



*International Arbitration | Arbitrage international*

An aerial photograph of the Montreal skyline, showing various skyscrapers and buildings under a clear blue sky. The city is densely packed with buildings, and a river is visible in the background.

# 2014 ICC CANADA INTERNATIONAL ARBITRATION CONFERENCE

November 7, 2014

McGill University | 3644 Peel Street | Montreal, QC

# PROGRAM

**9 - 9:30 a.m.**                    **Registration and Coffee**

**9:30 - 9:45 a.m.**                    **Welcome and Opening Remarks**

- **Barry Leon**, *Perley-Robertson, Hill & McDougall LLP*, Ottawa; *Chair, ICC Canada*
- **Tina Cicchetti**, *Fasken Martineau DuMoulin LLP*, Vancouver; *Conference Co-Chair*
- **Lisa Tomas**, *Arnold & Porter LLP*, London; *Conference Co-Chair*

**9:45 - 11 a.m.**                    **Noteworthy Developments in Arbitration from Around the Globe**

**Chair:** **Thomas G. Heintzman**, *Heintzman ADR*, Toronto

**Panellists:**

- **Rachel Bendayan**, *Norton Rose Fulbright Canada LLP*, Montréal
- **Maria Chedid**, *Arnold & Porter LLP*, San Francisco
- **Martin Doe**, *Permanent Court of Arbitration*, The Hague
- **Raéd Fathallah**, *Bredin Prat*, Paris
- **Jeffery Commission**, *Freshfields Bruckhaus Deringer*, Washington, DC
- **Andrew Newcombe**, *University of Victoria*, Victoria
- **Richard M. Wise**, *MNP LLP*, Montréal

**11 - 11:30 a.m.**                    **Break**

**11:30 - 1 p.m.**                    **Pesky Procedural Problems: Practical Tips**

**Chair:** **Stephanie Cohen**, *Independent Arbitrator*, New York

**Panellists:**

- **Pierre Bienvenu**, *Norton Rose Fulbright Canada LLP*, Montréal
- **Rocío Digón**, *ICC International Court of Arbitration/SICANA, Inc.*, New York
- **Andrew de Lotbinière McDougall**, *White & Case LLP*, Paris
- **Phillip Landolt**, *Landolt & Koch LLP*, Geneva
- **Todd Wetmore**, *Three Crowns LLP*, Paris

**1 - 2:15 p.m.**                    **Lunch**

**2:15 - 2:30 p.m.**                    **Dispute Settlement Provisions in CETA**

**Sylvie Tabet**, *Trade Law Bureau, Department of Foreign Affairs, Trade and Development*, Ottawa

2:30 - 4 p.m.

**Mediation in the International Arbitration Context: New Rules, New Ideas, Old Challenges**

Chair: **Ryder Gilliland**, *Blake, Cassels & Graydon LLP*, Toronto

**Panellists:**

- **Haig Oghigian**, *K&L Gates LLP*, Tokyo
- **Victoria R. Orlowski**, *Gibson Dunn*, New York
- **Wolf von Kumberg**, *Northrop Grumman Corporation*, London
- **Thomas H. Webster**, *Independent Arbitrator*, London

4 - 4:30 p.m.

**Break**

4:30 - 6 p.m.

**Role, Duties and Powers of Arbitrators**

Chair: **Fabien Gélinas**, *McGill University*, Montréal

**Panellists:**

- **Filip De Ly**, *International Arbitration Institute*, Rotterdam
- **Joshua Karton**, *Queen's University*, Kingston
- **Marek Krasula**, *ICC International Court of Arbitration/SICANA, Inc.*, New York
- **Abby Cohen Smutny**, *White & Case LLP*, Washington, DC

6 p.m.

**Closing Remarks, Special Presentation and Cocktail Reception**

7:30 p.m.

**Dinner**

- **Auberge Saint-Gabriel**, 425 Saint-Gabriel Street, Old Montréal
- \$125 per person, All Inclusive

**Continuing Legal Education (CLE):** *CLE credits have been applied for where available.*

**Conference Co-Chairs:**

**Tina Cicchetti**, *Fasken Martineau DuMoulin LLP*, Vancouver

**Lisa Tomas**, *Arnold & Porter LLP*, London

**Conference Committee:**

**Mary Anne Carter**, *The Canadian Chamber of Commerce, ICC Canada*, Ottawa

**Kuzivakwashe Charamba**, *McGill University*, Montréal

**Stephanie Cohen**, *Independent Arbitrator*, New York

**Guy P. Dancosse**, *Lapointe Rosenstein Marchand Melançon, LLP*, Montréal

**Jacques S. Darche**, *Borden Ladner Gervais LLP*, Montréal

**Robert J.C. Deane**, *Borden Ladner Gervais LLP*, Vancouver

**Bruce Gailey**, *Gailey Law LLC*, Zürich

**Fabien Gélinas**, *McGill University*, Montréal

**Ryder Gilliland**, *Blake, Cassels & Graydon LLP*, Toronto

**Thomas G. Heintzman**, *Heintzman ADR*, Toronto

**Phillip Landolt**, *Landolt & Koch LLP*, Geneva

**Andrew Roman**, *Andrew John Roman Alternate Dispute Resolution*, Toronto

# SPEAKERS PROFILES

## Welcome and Opening Remarks



### **Barry Leon**

*Perley-Robertson, Hill & McDougall LLP, Ottawa; Chair, ICC Canada*

Barry Leon is a Partner and Head of the International Arbitration Group at Perley-Robertson, Hill & McDougall LLP/s.r.l., a leading international arbitration firm (Global Arbitration Review's GAR 100). He has more than 30 years of experience as counsel, acting on many complex and significant cases for a wide variety of clients and involving many different industries including financial services, natural resources, energy, technology, intellectual property, manufacturing, construction, and consumer products.

While Barry primarily acts as counsel in disputes, he also serves as an arbitrator and mediator on Canadian and international cases. He is a commercial arbitrator and mediator with Arbitration Place and ADR Chambers, sits as an international arbitrator on ICC and other international arbitrations and is a Canadian Transportation Agency Qualified Arbitrator. Barry is a Fellow of The Chartered Institute of Arbitrators (FCIArb) and an International Mediation Institute (IMI) Certified Mediator.

He has received numerous professional recognitions in international arbitration and other areas including from *Global Arbitration Review's GAR 100* ("one of Canada's most high-profile arbitration practitioners"); *Chambers Global* ("articulate and intelligent, with impressive legal analytical ability and substantial business judgement." and "Sources appreciate his creative and insightful advice and note that "he has extensive knowledge of international arbitration.""); *Lexpert/American Lawyer's Guide to the Leading 500 Lawyers in Canada*; *PLC Which Lawyer?*; *The International Who's Who of Commercial Arbitration*; *The Best Lawyers in Canada* (also in alternative dispute resolution, class action litigation, corporate and commercial litigation and international arbitration); *Canadian Legal Lexpert Directory*; *Guide to the World's Leading Experts in Commercial Arbitration*; *Guide to the Leading US/Canada Cross-Border Litigation Lawyers in Canada*; and *Who's Who Legal - Canada*. Barry received CPR International Institute for Conflict Prevention & Resolution's 2013 "Award for Outstanding Contribution to Diversity in ADR".

Barry is an active member of numerous international arbitration organizations, serving in executive positions and on task forces and commissions, and organizing conferences and events. He is the Chair of ICC Canada, the Canadian National Committee of the International Court of Arbitration of the International Chamber of Commerce (ICC) and Co-Chair of The Advocates' Society's Arbitration and Mediation Advocacy Practice Group. He regularly chairs conferences and panels and speaks and writes extensively on arbitration and mediation topics. Barry is frequently referred to and quoted in the media on arbitration and other legal topics.

Barry was admitted to Bar in Ontario in 1976. He has an LL.B. (University of Toronto), MBA (Richard Ivey School of Business, The University of Western Ontario), and BA (Political Science; Economics) (University of Alberta).



## **Tina Cicchetti**

*Fasken Martineau DuMoulin LLP, Vancouver; Conference Co-Chair*

Tina Cicchetti is a lawyer in the Litigation and Dispute Resolution Group whose practice focuses on arbitration with developed skills in both domestic and international commercial arbitration and investment arbitration. She has been involved in a number of arbitrations either as sole arbitrator, counsel or tribunal secretary in a wide range of matters, including mergers and acquisitions, shareholder disputes, construction and distribution agreements. Tina has experience with cases under the ICC, AAA, ICDR, JCAA, Swiss, LCIA, UNCITRAL and BCICAC Rules. She routinely advises clients on the drafting of arbitration clauses and

strategic options available in commercial and investment arbitration.

From 2003 to 2011, Tina taught a seminar on international commercial disputes as an adjunct professor at the University of British Columbia, Faculty of Law. Tina is the former President and a current Advisory Board member of the Young Canadian Arbitration Practitioners (YCAP), a board member of the Western Canada Commercial Arbitration Society (WCCAS), a former member of the Regional Coordinating Committee of the North American Chapter of ICC's YAF and a member of the executive committee of the International Arbitration Committee of the Canadian Chamber of Commerce (ICC Canada). Prior to joining the firm, Tina clerked at the BC Court of Appeal.



## **Lisa Tomas**

*Arnold & Porter LLP, London; Conference Co-Chair*

Lisa is a senior associate practicing in Arnold & Porter's International Arbitration Group in London. Ms Tomas advises and represents clients in complex international commercial and investment arbitration proceedings. These disputes arise in a range of industries, in particular infrastructure, mining, transport and energy.

### **Representative Matters**

- European consortium as claimants in ICC arbitration arising out of the construction of a nuclear power plant in Finland.
- Indian company in an LCIA arbitration with a European company relating to a supply agreement.
- Canadian mining company with investments in South America as potential claimant in an investment treaty dispute.
- Indian lessor of freighter aircraft as respondent in an LCIA arbitration arising out of a lease agreement for cargo aircraft.
- Sudanese Peoples' Liberation Movement/Army in a land/border dispute against the Government of Sudan in an arbitration administered by the PCA.
- Drug Development Services Company against a claim in ad hoc proceedings by a pharmaceutical company in relation to a bioavailability study.
- Major flat glass producer in an LCIA arbitration arising out of a JV dispute and managed parallel litigation in India.
- Asian parts manufacturer in a series of ICC and other arbitrations in various jurisdictions arising out of allegedly faulty parts provided in a highly regulated industry.
- Republic of Yemen in an ICC arbitration arising out of a PSA dispute with a US oil operator.
- International oil and gas consortium against a sovereign in an UNCITRAL arbitration arising out of a PSA dispute.
- European Film distributor in an AFMA arbitration against an Italian regional film distributor in a misrepresentation claim.
- South Asian service provider in a dispute against a Malaysian sub-contractor for serious aircraft damage.
- Japanese ship builder against a Greek shipping company in an ad hoc arbitration arising out of a contractual dispute.
- English insurers against a reinsurer in an ad hoc arbitration arising out of war-risk coverage of aircraft.
- US Government in resisting various sovereign immunity claims.
- US Federal Trade Commission in bringing a unique restitutionary action to recover proceeds of illegal lottery sales.
- Leading manufacturer of executive jets in a dispute over damage caused by jet efflux.
- Aircraft purchaser in a major dispute with an aircraft manufacturer.
- Airline against a credit card provider in a contractual dispute.
- Banks and distributors various film finance disputes both in the UK & Canada.

### **Professional and Community Activities**

- London Court of International Arbitration/LCIA Young International Arbitration Group (YIAG)
- ICC Canadian National Committee & Roster of Arbitrators
- Co-Chair of ICC Canada National Arbitration Conference 2012
- Young Canadian Arbitration Practitioners
- ABA – International Law Section
- Honourary Member, Middle Temple
- Canada Club Committee

## Noteworthy Developments in Arbitration from Around the Globe



**Thomas G. Heintzman**  
*Heintzman ADR, Toronto*

Thomas G. Heintzman practices as a mediator and arbitrator specializing in disputes relating to corporate commercial transactions, financial and investment transactions, construction law, franchises and insurance.

As a well-known and experienced litigator for over 40 years, he has acted as an arbitrator, mediator and counsel in trials, appeals and arbitrations in Ontario, Newfoundland, Manitoba, British Columbia, Nova Scotia and New Brunswick and he has made numerous appearances before the Supreme Court of Canada.

Mr. Heintzman was president of the Canadian Bar Association from 1994 to 1995, president of the Ontario Bar Association from 1989 to 1990 and a bencher of the Law Society of Upper Canada for 8 years (2003-2011). In that capacity, he presided over many conduct and appeal hearings and pre-hearing conferences.

Mr. Heintzman is a Fellow of the Chartered Institute of Arbitrators (CIArb) and Chair of its Toronto Chapter. Mr. Heintzman is an elected Fellow of the American College of Trial Lawyers and of the International Academy of Trial Lawyers.

In 1980, Mr. Heintzman was appointed Queen's Counsel, and in 1998, he was appointed an Officer of the Order of Canada. In 2008, Mr. Heintzman received the Ontario Bar Association Award for Excellence in Civil Litigation.

Mr. Heintzman is a past adjunct professor at Osgoode Hall Law School (Trial Advocacy) and the University of Toronto Law School (Computers and the Law; Contested Corporate Transactions) and is presently adjunct professor at Western Law School (Advanced Contract Issues).

Mr. Heintzman was educated at Harvard University (1962, BA *cum laude* in economics), the University of London (1967, LLB) and Osgoode Hall Law School (1966, LLB).

Mr. Heintzman is the author of *Heintzman & Goldsmith on Canadian Building Contracts* (4<sup>th</sup> edition), which provides an analysis of the law of building contracts in Canada. It has been cited in over 180 judicial decisions. Mr. Heintzman writes articles on arbitration and construction law that can be viewed on [www.heintzmanadr.com](http://www.heintzmanadr.com) and [www.constructionlawcanada.com](http://www.constructionlawcanada.com)



## **Rachel Bendayan**

*Norton Rose Fulbright Canada LLP, Montréal*

Rachel Bendayan practises litigation and international arbitration. Recent arbitration mandates include disputes before the International Chamber of Commerce (ICC), the International Centre for the Settlement of Investment Disputes (ICSID), the Court of Arbitration for Sport, the Cairo Regional Centre for International Commercial Arbitration, and the London Court of International Arbitration (LCIA). She also acts in incidental arbitral proceedings, particularly in respect of the recognition and enforcement of foreign arbitral awards.

Ms. Bendayan is an accredited mediator with the Quebec Bar for civil and commercial disputes.

Ms. Bendayan's commercial litigation practice involves all manner of corporate disputes, as well as transnational litigation. She has experience pleading before the Quebec Court of Appeal, the Quebec Superior Court, the Court of Québec and the Federal Court of Canada.

In addition to being very active in the community and sitting on a number of boards of directors, Rachel also teaches at the Faculty of Law of the Université de Montréal.

Prior to joining our Montréal office, Ms. Bendayan was an independent consultant and researcher. She acted for various organizations at conferences such as the G8 Summit in Évian, France, and the United Nations World Summit on Sustainable Development in Johannesburg, South Africa.



## **Maria Chedid**

*Arnold & Porter LLP, San Francisco*

Maria Chedid is Senior Counsel and heads Arnold & Porter's international arbitration practice on the U.S. West Coast.

Ms. Chedid, who in 2014 was named one of California's "Top 100 Women Lawyers," is widely recognized for her leadership in the field of international arbitration. For over 20 years, she has served as lead counsel and counsel in arbitrations before a variety of arbitral institutions, including the ICC, LCIA, ICDR, AAA, JAMS, ICSID, IUSCT, and UNCC. She has handled international disputes for clients in the U.S., Asia, Europe, the Middle East, Africa, and Latin America.

Recognizing her diverse international arbitration practice, Chambers USA has reported praise for Ms. Chedid's "highly-effective advocacy," "capabilities in intellectual property disputes," and "dedication to the needs of the client." She has particular experience in international licensing, IP, energy, investor-state, political risk insurance, construction, breach of government contracts, international tax, and joint venture disputes.

Ms. Chedid also has represented clients in U.S. courts in cases involving a variety of multijurisdictional and cross-border litigation issues, particularly on appeal.

Ms. Chedid is the President of the Northern California International Arbitration Club, serves on the Executive Committee of the California State Bar International Law Section, and is a member of the advisory board for the Institute for Transnational Arbitration. She has been elected to chair the California State Bar's annual conference on international arbitration for 2013, 2014 and 2015.

Ms. Chedid frequently speaks, writes, and guest lectures about topics in international arbitration and international law.

She received her law degree from New York University School of Law in 1993, where she was granted a fellowship at the New York University School of Law Center for International Studies and completed a one-year fellowship in public international law.



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

Martin Doe serves as 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.



**Dr. Raëd Fathallah**  
*Bredin Prat, Paris*

**Raëd Fathallah** is a partner in Bredin Prat's International Arbitration Group. Over the last 20 years, Raëd has acted as counsel and arbitrator under the major institutional rules in over 100 international arbitrations involving a broad range of industries (oil & gas, mining, construction and real estate, foreign investment, defense, and telecommunications) and governed by the laws of various jurisdictions, involving common law, civil law and Islamic law.

Educated at the *University of Ottawa* (L.L.L.), the *New York University School of Law* (Master Comparative of Jurisprudence) and the *University of Oxford, Lincoln College* (Doctorate in Law (D. Phil)),

Raëd is admitted to practice as an *avocat* at the Quebec and Paris Bars, and is a Solicitor of England & Wales.

Raëd's international arbitration recognitions include: Chambers Global, Chambers Europe, Legal 500, and Global Arbitration Review.

In 2014, Raëd was awarded the ASA Prize for Advocacy in International Arbitration.



## Jeffery Commission

*Freshfields Bruckhaus Deringer, Washington, DC*

Jeffery is a senior associate in the firm's International Arbitration Group in Washington D.C. He has particular expertise in international dispute settlement, including commercial arbitration and investment arbitration. He has acted as counsel in arbitration cases under the ICC, UNCITRAL, ICSID, ICSID (AF), LCIA, NAI and ICDR rules. Jeffery also has extensive experience in advising on public international law and international dispute resolution issues, including treaty drafting and interpretation, the law of state responsibility, international investment law, and designing international arbitration and forum selection agreements.

Jeffery's experience highlights include advising:

- ExxonMobil and Shell subsidiaries in multi-billion dollar ad hoc arbitration against the Nigerian National Petroleum Corporation;
- Canadian mining company in multi-billion dollar ICSID Additional Facility arbitration against the Bolivarian Republic of Venezuela;
- European oil and gas services companies in two ICSID arbitrations against the Bolivarian Republic of Venezuela;
- Government of Tanzania agency in ad hoc construction arbitration involving contractual claims against Chinese contractor;
- US energy company in multi-billion dollar ICSID arbitration against the Bolivarian Republic of Venezuela;
- European engineering and electronics conglomerate in ICC arbitration against Indian manufacturer;
- UK multinational energy company in potential contractual dispute arising from its operations in the Republic of Colombia;
- Leading US technology company in ICC arbitration initiated by Swiss company;
- UK power generation company in UNCITRAL arbitration against the Plurinational State of Bolivia;
- Austrian energy company in ICSID and ICC arbitrations against the former Yugoslav Republic of Macedonia;
- UK commercial litigation funder in assessment of treaty claims in UNCITRAL arbitration against the Republic of Ecuador;
- UK multinational energy company in potential dispute against the Plurinational State of Bolivia;
- Leading US luxury goods company in multi-billion dollar NAI arbitration initiated by Swiss company;
- European engineering and electronics conglomerate in potential treaty dispute against the Hellenic Republic; and
- US multinational energy company in potential contractual and treaty disputes against the Republic of Indonesia.

In 2010, Jeffery oversaw the painstaking task of collecting, reviewing and culling new ICSID jurisprudence for the second edition of the Guide to ICSID Arbitration. In doing so, he also prepared tables of ICSID cases building on his prior scholarship and research, which appear as Annex 10 in the Guide. This series of tables dissecting issue-by-issue the ICSID docket was a new feature introduced with the second edition, and has been well received. In the words of one commentator (J. Coe, Book Review: Guide to ICSID Arbitration, 2nd edition, 13 June 2011, Global Arbitration Review): "Particularly noteworthy are the tables mentioned above. Doubtless, if marketed separately they would sell well; they alone make the book worth its price." More recently, in 2014, Jeffery was one of the senior associates responsible for updating the investment treaty arbitration chapter of Redfern & Hunter on International Arbitration (6th ed).

Jeffery is qualified in New York, with degrees in common law and civil law from McGill University, as well as an LLM in international dispute settlement from University College London. Jeffery previously practised law with the firm's International Arbitration Group in London and New York. He is co-authoring a forthcoming monograph entitled Procedural Issues in International Investment Arbitration, scheduled to be published by Oxford University Press in 2015.



**Andrew Newcombe**  
*University of Victoria, Victoria*

Andrew Newcombe is Associate Professor, Faculty of Law, University of Victoria, British Columbia, Canada, where he teaches international arbitration, international investment law, international trade law and commercial law. Prior to joining the University of Victoria in 2002, he worked in the International Arbitration and Public International Law groups of Freshfields Bruckhaus Deringer in Paris. Professor Newcombe's research focuses on investment treaty law and arbitration. He is the co-author of *Law and Practice of Investment Treaties: Standards of Treatment* (Kluwer, 2009) and co-editor of *Sustainable Development in World Investment Law* (Kluwer, 2011). He created and operates *italaw*, a research website focused on investment treaty arbitration. Professor Newcombe is Associate Editor for the *ICSID Review – Foreign Investment Law Journal*, a contributing editor of the *Investor-State Law Guide*, Canadian treaty editor for *Investment Claims*, and a regular contributor to the *KluwerArbitrationBlog*. In addition to his academic work, Professor Newcombe advises governments, investors and non-state actors and acts as counsel and arbitrator in international arbitrations.



**Richard M. Wise**  
*MNP LLP, Montréal*

Richard M. Wise, FCPA, FCA, FCA • IFA, FCBV, FASA, FRICS, MCBA, C.Arb., is a graduate of McGill University and a Partner specializing in business valuation and financial litigation in MNP's Montréal office. He has more than 35 years of experience performing valuations for corporate, transactional and taxation purposes, and writes and lectures extensively across Canada and the U.S., having presented more than 200 conference papers in both countries and authored 150 published technical articles.

Mr. Wise was President of The Canadian Institute of Chartered Business Valuators, International Governor of the American Society of Appraisers (ASA), Technical Editor of the Business Valuation column in *CA Magazine* and is currently Chair of the ASA Valuation Standards Committee. He has also been retained as a valuation advisor to the Federal Department of Justice, the Canada Revenue Agency, Industry Canada, the Québec Financial Markets Authority, Revenu Québec, Attorney General of Ontario and the Public Trustee of Ontario and frequently provides expert court testimony across Canada.

Richard was Special Assistant to the Minister of National Revenue in Ottawa and then partner-in-charge of Taxation and Business Valuation at Deloitte until he founded Wise, Blackman LLP in 1979, which merged with MNP in 2011. He is co-author of *Guide to Canadian Business Valuations* (Carswell | Thomson Reuters).

Richard was designated a Chartered Accountant (CA) in 1965 and elected a Fellow (FCA) in 1984. He also holds the designations of Investigative and Forensic Accountant (CA • IFA), Chartered Business Valuator (FCBV), Accredited Senior Appraiser (FASA), Fellow of the Royal Institution of Chartered Surveyors (FRICS), Master Certified Business Appraiser (MCBA), Certified Valuation Analyst (CVA) and Chartered Arbitrator (C.Arb.).

Richard had served on several boards and committees of professional societies and various charitable organizations and was inducted into the ASA College of Fellows in 2006. In 2012, Richard was presented the Queen Elizabeth II Diamond Jubilee Medal by the Governor General for his 35 years of leadership in the Canadian valuation profession.

## Pesky Procedural Problems: Practical Tips



**Stephanie Cohen**  
*Independent Arbitrator, New York*

Stephanie Cohen is an independent arbitrator of Canadian nationality based in New York City. Previously, Stephanie was Counsel in the international arbitration group at White & Case LLP in New York. She is experienced as a sole arbitrator under the ICC Rules and has represented parties in ad hoc and administered arbitrations, including international arbitrations under the ICC Rules, the ICDR Rules, the UNCITRAL Rules, and bilateral investment treaties, as well as domestic arbitrations governed by the AAA Commercial Arbitration Rules. Stephanie was a member of the ICDR subcommittee responsible for

the 2014 revisions to the ICDR's International Arbitration Rules and is the author of a forthcoming book, *A Practical Commentary on the ICDR International Arbitration Rules*. She is a Fellow of the Chartered Institute of Arbitrators, a member of the Board of Directors of Young Canadian Arbitration Practitioners, and a member of the International Commercial Disputes Committee of the New York City Bar Association. Stephanie is admitted to the Ontario and New York bars. For more information, including representative matters as arbitrator and counsel, please visit [www.cohenarbitration.com](http://www.cohenarbitration.com).



**Pierre Bienvenu, Ad. E.**  
*Norton Rose Fulbright Canada LLP, Montréal*

Pierre Bienvenu, Ad. E., is global co-head of Norton Rose Fulbright's international arbitration practice. He practises in international arbitration, corporate and commercial litigation, and constitutional law. He has acted as counsel in many international arbitrations involving disputes in telecommunications, aeronautics, international distribution and joint ventures, M&A, foreign investment and construction. Pierre also regularly serves as arbitrator in international arbitrations, as chairman, sole arbitrator, or party-nominated arbitrator, and represents parties in court proceedings related to arbitral proceedings or awards. He was

involved in many challenges to the constitutional validity of provincial and federal legislation in Canada, and has broad experience representing government, corporate parties and individuals before the Supreme Court of Canada.

Pierre is a member and vice-president of the LCIA Court, and president of the LCIA's North American Users' Council. He is a fellow of the American College of Trial Lawyers, a fellow of the Chartered Institute of Arbitrators in London and the vice-chair of the ICC Canadian National Committee. He has served for many years on the NAFTA advisory committee established under article 2022 of the NAFTA. He is an active member of the IBA (former co-chair of both its arbitration committee and its North American forum) and the CBA (former member of council).

Pierre is listed as a leading practitioner in Canadian and international legal directories. He was named *Best Lawyers' Lawyer of the Year* (corporate and commercial litigation) in 2011, *Lawyer of the Year* (alternative dispute resolution) in 2012, *Lawyer of the Year* (international arbitration) in 2014, as well as *Arbitration Counsel of the Year* (Canada) by Benchmark and Expert Guides in 2014. Pierre was awarded the distinction *Advocatus Emeritus* by the Quebec Bar in 2008 and the Paul-André Crépeau Medal by the Canadian Bar Association in 2013 for his contribution to the advancement of the international dimension of private law and commercial law in Canada.



## **Rocío Digón**

*ICC International Court of Arbitration/SICANA, Inc., New York*

Rocío Digón is Counsel of the International Court of Arbitration® / SICANA, Inc. and is responsible for the administration of cases for the North America region. She is a former associate in the international arbitration practice of King & Spalding LLP's New York office and has experience in proceedings under the rules of the ICC, UNCITRAL, ICSID, and LCIA. In addition, Ms. Digón has published several articles on topics related to international arbitration. Ms. Digón received her undergraduate degree from Amherst College, where she graduated *summa cum laude* and her J.D. from Yale Law School. She also has an LL.M. in

public international law from Leiden University in the Netherlands, which she received while on a J. William Fulbright fellowship. She is admitted to practice in New York and Massachusetts.



## **Andrew de Lotbinière McDougall**

*White & Case LLP, Paris*

Andrew de Lotbinière McDougall is a partner in the International Arbitration Practice of White & Case LLP and also serves as head of the Firm's Disputes Section in Europe, the Middle East, and Africa. A dual Canadian and French national, Andrew is a member of the Paris, Ontario, and Québec Bars and a Solicitor Advocate in England & Wales. He holds an undergraduate degree in Political Science and Economics from Laval University in Québec City and Common Law and Civil Law degrees from University of Ottawa. He is also a past Fox Scholar of The Harold G. Fox Education Fund for Canadian and English barristers.

He has substantial oral advocacy experience in English and French and acts as counsel and arbitrator in cross-border disputes involving among other things international joint ventures, oil & gas, power, construction, mergers & acquisitions, intellectual property, defence, mining, and other natural resources. He is trained and qualified in common law and civil law and has worked with the laws of numerous jurisdictions, representing clients around the world in disputes of up to several billion dollars.

Andrew is a member of the International Chamber of Commerce's Institute of World Business Law, Commission on Arbitration and ADR, and Canadian and French National Committees. He is also on the Roster of Arbitrators of the International Centre for Dispute Resolution, the Court of Arbitration for Sport, and the Sport Dispute Resolution Centre of Canada. A frequent speaker, lecturer, and writer, Andrew has taught international arbitration courses at Université Paris 1 Panthéon-Sorbonne, University of Ottawa, and the European Studies Institute of the Moscow State Institute of Foreign Relations. He has extensive experience in international arbitration advocacy training and is a member of the Foundation for International Arbitration Advocacy's Executive Committee.

Andrew was ranked in 2011 among Global Arbitration Review's 45 Under 45 as one of the leading international arbitration lawyers in the world and was selected as one of Lexpert's 2009 Rising Stars: Leading Lawyers Under 40. He is described as "exceptionally skilled" (Who's Who Legal, 2014), "a seasoned international arbitrator" (Chambers Global, 2013), and "a leader in the new generation of stars" (Who's Who Legal, 2013). He "is praised for his 'breadth of expertise'" (Who's Who Legal, 2014), "amazing" level of organisation, and ability to lead "the opposite side" (Chambers Global, 2014). "Clients describe him as 'a very focused lawyer who leaves no stone unturned'" (Chambers Global, 2013), and he is valued for his "clear and pragmatic advice" (Chambers Global, 2011). Clients are also "impressed" by "his preparation and attention to detail" and "focused, credible and convincing arguments" (GAR 100, 2011).

Andrew is also Special Counsel to Canadian law firm Perley-Robertson, Hill & McDougall (White & Case LLP and Perley-Robertson, Hill & McDougall LLP/s.r.l. are not associated firms).



**Phillip Landolt**  
*Landolt & Koch LLP, Geneva*

Phillip Landolt is a lawyer with the Geneva, Switzerland firm of Landolt & Koch specializing in international arbitration and related proceedings before the Geneva courts and the Swiss Supreme Court.

Phillip is Canadian.

He is qualified as an avocat (Geneva), a barrister & solicitor (Ontario), and a solicitor (England & Wales).

He studied at the University of Ottawa, the University of Toronto, the University of Cambridge, the Università degli Studi di Ferrara, Italy, the Albert-Ludwigs-Universität of Freiburg i. B., Germany, and King's College, University of London. His Ph.D in civil law obligations is from the University of Cambridge.

His subsequent legal practice of over ten years in international arbitration, mostly in Geneva, but also in London, England and for three years in EU competition law in Brussels builds on his combined common law and civil law foundation.

Of English mother tongue, he is fluent in Switzerland's official languages, French, German and Italian, and has working knowledge of Spanish and Dutch.

He is a Lecturer (Chargé de cours) at the Faculty of Law of the University of Geneva, and has also taught international arbitration at the Faculty of Law of the University of Toronto, Osgoode Hall Law School, and evidence law and civil procedure at the United Nations Disputes Tribunal in Geneva.



**Todd Wetmore**  
*Three Crowns LLP, Paris*

Todd Wetmore is a founding partner of Three Crowns. Formerly a partner in a leading international arbitration practice at a multi-national firm, Todd has two decades of experience in handling complex commercial disputes. Qualified in England, France and Canada, he has particular expertise in international arbitrations in the energy, construction, technology and agribusiness sectors. Todd has appeared as counsel in numerous international arbitrations, representing parties involved in project disputes, joint venture and post-M&A disputes and major commercial claims.

His experience includes advising clients on disputes prior to arbitration and covers the full spectrum of financial and technical issues that typically arise in large infrastructure and oil & gas projects, including cost and production sharing disputes and responsibility for project delays.

He sits regularly as an arbitrator and has served as Chairman, Sole Arbitrator and co-arbitrator under the ICC, UNCITRAL, LCIA and European Development Fund Rules in both commercial and investment treaty cases.

**Recent Experience**

Recent or pending arbitrations in which Todd Wetmore has appeared as Counsel include the representation of:

- A Kuwaiti national in a dispute relating to the division of a multibillion dollar international portfolio of commercial enterprises, real estate, financial and other assets. The relevant agreements are governed by Kuwaiti law. The disputes currently referred to ICC arbitration are valued at US\$1 billion.
- A Lebanese contractor in an ICC arbitration with claims arising from the construction of a pipeline in Madagascar. The dispute is governed by Ontario law and the arbitration is seated in Toronto. Over US\$150 million is at stake.
- A French-German consortium in an ICC arbitration in Stockholm against a Finnish utility company. The dispute arises from an agreement for the construction of a nuclear power plant in Finland. Finnish law governs and the language of the proceedings is English. Over €3 billion is at stake.
- A multinational agribusiness company as respondent in a joint venture dispute over shareholder responsibility for cost overruns and delays in the completion of an industrial plant. The dispute was conducted in London in English under the UNCITRAL Arbitration Rules. English law applied. The adversary's claims for US\$135 million were successfully defeated on the merits after an extensive hearing on the threshold issue of liability.

**Education**

McGill University, Montréal, B. Comm (Finance), 1989; LL.B., 1992

**Selected Professional Affiliations and Business Activities**

Member, ICC Court; Member, International Arbitration Institute (IAI); Member, London Court of International Arbitration (LCIA); Member, Swiss Arbitration Association (ASA)

## Dispute Settlement Provisions in CETA



### **Sylvie Tabet**

*Trade Law Bureau, Department of Foreign Affairs, Trade and Development, Ottawa*

Ms. Tabet has obtained her law degree from the University of Montréal in 1993 and is a member of the Québec Bar since 1994. After working with Stikeman Elliott LLP in Montréal, she joined the Privy Council Office, Intergovernmental Affairs, and then the Foreign Service. She occupied various positions at the Department of Foreign Affairs, Trade and Development and is now with the Department of Justice. She is currently General Counsel and Director of the Trade Law Bureau where she has been providing trade law advice and negotiating international trade and investment agreements as well as litigating WTO and

NAFTA Chapter 11 cases on behalf of the Government of Canada. Most recently, Sylvie was involved in some of the most important negotiations on trade and investment for the Government of Canada, including the Bilateral Investment Treaty with China and the Canada-EU Trade Agreement. Sylvie was lead counsel for the Government of Canada in the CETA negotiations and involved in negotiating the investment and dispute settlement provisions of the Agreement.

## Mediation in the International Arbitration Context: New Rules, New Ideas, Old Challenges



### **Ryder Gilliland**

*Blake, Cassels & Graydon LLP, Toronto*

Ryder Gilliland is a litigation Partner. He has a broad litigation practice with experience in cases relating to defamation, constitutional, securities, competition, tax, class-action and general corporate-commercial litigation. He has appeared as counsel at all levels of courts in Ontario, as well as in the Federal Court of Canada, the Federal Court of Appeal, the Tax Court of Canada and the Supreme Court of Canada. He acts regularly as counsel in arbitrations arbitration proceedings, both ad hoc arbitrations and under institutional rules including ADR, ICC and AAA/ICDR. Ryder was raised in Spain and has used his

knowledge of the Spanish language and of the Latin American region to assist clients in obtaining remedies in Latin America.



### **Haig Oghigian, F.C.I. Arb.**

*K&L Gates LLP, Tokyo*

Mr. Oghigian focuses his practice on international arbitration and mediation and is recognized by *Chambers Global*, *Asia Pacific Legal 500* and *Euromoney Expert's Guide* in the field of dispute resolution. Mr. Oghigian has acted as counsel, arbitrator and mediator in a variety of Alternative Dispute Resolution (ADR) related issues. He has appeared both as counsel and arbitrator before the International Chamber of Commerce (ICC), the Japan Commercial Arbitration Association, the American Arbitration Association as well as many other arbitral institutions. As a commercial lawyer, he has extensive experience in assisting

clients in the pharmaceutical and life sciences sectors with regard to a broad spectrum of transactional matters. As a former diplomat with the Canadian Embassy in Tokyo, he also assists clients with regulatory and government relations issues. Mr. Oghigian began his career as counsel, articling for John D. McAlpine Q.C. one of Canada's leading barristers. He joined the Canadian Foreign Service and spent six years with the embassy in Tokyo after a secondment with the U.S. State Department's Foreign Service Institute's intensive Japanese language program in Yokohama. He returned to private practice in 1991 and has lived and worked in Japan for over twenty years. He continues to maintain a strong network of both private and public sector contacts in Japan.



**Victoria R. Orlowski**  
*Gibson Dunn, New York*

Victoria Orlowski is an associate in the New York office of Gibson, Dunn & Crutcher and acts as counsel in both international arbitration and litigation matters.

Ms. Orlowski joined Gibson Dunn from the International Court of Arbitration of the International Chamber of Commerce. She began at the ICC as counsel in charge of the North American case management team where she oversaw hundreds of cases pending under the ICC Rules from filing through scrutiny and notification of awards. When she was promoted to Managing Counsel, Ms. Orlowski supervised the ICC Court's case management teams, performed second level review of draft arbitral awards and worked closely with the Secretary General and Deputy Secretary General of the ICC Court and ICC General Counsel to form and maintain practices. Before joining the ICC, Ms. Orlowski was an associate in the Litigation Department of White & Case in New York.

Ms. Orlowski is a member of the Standing Committee of the ICC International Centre for Expertise. She is admitted to practice in the State of New York and before the United States District Court for the Southern and Eastern Districts of New York.

Ms. Orlowski's recent publications include: "Your Way or the ICC Way: Constituting An Arbitral Tribunal Under the ICC Rules of Arbitration," 1 *ABA Section of International Law: International Arbitration Committee Newsletter Regarding Arbitral Appointments* at 25 (2013) and "Perspectives of Arbitral Institutions: Upping the Arsenal - Using the ICC Rules to Counteract Guerilla Tactics", in *Guerilla Tactics in International Arbitration* (Günther J. Horvath & Stephan Wilske, eds.) (Kluwer 2013).

Ms. Orlowski earned her Juris Doctor, *cum laude*, with a certificate in international legal studies from Cornell Law School, where she was a managing editor of the Cornell International Law Journal. She received a Bachelor of Arts degree from Emory University, where she studied English literature and Japanese language and culture and was elected to Phi Beta Kappa.



**Wolf von Kumberg**  
*Northrop Grumman Corporation, London*

Wolf spent over 20 years as European Legal Director and Assistant General Counsel for Northrop Grumman a global aerospace/security company. He is currently the Senior Legal Advisor to the Company. Prior to that, he served 5 years as the Vice President - Legal Affairs for Litton Canada, after having spent several years in legal practice with a major Toronto Law Firm. He has received law degrees from Canadian and European Universities and is qualified as a lawyer in both Canada and England.

As Senior Legal Advisor, Wolf is responsible for the significant legal affairs of Northrop Grumman's International operations.

Wolf has been involved in many of the Company's International legal disputes and has been a keen advocate for early dispute resolution (ADR), as well as conflict management. In that context, he is both qualified as an arbitrator and mediator. He is a Director of the International Mediation Institute (IMI) which has advocated international standards for mediators. He is in addition, a Fellow of the Chartered Institute of Arbitrators and is the current Chair of it's Board of Management. He also serves as a Director of the American Arbitration Association (AAA) and sits on it's Executive Committee.

Wolf is married with two children and is a keen marathon runner.



## **Thomas H. Webster** *Independent Arbitrator, London*

### **Background**

Education: B.A. (University of Alberta); J.D. (University of Toronto); LL.M (Cambridge University); D.E.A. (University of Paris)

Bar memberships: Ontario, Canada, 1979; New York, 1980; England, 1982 (Solicitor); Paris, France 1982 (Avocat)

Languages: Trilingual: English, French, German      Reading Fluency: Spanish, Italian

### **Professional Experience**

1998 - *Counsel, arbitrator and mediator*

1985 - 1998 *Hughes Hubbard & Reed, Paris. (Partner)*

1979 -1985 *Dewey Ballantine, New York and Paris. (Associate)*

### **Areas of Activity**

International Arbitration (ICC, AAA, UNCITRAL, ICDR, CEPANI, LCIA, ICSID, Swiss Arbitration Rules, Netherlands Arbitration Institute, Polish Court of Arbitration); Mediation

### **Current Activities**

Various arbitrations including: several ICC arbitrations regarding a construction projects, an ICC arbitration regarding an acquisition agreement, several LCIA Arbitrations regarding financing agreements, LCIA arbitrations regarding consultancy and advisory agreements, an ICC arbitration relating to shareholder dispute with respect to a gas project, a consolidated ICC arbitration on financing arrangements, an ICC arbitration regarding a shareholder dispute in telecommunications and an ICC arbitration regarding a power plant.

### **Past arbitrations**

Various international commercial and investment arbitrations under most major arbitration rules and in most major centers of arbitration. The applicable law in the arbitrations has included US law (various states), English law, French law, Swiss law, Turkish law, German law, Belgian law, Canadian law (various provinces), Spanish law, Italian law, Egyptian law, Ethiopian law, law of Trinidad and Tobago, Bulgarian law, Philippines law, Saudi law, UAE law, Chadian law and Sudanese law.

### **Books and articles:**

- **Handbook of UNCITRAL Arbitration** (2<sup>nd</sup> Edition) Precedents, Materials (Thomson/Sweet & Maxwell/Westlaw) (November 2014)
- **Handbook of ICC Arbitration** (3rd Edition) Commentary, Precedents, Materials (Thomson/Sweet & Maxwell/Westlaw) with Michael Bühler (April 2014)
- **Handbook of Investment Arbitration** (Thomson/Sweet& Maxwell 2012)
- **Handbook of UNCITRAL Arbitration** (Commentary, Models and Materials (Thomson Sweet & Maxwell)(2010)
- **Handbook of ICC Arbitration** (2<sup>nd</sup> Edition) Commentary, Precedents, Materials (Thomson/Sweet & Maxwell) with Michael Bühler (2008)
- **Handbook of ICC Arbitration:** Commentary, Precedents, Materials (Thomson/Sweet & Maxwell) with Michael Bühler (2005)
- **Agreements to Arbitrate and the Place of Arbitration: Divergences in approach”** *Dispute Resolution International* (May 2014)

- Efficiency in Investment Arbitration: Recent Decisions on Preliminary and Costs Issues”, Vol. 26 No.3 Arbitration International (December 2009)
- “Functus Officio and Remand in International Arbitration” Vol. 27 ASA Bulletin No. 3 (September 2009)
- “Review of Substantive Reasoning of International Awards by National Courts: Ensuring One-Stop Adjudication, Vol. 23 No. 3 Arbitration International (June 2006).
- “Evolving Principles regarding Enforcement of Awards subject to Annulment Proceedings” Vol. 22 Journal of International Arbitration (June 2006)
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- “Domain Name Disputes and International Dispute Resolution” (Business Law International, June 2001)

## Role, Duties and Powers of Arbitrators



**Fabien Gélinas**  
*McGill University, Montréal*

Fabien Gélinas is Associate Professor of Law and Norton Rose Faculty Scholar in Arbitration and Commercial Law at McGill University, in Canada, where he teaches contract law and international arbitration. He heads the McGill Private Justice and the Rule of Law Research Team and is a founding member of the Montreal Cyberjustice Laboratory. He is a graduate of the University of Montreal and the Paris School of Diplomatic and Strategic Studies and holds a doctorate from the University of Oxford. He was Associate Dean of Law and Director of the Institute of Comparative Law at McGill. A barrister of 24 years’ standing, he consults widely on

matters of dispute resolution and legal reform and regularly acts as arbitrator in international cases.

Professor Gélinas was formerly General Counsel of the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris and a member of the drafting committee for the ICC Rules of Arbitration, which came into effect in January of 2012. He has acted as adviser and delegate to the United Nations Commission for International Trade Law (UNCITRAL), the United Nations Economic Commission for Europe (UNECE), the Global Business Dialog on Electronic Commerce (GBDE), and the European Commission. He has acted as expert on dispute resolution to Canadian International Development Agency (CIDA) projects in Russia and Viet Nam, the Copyright Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the Organisation for Economic Cooperation and Development (OECD). He was designated Appointing Authority by the Secretary General of the Permanent Court of Arbitration (PCA) on several occasions. Professor Gélinas has also been expert witness in court proceedings in matters relating to comparative law and international commercial arbitration law and practice.

The publication record of Professor Gélinas spans legal theory, dispute resolution, contract law and constitutional law. His work has appeared in many countries in Arabic, English, French, Spanish and Russian. He is a member of the College of Reviewers of the Canada Research Chairs programme, has acted as reviewer of doctoral programmes for the Council of Ontario Universities, was president of the Law Committee for masters and doctoral scholarships of the Quebec granting agency (FQRSC), and member of the Law and Socio-Legal Studies Committee for Insight Research Grants of the Canadian granting agency (SSHRC). He was a lecturer at the Institute of Comparative Law in Paris and taught at the Faculty of Law of the University of Paris, the Institute of World Business Law, Trinity College Dublin and Sciences Po in Paris.



**Filip De Ly**  
*International Arbitration Institute, Rotterdam*

Filip De Ly (born July 13, 1959) teaches private international law, comparative law and international business law and is doing research on international business law and international commercial arbitration.

Professor De Ly has written 5 books (including his dissertation *International business law and lex mercatoria*, Amsterdam, North Holland 1992 and his inaugural address in Dutch on the European Union and private law harmonization) and co-authored/edited 6 books including a book on *The place of arbitration*. He published some 110 articles in the field of international business law, international commercial arbitration, conflict of laws, comparative law and EC business law. Also, he published 16 case notes and some fifty reports and book reviews.

He is frequently retained as counsel, expert witness or arbitrator in international commercial arbitrations and often gives legal opinions with regard to international business law problems. He acted in more than one hundred and seventy arbitrations in the capacity of expert witness, sole arbitrator, co-arbitrator or chairman of the arbitral tribunal. These arbitration proceedings were conducted as *ad hoc* arbitrations or under various institutional schemes (including ICC, Uncitral, LCIA, ICDR, Netherlands Arbitration Institute, CEPANI, Danish Institute of Arbitration, Singapore International Arbitration Centre, Bucharest International Chamber of Commerce, Cairo Regional Center for International Commercial Arbitration). The subject matter of these arbitrations ranged from sales, construction and distribution contracts to joint ventures, energy projects and post-M&A disputes. He also has been involved in State Contract and foreign investment arbitrations.

He has been involved as sole arbitrator in a number of mediations during arbitration proceedings using a variety of mediation techniques (except caucuses) with the consent of the parties some of which led to a settlement of the dispute. He also was appointed as mediator under the mini-trage rules of the Netherlands Arbitration Institute in a USD 50 million dispute between multinational companies which led to a settlement of the dispute after a one day mediation hearing.

In 1992, he succeeded Professor Fontaine as Chairman of the International Contracts Working Group ("*Groupe de Travail Contrats Internationaux*") which since 1975, has published sixteen reports on the practice of international contracts regarding different contract clauses (including *force majeure* clauses, hardship provisions, assignment of contracts, termination clauses, interpretation clauses, divorce clauses in international joint ventures). An up-date of these reports was published in 2003 in book format (Marcel Fontaine and Filip De Ly, *Droit des Contrats Internationaux, Analyse et Rédaction de clauses*, 2003, 715 p.). An English edition (*Drafting International Contracts, An Analysis of Contract Clauses*) was published early 2006 by Brill/Transnational (reprint 2009) and Italian and Spanish editions appeared in respectively 2008 and 2013.

In 2002, he was appointed Chairman of the International Commercial Arbitration Committee of the International Law Association and reports and recommendations on *res judicata*, *lis pendens*, ascertaining the contents of the applicable law, confidentiality and inherent powers of arbitral tribunals were published by ILA as a result of the activities of the Committee under his chairmanship. He also is a member of the Arbitration Commission of the ICC, a board member of the Netherlands Arbitration Institute, a Council Member of the ICC Institute of World Business Law and a member of the LCIA Company.

Filip De Ly studied at Ghent Law School (Belgium) and obtained a LL.M. degree from Harvard Law School in 1983. He has worked for the US-law firm Cleary, Gottlieb, Steen & Hamilton in Brussels (1983-1986) and as a Associate Professor at Utrecht Law School (The Netherlands) before becoming a professor at the Law Faculty of Erasmus University in 1992. He is a Belgian citizen who has been working and living in The Netherlands for the past twenty four years.



**Joshua Karton**  
*Queen's University, Kingston*

Joshua Karton is an Assistant Professor in the Queen's University Law Faculty. He teaches and writes about international arbitration, international and comparative contract law, uniform law, transnational legal theory, and sociology of law. His writing explores what happens when private actors from different backgrounds—legal, cultural, and linguistic—meet in the international legal arena.

Professor Karton has taught at Queen's since 2009. In 2013, he was a visiting professor at the National Taiwan University and Wuhan University (China). He holds a BA in International Relations and Humanities from Yale (2001), a JD from Columbia Law School (2005), and a PhD in International Law from Cambridge (2011). Before embarking on an academic career, he practiced as a litigator in the New York and Hong Kong offices of Cleary Gottlieb Steen & Hamilton LLP.

Professor Karton is the author of many articles and conference papers on international arbitration, including *The Culture of International Arbitration and the Evolution of Contract Law*, which was published in 2013 by Oxford University Press. Among other accolades, he was awarded the Queen's Law Students' Society's Award for Teaching Excellence in 2012 and *International and Comparative Law Quarterly's* Young Scholar Prize in 2009.



**Marek Krasula**  
*ICC International Court of Arbitration/SICANA, Inc., New York*

Marek Krasula is currently Deputy Counsel at SICANA, Inc. / International Court of Arbitration® in New York.

He has served as a lecturer at the Université de Montréal Faculty of Law and Deputy Counsel in the ICC Secretariat's Paris office where he administered disputes mainly from Central and Eastern Europe (including Russia and CIS countries).

Marek is a member of the Quebec Bar and holds an LL.M. from Georgetown University and an LL.B. from the Université de Montréal. He is fluent in English, French and Polish.

Prior to joining the ICC, Marek was a legislative assistant for former Senator Yoine Goldstein, a lawyer in a boutique litigation firm in Montreal and a consultant at the International Centre for Human Rights and Democratic Development (Rights & Democracy).



**Abby Cohen Smutny**  
*White & Case LLP, Washington, DC*

Abby Cohen Smutny is a partner of White & Case LLP and is recognized as one of the world's leading experts in international arbitration. She has represented clients in dozens of arbitrations before all major arbitral forums including ICSID, the ICC, the Vienna International Arbitral Centre, the LCIA, as well as in ad hoc UNCITRAL Rules arbitrations. She handles both commercial contract disputes as well as disputes arising under bilateral investment treaties (BITs), the Energy Charter Treaty, the NAFTA, the DR-CAFTA, and the ASEAN treaty. She is the Senior Vice-Chair of the Institute for Transnational Arbitration, a Member of the Board of

Directors of the American Arbitration Association, Vice-President of LCIA's North American User's Council, co-Editor-in-Chief of the World Arbitration and Mediation Review, and a member of the Editorial Board of the Yearbook on International Investment Law and Policy. She is a former Vice-President of ASIL and member of the Executive Committee and Executive Council, Vice-Chair of the Arbitration Committee of the IBA, former Chair of its Investment Treaty Sub-Committee, and former Chair of the International Law Section of the DC Bar.

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