an arbitrator in ICSID and ICDR; previously on the U.S. Panel and now on Government of Uzbekistan Panel of Arbitrators for ICSID arbitration. Previously she was a Member of the American Arbitration Association Executive Committee and Board and the American Law Institute's Council. She was also a member of the Advisory Committee on the Restatement on International Arbitration, a Counselor on the ALI Restatement 4th on Public International Law



and a Counselor to the Executive Board of ASIL. Ms. Lamm was also a member of the Governing Board of ICCA. Ms. Lamm is a Visiting Professor teaching International Investment Arbitration at the University of Miami, School of Law. She has been recognized by peers for excellence: 2013 National Law Journal's "100 Most Influential Lawyers in the US"; October 2011 *Washingtonian Magazine* "100 Most Powerful Women in Washington" and "One of 30 Top Lawyers in DC"; and *Lawdragon* 500 Leading Lawyers in America. Ms. Lamm holds 2 Honorary Doctor of Laws Degrees (SUNY, Drexel).

**Noiana Marigo**, *Freshfields Bruckhaus Deringer LLP, New York*

Ms. Noiana Marigo is a partner in the international arbitration group of Freshfields Bruckhaus Deringer LLP based in New York. She specializes in Latin America, counseling foreign investors and States throughout the region in a variety of commercial and investment treaty arbitrations, both in English and Spanish, across a variety of sectors including oil, mining, electricity, gas, water, sovereign debt, steel plants and airport services. She currently represents several investors in arbitrations against Argentina, Bolivia, Venezuela and Ecuador, as well as the Republic of Guatemala. Ms. Marigo publishes and lectures regularly on arbitration related matters. She is the President of the Editing Committee of the Asociación Latinoamericana de Arbitraje (ALARB), a member of the Committee on Protocols for Fair and Effective Arbitration of the International Council for Commercial Arbitration (ICCA) and a member of the International Bar Association (IBA) Recognition and Enforcement of Arbitral Awards Subcommittee.

**Daniel Slifkin**, *Cravath, Swaine & Moore LLP, New York City*

Mr. Daniel Slifkin is a partner in Cravath's Litigation Department. During his 25 years at Cravath, Mr. Slifkin has conducted numerous domestic and international arbitrations, as well as having tried cases in state and federal courts throughout the United States. He has extensive experience representing some of the world's leading financial institutions as well as other companies in disputes concerning a wide variety of issues, including antitrust, bankruptcy, employment, general commercial, intellectual property and securities. Mr. Slifkin received his B.A. and B.C.L. degrees from Oxford University and his J.D. from Harvard Law School. He is a member of the Northeast Subcommittee on the ICC National Arbitration Committee for the U.S. Council for International Business.

**Panel 2 (Mock Case): The role of auxiliaries and associated conflicts of interest**

*Moderator: Sophie Nappert, Independent Arbitrator, London*

Ms. Sophie Nappert is a dual-qualified lawyer in Canada and in the UK. She is an arbitrator in independent practice, based in Gray's Inn, London, specializing in international disputes, notably in energy, infrastructure, natural resources and cross-border investment. Before becoming a full-time arbitrator, she was Head of International Arbitration at a global law firm.

Ms. Nappert is trained and has practiced in both civil law and common law jurisdictions. She is the peer-nominated Moderator of OGEMID, the online discussion forum on current issues of international investment law, economic law and arbitration. She is ranked in Global Arbitration Review's Top 30 List of Female Arbitrators Worldwide and is commended as a "leading light" in the field by Who's Who Legal.

Ms. Nappert delivered the 2015 inaugural Annual Lecture of EFILA, the European Federation of Investment Law and Arbitration, on the topic of *Escaping from Freedom? The Dilemma of an Improved ISDS Mechanism*. She is the author of a *Commentary on the 2010 UNCITRAL Arbitration Rules: A Practitioner's Guide* (Juris, 2012). She is a guest lecturer at Columbia Law School, Harvard Law School and McGill University Faculty of Law. She created the Nappert Prize in International Arbitration, open to young scholars and practitioners worldwide, and administered under the auspices of McGill University.

**Chiann Bao**, *Hong Kong International Arbitration Centre, Hong Kong*

Ms. Chiann Bao serves as Secretary-General of the Hong Kong International Arbitration Centre, most recently ranked by an international arbitration survey as the most improved institution over the past five years as well as the most institutions used outside of Europe. In the capacity of Secretary-General, Ms. Bao functions as the chief executive officer of the HKIAC and oversees the administration of a full range of ADR support services. She is a Councilor of the International Federation of Commercial Arbitration Institutions (IFCAI). In addition, Ms. Bao serves as a board member of the Practical Law Company, the Association of Corporate Counsel's International Advisory Board, the Asian Dispute Review's Editorial Board, and the NYIAC Board of Advisors. She is an adjunct professor at Hong Kong University. A New York qualified lawyer, Ms. Bao practiced at an international law firm in New York before joining the HKIAC in 2010.

**John Beechey**, *Independent Arbitrator, London and Hong Kong*

Mr. John Beechey was a Partner and the Head of the International Commercial Arbitration Group at Clifford Chance. He served as Counsel and Arbitrator and continues to be available to serve as an arbitrator in both "ad hoc" (including UNCITRAL) and institutional arbitrations under the Rules of, inter alia, the EDF, ICC, ICDR/AAA, ICSID, LCIA, PCA, SIAC and Stockholm Chamber. Among the 18 investor-state disputes and disputes with states in which he has served as an arbitrator are: ICSID Cases No. 06/10, 09/18, 11/26, 13/34, and 14/1. In 2009, Mr. Beechey was appointed as President of the ICC Court of Arbitration. In this capacity, he has overseen the introduction of the new ICC Arbitration and Mediation Rules and new Rules for Experts. He was primarily responsible for the Court's move to new premises and he proposed and implemented the establishment of the new Governing Body, which has the responsibility for long-term strategic planning for the Court. His term of office has seen the opening of the Court's operations in New York, the inception of the Jerusalem Arbitration Centre and many changes to the practices of the Court, the principal purpose of which has been to improve the efficiency of the Court and the quality of the service that it offers to its users.

**José Antonio Caínzos**, *Clifford Chance LLP, Madrid*

Mr. José Antonio Caínzos is the head of the Litigation, Dispute Resolution and Arbitration practice at Clifford Chance Spain and member of its International Arbitration Group. He is a State Lawyer on leave of absence. He obtained his Law Degree from the University of Santiago de Compostela. Mr. Caínzos is also Professor of Civil, Procedural and Arbitration Law at the IE Business School, San Pablo-CEU and IEB and a member of the Spanish Committee of the ICC and its Latin-American Group. He is a founding member and President of the Spanish Arbitration Club. He





is included on the panels of arbitrators for the Madrid Court of Arbitration, the Spanish Court of Arbitration, CIMA, the I.C.A.M. Court of Arbitration, the ICDR of the AAA, the Commercial Arbitration Centre of Lisbon, KLRCA and CAMFIEP. He has participated in over 120 arbitration proceedings, both as a lawyer and as an arbitrator, before the most prestigious Spanish arbitration institutions, as well as before the ICC, LCIA, AAA, ICSID in proceedings with UNCITRAL, OACI rules and ad hoc arbitrations.

**Roland Ziadé, Linklaters LLP, Paris**

Mr. Roland Ziadé is a partner at Linklaters and a member of the Paris, New York and Beirut Bars. He has acted as counsel in numerous commercial and investment arbitration proceedings under most major institutional rules (ICC, ICSID, LCIA, SCC, DIAC, CCJA, etc.). and has a specific focus on the Middle East and Africa. He has also acted as arbitrator in over 45 arbitral proceedings including ICC, LCIA, UNCITRAL, DIFC-LCIA, DIAC, CRCICA, AFA, and Swiss Chambers arbitral proceedings. He is distinguished by *Chambers Global*, *Legal 500*, *The International Who's Who of Commercial Arbitration*, *the Guide to the World's Leading Experts in Commercial Arbitration* and *Global Arbitration Review's "45 Under 45"* for his expertise in international arbitration. Mr Ziadé is a member of the ICC International Court of Arbitration, the ICC Commission on Arbitration, the ICC Institute of World Business Law, the International Arbitration Institute, the Executive Committee of the *Comité Français de l'Arbitrage*, the Executive Committee of the Foundation for International Arbitration Advocacy, the Swiss Arbitration Association, the London Court of International Arbitration, as well as various ICC and IBA working groups and committees. He teaches arbitration at Versailles University and the Paris Bar School and is a member of the Editorial Board of the IBA Arbitration Newsletter. He is a writer of numerous articles on international arbitration and a regular speaker at conferences. He is fluent in English, French and Arabic.

**Keynote Speakers: Diversity in 2016****Yas Banifatemi, Shearman & Sterling LLP, Paris**

Dr. Yas Banifatemi is a partner in Shearman & Sterling LLP's International Arbitration Group and leads the firm's Public International Law Practice. She advises and represents States, State-owned entities and corporations on both public international law and international arbitration issues. She has acted as counsel and arbitrator in arbitration cases under the ICSID, UNCITRAL, ICC, LCIA, SCC, CRCICA and Swiss Arbitration Rules, with particular focus on investment protection, oil & gas and general commercial matters. In 2015, she was appointed a Member of the LCIA (London Court of International Arbitration) Court and a Vice-President of the ICC (International Chamber of Commerce) International Court of Arbitration.

She has been praised as being a "star performer," a "brilliant lawyer with a sharp intellect" and a "prominent figure in international arbitration," also "having a considerable presence in public international law" in Chambers Global. She appeared in the "45 Under 45" feature of American Lawyer's January 2011 issue, a ranking of "The Best and the Brightest" female lawyers under 45, and in the "45 Under 45" feature of Global Arbitration Review's August 2011 issue, a global ranking of the leading figures of the international arbitration bar under 45.

Dr. Banifatemi has authored and edited numerous publications on international arbitration and international law, including, more recently, "The Long March Towards a Jurisprudence Constante on the Notion of Investment," in *Building International Investment Law: The First 50 Years of ICSID* (Kluwer, 2015) (with E. Gaillard), "*Compétence et recevabilité en droit des investissements*" (C. Leben ed., Pedone, 2015) (with E. Jacomy), and "The Impact of Corruption on 'Gateway Issues' of Arbitrability, Jurisdiction, Admissibility and Procedural Issues" (D. Baizeau and R. Kreindler eds., ICC Publication No. 768E, 2015). She also regularly appears as speaker, particularly on issues of investment arbitration and public international law.

Dr. Banifatemi is a Visiting Lecturer in Law at Yale Law School and Lecturer at University of Panthéon-Sorbonne (Paris I), where she teaches international investment arbitration. She is a founding member of the International Academy for Arbitration Law (Arbitration Academy). She holds a Ph.D. in Public International Law from Panthéon-Assas University (Paris II) and an LL.M. from Harvard Law School, 1997. She speaks French, English and Farsi and is admitted to practice at the Paris Bar.

**Professor Emmanuel Gaillard, Shearman & Sterling LLP, Paris**

Professor Emmanuel Gaillard heads Shearman & Sterling's International Arbitration practice. He acts as counsel and as arbitrator in commercial and investment treaty arbitrations. He also regularly appears as expert witness on arbitration law issues, before arbitral tribunals and national courts.

Emmanuel Gaillard is universally regarded as a leading authority and a star practitioner in the fields of both commercial and investment treaty arbitration. Professional directories and publications have noted his "standout reputation," "incredible wealth of knowledge and experience" and "fantastic record in the field."

Over the course of his career, Emmanuel Gaillard has acted on many of the largest international disputes submitted to arbitration. In addition to the USD 50 billion award secured for the majority shareholders of the former Yukos Oil Company, he acted on the ICC arbitration brought by The Dow Chemical Company against Petrochemical Industries Company of Kuwait, which led to a USD 2.47 billion award in favor of Dow, previously distinguished as the largest arbitral award rendered in the history of international arbitration.

A Professor of Law in France and a Visiting Professor of Law at Yale Law School, Emmanuel Gaillard has written extensively on all aspects of arbitration law, in French and in English. Co-author of a leading treatise in the field (*Fouchard Gaillard Goldman On International Commercial Arbitration*), he also authored the first published essay on



COLUMBIA LAW SCHOOL

COLUMBIA INTERNATIONAL  
ARBITRATION ASSOCIATION



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW

the legal theory of international arbitration. The volume, originally published in French (*Aspects Philosophiques du droit de l'arbitrage international*), was subsequently published in English (Legal Theory of International Arbitration), as well as in Arabic, Chinese, Spanish, Hungarian and Portuguese translations.

Emmanuel Gaillard has been appointed by France on the ICSID Panel of Arbitrators. He regularly acts as expert for the OECD, UNCTAD, and UNCITRAL. In 2010, he was appointed as expert by UNCITRAL for the drafting of the forthcoming UNCITRAL Secretariat Guide on the New York Convention. He chairs the International Arbitration Institute (IAI) and was the first President and one of the co-founders of the International Academy for Arbitration Law.

Emmanuel Gaillard is an Agrégé des Facultés de droit and holds a Ph.D. from Panthéon-Assas University (Paris II).

# Succeed here, thrive anywhere

As a worldwide law firm, we can offer you training, experiences and opportunities that few firms can match. It's not surprising that many of our lawyers have amazing stories to tell.

You'll be working with some of the most talented business lawyers in the world, advising on some of the most exciting cases.

You'll gain the experience and knowledge you need to become a world-class lawyer and trusted business advisor.

That's why we say that if you succeed with us, you'll thrive anywhere.



Freshfields

[freshfields.com](http://freshfields.com)

Freshfields Bruckhaus Deringer US LLP



### Panel 3: Challenges of legitimacy in international arbitration

*Moderator: Professor George Bermann, Columbia Law School, New York*

Professor George Bermann, a professor at Columbia Law School for over four decades, directs the law school's Center for International Commercial and Investment Arbitration (CICIA). Professor Bermann also teaches at the École de droit, Institut d'Études Politiques de Paris (Sciences Po Law School) and the MIDS Program (Geneva). He has served as international arbitrator in a great many international commercial and investment arbitrations and frequently testifies on issues of international arbitration law before courts and arbitral tribunals. He is currently Chief Reporter of the ALI Restatement of the US Law of International Commercial Arbitration, director of the Global Board of Advisers of the New York International Arbitration Center, member of the Advisory Council of the International Institute for Conflict Prevention and Resolution, and director of the American Arbitration Association.

*Justin D'Agostino, Herberth Smith Freehills LLP, Asia and Australia*

Mr. Justin D'Agostino is global head of Herbert Smith Freehills' dispute resolution practice and regional managing partner for Asia and Australia. He is a leading international arbitration lawyer, having acted as counsel and advocate before tribunals all over the world and under the rules of all the major institutions, as well as in ad hoc proceedings. He also advises on arbitration-related court proceedings and sits as an arbitrator. Mr. D'Agostino is a member of the Council and Executive Committee of HKIAC, a member of the panel of arbitrators of the Kuala Lumpur Regional Centre for Arbitration and on the board of the Arbitration Institute of the Stockholm Chamber of Commerce. He speaks regularly on a variety of topics relating to arbitration and international law and is a Visiting Professor at Tsinghua University in Beijing. He is admitted as a solicitor in Hong Kong and as a solicitor advocate in England & Wales.

*José Ricardo Feris, ICC International Court of Arbitration, Paris*

Mr. José Ricardo Feris is the Deputy Secretary General of the ICC International Court of Arbitration in Paris, France. He also serves as Global Co-Chair of the ICC Young Arbitrators Forum and Secretary of the ICC Latin American Arbitration Group. Before being appointed Deputy Secretary General he held the positions of Deputy Counsel, Counsel in charge of Latin America and the Iberian Region, and Managing Counsel.

He received his law degree "magna cum laude" from the Pontificia Universidad Católica Madre y Maestra in the Dominican Republic, where he served as Chair of the Law Students Association. He also holds an LL.M. in International Legal Studies from New York University, where he served as Graduate Editor of the Journal of International Law and Politics. He is admitted to practice in the Dominican Republic. His experience in international dispute resolution includes being a law clerk to Judges Rezek and Kooijmans at the International Court of Justice in The Hague. He also worked for the Legal Advisor to the President of the Dominican Republic and represented the Dominican Republic before the Free Trade Agreement of the Americas' negotiation rounds.

In 2006 he was recognized by Junior Chamber International as "Outstanding Young Dominican." He has also been identified by Latin Lawyer as one of the most noteworthy arbitration careers of the Latin American diaspora. He is a founding member and currently serves as board member and Co-Chair of the Editorial Committee of the Latin American Arbitration Association (ALArb). In addition to Spanish, his native language, he speaks English, French and Portuguese.

*José Manuel García Represa, Dechert LLP, Paris*

Mr. José Manuel García Represa is a Partner in Dechert's International Arbitration group in Paris. He specializes in international commercial and investment arbitration, with a particular focus on cases involving Latin America and Spain and in matters arising out of energy/natural resources, telecommunications and construction/civil engineering projects. He acts both as counsel to States – such as Ecuador, Bolivia and the Czech Republic – and investors and arbitrator. Mr. García Represa is a graduate of the Complutense University of Madrid, the Sorbonne University of Paris I, and Columbia University of New York, where, as a Fulbright scholar, he completed an LL.M. in 2003. He is admitted to practice in New York, Paris and Madrid and regularly lectures on investment and commercial arbitration at Universities and arbitration fora in Latin America and Europe.



**Professor Gabrielle Kaufmann-Kohler, *Lévy Kaufmann-Kohler, Geneva***

Professor Gabrielle Kaufmann-Kohler is a Professor at Geneva University Law School and Director of the Geneva LLM in International Dispute Settlement (MIDS), a joint program of the Graduate Institute of International and Development Studies and Geneva Law Faculty. She is also Co-Director of the Center for International Dispute Settlement (CIDS) and Partner at Lévy Kaufmann-Kohler, Geneva.

Formerly, she was assistant professor of private international law at the University of Geneva Law School, (1993-1997), partner at Schellenberg Wittmer (1996-2007), and partner (1985-1995) and associate (1981-1985) at Baker & McKenzie in Geneva and New York. After completing her studies at the University of Geneva (law degree 1974) and a doctorate from the University of Basle (1979), Professor Kaufmann-Kohler was admitted to Geneva Bar (1976) and New York State Bar (1982).

Professor Kaufmann-Kohler practices in international commercial and investment and sports arbitration. She acted in over 200 international arbitrations, mainly as arbitrator, appears on numerous institutional arbitration panels (including ICC, ICSID, AAA, LCIA, SIAC, CIETAC) and conducts arbitrations under the rules of all major institutions. She chaired the ad hoc Division at the Olympic Games from 1996 until 2000 and is regularly ranked among the top ten arbitrators worldwide.

Professor Kaufmann-Kohler is Honorary President of the Swiss Arbitration Association and President from 2001 to 2005. She is a Member of ICCA's Governing Board, HKIAC Advisory Board, President of FIAA Board and former member of ICC Court, LCIA Court, AAA Board. She is a Member of Swiss delegation to UNCITRAL Working Group II and Commission on Transparency in investment arbitration (2010 - 2013)

**Panel 4 (Mock Case): Enforcing arbitral awards in situations of public international law and public policy violations: the case of corruption**

*Moderator: Kabir Duggal, Baker and McKenzie LLP, New York*

Mr. Kabir Duggal is a senior associate in the International Arbitration group of Baker and McKenzie's New York office. His practice focuses on investor-state arbitration, commercial arbitration, and on issues and disputes relating to public international law. His experience includes disputes under numerous bilateral and multilateral investment treaties (including the Energy Charter Treaty) in South Asia, Latin America, Central Asia, Middle East, and Africa. Mr. Duggal is a Lecturer-in-Law at the Columbia Law School, teaching "International Investment Arbitration," and also gives lectures at the Georgetown University Law School and Fordham Law School. He serves as the head of the advisory team on matters relating to procedure on investmentclaims.com hosted by Oxford University Press. He also serves on ICSID Review's Peer Review Board and also serves on the Chartered Institute of Arbitrator Young Members Steering Committee. He was also awarded the inaugural ABA Diversity Fellowship by the ABA Section of International Law. Mr. Duggal is a graduate of the University of Mumbai (University Medal), University of Oxford (DHL-Times of India Scholar) and NYU School of Law (Hauser Global Scholar). He is admitted to practice law in India, England and Wales (Solicitor) and New York.

*Martin Doe, Permanent Court of Arbitration, The Hague*

Mr. Martin Doe serves as Senior Legal Counsel at the Permanent Court of Arbitration (PCA) in The Hague, an intergovernmental organization which administers arbitrations and other dispute resolution proceedings involving various combinations of States, State entities, intergovernmental organizations, and private parties.

At the PCA, he works closely with arbitral tribunals constituted to resolve investment disputes under bilateral and multilateral investment treaties, contract claims involving State entities and international organizations, and inter-State disputes under the United Nations Convention on the Law of the Sea, international peace agreements, and other treaties. In particular, he handles matters involving Latin American States or where Spanish is a language of the arbitration. In addition to his work with tribunals in PCA-administered arbitrations, he assists the PCA Secretary-General in carrying out his role in designating or acting as the appointing authority under the Arbitration Rules of the United Nations Commission for International Trade Law (UNCITRAL). He is also regularly called upon to assist in the diplomatic work of the PCA with its Member States.

*Floriane Lavaud, Debevoise & Plimpton LLP, New York City*

Floriane Lavaud is a member of Debevoise & Plimpton's International Dispute Resolution Group in New York. Her practice focuses on international investment and commercial arbitration, in particular in the energy and mining sectors. She has acted as counsel in arbitrations conducted under the auspices of the main arbitration institutions and in related court proceedings. She has advised clients in a variety of jurisdictions on issues of civil and common law, public international law, treaty and contract interpretation, and maritime boundary. Her experience also includes the assessment of damages and the enforcement of arbitration awards.

Prior to joining Debevoise in 2007, Ms. Lavaud worked at Total, the French oil and gas company. As a member of Total's Exploration & Production legal division, Ms. Lavaud gained in-depth experience in the oil and gas industry. From 2009 to 2011, she clerked for the Honorable Douglas P. Woodlock of the United States District Court for the District of Massachusetts. During her clerkship, she was involved in a wide variety of civil and criminal cases under federal and state law and participated in numerous trials and motion hearings.

Ms. Lavaud is a member of numerous arbitration organizations and committees, including the Arbitration Committee of the New York City Bar Association, the LCIA Young International Arbitration Group, the ICDR Young & International, the Y-ADR Institute, and the Swiss Arbitration Association Below 40. She received an LL.M. from the University of Pennsylvania Law School in 2007 and an M.A. in Litigation and Arbitration from the University of Paris II Panthéon-Assas with honors in 2005. She is admitted to the New York and the Paris Bars, in addition to being a Solicitor in England and Wales.





**Hon. Delissa A. Ridgway**, *U.S. Court of International Trade, New York*

In addition to fulfilling her judicial duties at the U.S. Court of International Trade, Judge Delissa A. Ridgway works extensively as a consultant in the field of international legal/judicial capacity-building, on behalf of organizations including, *inter alia*, the United Nations, the Helsinki Commission, and the U.S. Department of State, advising and teaching judges and lawyers around the world about international commercial arbitration and other topics in international commercial law. She is currently Co-Chair of the ABA Section of International Law's International Arbitration Committee, as well as the ABA's Liaison to the ICC and the LCIA. She has served as an Adjunct Professor teaching international arbitration at Cornell Law School and American University's Washington College of Law, and is a frequent speaker on the topic. She previously served in the Clinton Administration as Chair of the Foreign Claims Settlement Commission of the U.S. (1994-1998). Before that, she practiced international arbitration at the firm now known as Pillsbury Winthrop Shaw Pittman, in Washington, D.C. She has served as counsel and/or arbitrator in proceedings conducted under the rules of all major international arbitration institutions.

**Eric Schwartz**, *King & Spalding LLP, New York and Paris*

Mr. Eric Schwartz is a partner in the New York and Paris offices of King & Spalding, where he specializes in international arbitration. He is a former Secretary General, Court member and Vice-President of the ICC International Court of Arbitration. Over the course of nearly four decades of legal practice, he has acted as counsel on behalf of private parties as well as numerous sovereign states and public authorities in international arbitration proceedings in all of the principal European arbitration venues, as well as in Africa, Asia and the United States. In addition to his work as counsel, Mr. Schwartz regularly sits as an arbitrator. He has appeared as president, sole arbitrator or co-arbitrator in proceedings under the rules of the AAA, CIETAC, ICC, ICDR, ICSID, LCIA, SCC and UNICTRAL in arbitrations throughout the world. He is also the author of dozens of articles on international arbitration practice as well as the co-author (with Yves Derains) of *A Guide to the ICC Rules of Arbitration* (Kluwer, 2nd ed. 2005).



## Engaging the Next Generation of Arbitration Practitioners



Through the generosity of our student sponsor, King & Spalding LLP, the Columbia International Arbitration Association (CIAA) was able to subsidize student tickets to Columbia Arbitration Day 2016. Our conference gives students a unique opportunity to learn from the leading figures in the field of international arbitration. CAD provides students with an essential complement to their study of arbitration: the knowledge and experience of practitioners. Their perspective is something we are proud to share with the Columbia Law School community, as well as the law students from around the world. We are confident that with each successive CAD, the next generation of arbitration lawyers will become better informed and better connected.

### King & Spalding proudly supports Columbia Arbitration Day 2016.

Celebrating more than 125 years of service, King & Spalding is an international law firm that represents a broad array of clients, including half of the Fortune Global 100. The firm is a world leader in both foreign investment arbitration and international commercial arbitration. Ranked among the top practices in the world by Chambers and Partners, *Global Arbitration Review* and *The Legal 500*, our arbitration practice is one of the most experienced and extensive in the world, with more than 70 specialist arbitration lawyers in offices across Asia, Europe, the Middle East and the United States.

KING & SPALDING



[www.kslaw.com](http://www.kslaw.com)



## Raffle

Thanks to the support of our Raffle Sponsor, Debevoise & Plimpton LLP, CAD 2016 is able to host a raffle contest. Registrants will be given a numbered ticket when they sign in, which can be used to redeem a prize should their number be drawn for that prize. Registrants must be in attendance during the Raffle drawing in order to redeem their prize. The winners of the raffle contest will be announced prior to the Cocktail Reception after the last panel of the day.

This year's prizes include:

- R. Doak Bishop, Silvia M. Marchili, *Annulment under the ICSID Convention*, Oxford, 2013
- Gary B. Born, *International Arbitration and Forum Selection Agreements: Drafting and Enforcing*, Wolters Kluwer, 2013
- Gary B. Born, *International Arbitration: Law and Practice*, Wolters Kluwer, 2013
- James H. Carter, John Fellas, *International Commercial Arbitration in New York*, 2013
- Rudolph Dolzer, Christoph Schreuer, *Principles of International Investment Law*, 2012
- Christopher Dugan, Don Wallace, Noah D. Rubins, Borzu Sabahi, *Investor-State Arbitration*, 2011
- Bryan A. Garner, *Black's Law Dictionary*, 2014
- Bernard Hanotiau, *Complex Arbitrations: Multiparty, Multicontract, Multi-Issue and Class Actions*, Kluwer Law International, 2006
- Kaj I. Hober, Howard S. Sussman, *Cross Examination in International Arbitration*, Oxford, 2015
- Catherine Rogers, *Ethics in International Arbitration*, 2014

**Debevoise  
& Plimpton**

We are pleased to support  
**The Columbia International  
Arbitration Association**

[www.debevoise.com](http://www.debevoise.com)



COLUMBIA LAW SCHOOL

COLUMBIA INTERNATIONAL  
ARBITRATION ASSOCIATION



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW

## Sponsors

### Founding Headline Sponsor



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW

### Lunch Buffet Sponsor

  
chadbourne

### Cocktail Reception Sponsor



Freshfields Bruckhaus Deringer US LLP

### Coffee and Snack Break Sponsor

WHITE & CASE

### Raffle Sponsor

Debevoise  
& Plimpton

### Student Sponsor

KING & SPALDING

### Partner Organizations





## Conference Chairs

Libby Marden  
Tamer Mallat  
Mevelyn Ong  
Amanda Jiménez Pintón  
Simón Navarro González

## Founder and Executive Advisor

Matthias Pitkowitz, *Synercus Group*

## The 2015-2016 CIAA Board

Oriane Hakkila, *J.D. Co-President*  
José Luis Aragon Cardiel, *LL.M. Co-President*  
Kyung Ho Paik, *Vice-President*  
Zidong Liu, *Treasurer*  
Libby Marden, *Columbia Arbitration Day Chair*  
Tamer Mallat, *Columbia Arbitration Day Chair*  
Mevelyn Ong, *Columbia Arbitration Day Chair*  
Amanda Jiménez Pintón, *Columbia Arbitration Day Chair*  
Simón Navarro González, *Columbia Arbitration Day Chair*  
Robert Longtin, *Firm Outreach Chair*  
Kathy Marini, *Faculty Chair*  
Joanna Caytas, *Webmaster*  
Izaak Bruce, *Publicity*  
Danna Er, *LL.M. Board Member*  
Khushboo Shahdapuri, *LL.M. Board Member*  
Mikaël Schinazi, *LL.M. Board Member*  
Zeina Obeid, *LL.M. Board Member*  
Ricardo Manuel Ampuero Llerena, *LL.M. Board Member*  
Alena Perszyk, *1L Board Member*  
Colin Hill, *1L Board Member*  
Hailey Phillips, *1L Board Member*  
Lee Hill, *1L Board Member*  
Stephanie Hon, *1L Board Member*

## Thanks

The conference chairs would like to send a special thanks to George Bermann, Nikolaus Pitkowitz, Matthias Pitkowitz, Elisabeth Vanas-Metzler, Matthew Dougherty, Tony Neri, Michelle Greenberg-Kobrin, Joel Kosman, Jessica Watt, Chris Mark, Leslie Robinson, Gabriela Lopez, and all of the board members of the Columbia International Arbitration Association for their support.





# COLUMBIA ARBITRATION DAY 2016

<http://web.law.columbia.edu/columbia-arbitration-day>

Friday, February 19, 2016



GRAF & PITKOWITZ  
ATTORNEYS-AT-LAW



Proudly hosted by the Columbia International Arbitration Association