

ICC Young Arbitrators Forum

North America Regional Conference

Washington DC

10 June 2016



**THE ICC GOES TO WASHINGTON:
EXPLORING POLICY QUESTIONS SURROUNDING ARBITRATION**

Kindly Hosted By

MAYER • BROWN

Social Event Sponsored By

BLG
Borden Ladner Gervais

ICC
INTERNATIONAL
CHAMBER
OF COMMERCE

YAF



THE ICC GOES TO WASHINGTON: EXPLORING POLICY QUESTIONS SURROUNDING ARBITRATION

Washington DC, 10 June 2016 (9:00am – 8:00pm)

Venue

Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006-1101

Event description

As the capital of the United States and home to Congress, the Supreme Court of the United States and many international organizations and foreign embassies, D.C. is a place rich and alive with ideas and acts as a forum in which many important questions of our time are continuously being asked, debated and answered. In line with the character of the forum, this conference will feature interactive and spirited discussions on several important policy issues surrounding arbitration today, such as the suitability of class arbitration and ex parte confirmation of arbitration awards, and reflect upon and respond to recent criticism surrounding arbitration. The conference will be followed by an equally spirited social event.

José Ricardo Feris, Deputy Secretary General of the ICC International Court of Arbitration, will participate in this programme along with other members of the ICC Court Secretariat, the ICC YAF Representatives for North America, and ICC YAF members from across the region.

This ICC YAF conference will be an ideal forum for young practitioners from across North America to exchange thoughts on international arbitration and policy, and to enrich their network in the region.



Table of Contents

Programme 4

Logistical Information 6

Sponsor Acknowledgements..... 8





Programme

9:00 - 9:30 **Registration and breakfast**

9:30 - 9:40 **Welcome Address**

José Ricardo Feris, Deputy Secretary General, ICC International Court of Arbitration®, Paris

9:40 - 10:00 **Keynote Speech “Responding to the Challenges and Critiques of Arbitration”**

Laurence Shore, Partner, Herbert Smith Freehills, New York

10:00 - 10:15 **Q&A**

10:15 - 10:30 *Coffee break*

10:30 - 12:00 **Do class arbitrations have a place in international commercial arbitration?**

In the past decade, the Supreme Court of the United States has handed down a number of decisions that have garnered much attention and impacted the status of arbitration. Panelists will lead this interactive discussion, respond to criticisms of arbitration and address key questions including: i) the impact of cases such as *Bazzle*, *Concepcion*, *Stolt-Neilson*, *American Express*, *Oxford Health Plans*, etc. on arbitration, ii) how to address issues that plague consumer/employment arbitration that are shared by international arbitration; and iii) the future of class/group claims in international arbitration in the wake of *Abacolat*.

Speakers:

- **Gregory A. Litt**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP, New York
- **Mariana Lozza**, Deputy Director of the Direction of International Affairs and Controversies at the Treasury Attorney General's Office, Argentine Republic, Buenos Aires
- **Andrew J. Pincus**, Partner, Mayer Brown LLP, Washington, D.C.
- **S.I. Strong**, Professor of Law, University of Missouri Law School, Columbia, Missouri

Moderator: **Teresa Garcia-Reyes**, Senior Counsel, GE Oil & Gas, Houston

12:00 - 2:00 *Lunch*

Luncheon Speech “The Future of Investment Mediation”

Eloïse Obadia, Partner, Derains & Gharavi International, Washington, D.C.

2:00 - 4:00 Exploring the Shades of Gray: unanswered questions on enforcement of awards

This session will present a synopsis on two enforcement decisions that are rich with policy implications affecting arbitration. Participants will then break out into small working groups, led by the ICC YAF Representatives for North America, to delve deeper into the unanswered questions raised by the decisions in intimate mini-debates. The session will conclude with an open forum discussion.

1) *Micula v. Gov't of Romania*: which court got it right?

- What is the proper procedure for recognizing ICSID awards?
- What is (or should be) the applicability of international comity, act of state doctrine and foreign sovereign compulsion doctrine in international arbitration?

Speakers:

- **Yasmine Lahlou**, Partner, Chaffetz Lindsey LLP, New York
- **Daniel Grodinsky**, Associate, Borden Ladner Gervais LLP, Montreal

Moderator: **Tomás Solís**, Counsel, Squire Patton Boggs, Washington, D.C.

Working Group Leaders: **Teresa Garcia-Reyes, Daniel Grodinsky, Yasmine Lahlou, Sarah Reynolds, Quinn Smith, Elizabeth Silbert, Tomás Solís**

2) In the line of cases (and fire): *Chromalloy – Baker Marine – TermoRio – Commisa*

- Can the Second Circuit enforce the *Commisa* award and stay within bounds of the decision in Baker Marine?
- Would a decision to enforce the *Commisa* award require breaking new ground?

Speakers:

- **Elizabeth Silbert**, Partner, King & Spalding LLP, Atlanta
- **Quinn Smith**, Founding Partner, Gomm & Smith, Miami

Working Group Leaders: **Teresa Garcia-Reyes, Daniel Grodinsky, Yasmine Lahlou, Sarah Reynolds, Quinn Smith, Elizabeth Silbert, Tomás Solís**

4:00 - 4:10 Closing remarks

5:30 - 8:00 Reception Onboard Private River Cruise

Following the conclusion of the conference sessions, ICC YAF has organized a private river cruise along the Potomac to enjoy drinks, food and networking while taking in stunning views of DC's famous landmarks and monuments, including the Lincoln Memorial, Washington Monument, Kennedy Center and the Pentagon.

Boarding location: DC Cruises, 3100 K St. NW, Washington, DC 20007



Logistics and Registration

Conference venue:

Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006

Social activity venue:

DC Cruises
3100 K Street, N.W.
Washington, DC 20007

Working language:

English

How to register:

Please visit the ICC website to register for the conference:

<http://www.iccwbo.org/Training-and-Events/All-events/Events/2016/ICC-YAF-North-America-Regional-Conference-2016/>

Registration fee:

Until 27 May: “Early bird special rate”	After 27 May:
---	---------------

US\$ 60	US\$ 80
---------	---------

For current full-time students: US\$ 45

The fee includes conference materials, breakfast, refreshments, lunch, and the social event.

CLE Credit

CLE is pending for the conference.

Cancellation:

50% of the registration fee will be refunded if notice of cancellation is received in writing before 20 May 2016. Cancellations after this date are not refundable. Subject to agreement of the ICC YAF Global Coordinating Committee (GCC) prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration material will be required.

Please note that the ICC YAF GCC reserves the right to cancel this event or to make minor alterations to the content and timing of the programme or to the identity of the speakers. In the unlikely event of cancellation, delegates will be offered a full refund. ICC YAF GCC will not, however, be held responsible for any related expense incurred by the participant.



Logistics and Registration

Travel and Accommodation:

Travel and hotel expenses are not included. Participants are responsible for making their own travel arrangements and hotel reservations.

Are you a YAF Member?

If you are not yet a member and you would like to become one, you can register directly on the ICC website by clicking on the link below – it is free and easy!

<http://www.iccwbo.org/training-and-events/young-arbitrator-forum/join-the-icc-yaf/>

Data protection

The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce). Under the French law 'informatique et libertés' of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at arbevents@iccwbo.org. The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions and events. Please indicate if you do not wish to receive such information.

Pictures during the event - disclaimer

ICC staff will be present taking pictures and footage at the event. These images may be used, without further notification, at a later date to market this event and/or within the following printed/online materials: brochures, newsletters, marketing materials, videos, social media platforms and the ICC website.

For further information:

Please contact Alexandra Akerly at aay@iccwbo.org or +1 646-699-5700.



Acknowledgements

Kindly Hosted and Sponsored By

MAYER • BROWN

Social Event Sponsored By

BLG
Borden Ladner Gervais