



WHITNEY R. HARRIS
WORLD LAW INSTITUTE

 **Washington**
University in St. Louis
SCHOOL OF LAW



INTERNATIONAL ARBITRATION & DISPUTE RESOLUTION SYMPOSIUM: Challenges and Controversies in International Arbitration

March 1, 2019

Anheuser Busch Hall | Bryan Cave Moot Courtroom, Room 310 | St. Louis, MO
4.2 MO CLE Credit Hours | [Registration required](#)

Event Co-sponsors: Washington University School of Law's Whitney R. Harris World Law Institute, the Negotiation & Dispute Resolution Program, the Center for Career Development, and International and Graduate Programs; the Claro Group; the American Arbitration Association and its International Centre for Dispute Resolution; the American Branch of the International Law Association; the Asian International Arbitration Centre; the ICC International Court of Arbitration; the National Academy of Arbitrators, U.S. Arbitration & Mediation.

Chair: M. Imad Khan, Hogan Lovells

1:00 p.m.

Welcome Remarks

Dean Nancy Staudt, Washington University School of Law

Leila Nadya Sadat, Director, Whitney R. Harris World Law Institute

M. Imad Khan, Senior Associate, International Arbitration, Hogan Lovells

1:15 – 1:45 p.m.

Opening Keynote Address: *Game Changers: Defining (and Defending) Values in International Arbitration*

Sophie Nappert, 3VB Barristers

1:45 – 2:45 p.m.

Session 1: The Future of Investor-State Arbitration

Investor-State arbitration has been the subject of much criticism and debate around the world as States seek to move away from the current regime of investment law. The changes to the investor-State dispute settlement regime are expected to be unprecedented, with States altogether terminating investment agreements, overhauling their investment agreements, contemplating an investment court to hear investment treaty disputes, and modifying the current practice of investment treaty arbitration. This session will address these various developments to ascertain the current state and future of investment law and arbitration.

Moderator: **M. Imad Khan**, Hogan Lovells

Speakers: **Samantha Atayde Arellano**, RRH Consultores, S.C.

Casey Ballard, the Claro Group

Pedro Martinez-Fraga, Bryan Cave Leighton Paisner

2:45 – 2:55 p.m.

Break

2:55 – 3:55 p.m.

Session 2: Drafting Enforceable & Effective International Arbitration Clauses

Incorporating arbitration clauses in to contracts has been in vogue for some time because it can empower parties with a great deal of control over the process of resolving their dispute and selecting

adjudicators to hear such disputes. With reference to war stories, this panel will explain the importance of careful drafting and explore the essential ingredients of an enforceable and effective arbitration agreement, taking into account the laws of various jurisdictions that inform the interpretation and enforcement of arbitration clauses.

Moderator: Susan Franck, American University Washington College of Law

Speakers: Elizabeth Anderson, Emerson Electric Co.
Ricardo E. Ugarte, Winston & Strawn LLP
Mary Kate Wagner, ICC International Court of Arbitration

4:00 – 5:00 p.m. **Session 3: Mock Arbitrator Challenge**

This session will explore the new frontiers facing counsel and arbitrators in the current practice of arbitration against the background of a mock arbitrator challenge. The session poses the following scenario: counsel for the Claimant in the arbitration, upon request of the fully constituted tribunal, discloses that Claimant's billion-dollar arbitration claim is funded by Cloud Stroller Equity. Respondent's arbitrator thereupon discloses that two years ago, Respondent's arbitrator had acted as lead counsel in an unsuccessful seven hundred and fifty million-dollar arbitration similarly funded by Cloud Stroller Equity. Claimant's counsel immediately proceeds to challenge Respondent's arbitrator.

Arbitrators: Ambassador David Huebner, Huebner Arbitration
Sophie Nappert, 3VB Barristers
Sarah Vasani, Addleshaw Goddard LLP

Counsels: Teddy Baldwin, Steptoe & Johnson
Frédéric G. Sourgens, Washburn University School of Law

5:00 p.m. **Closing Remarks**

Karen Tokarz, Director, Negotiation & Dispute Resolution Program, Washington University School of Law

Networking Reception, Crowder Courtyard

[About the International Arbitration and Dispute Resolution Symposium](#)

The Washington University School of Law International Arbitration and Dispute Resolution Symposium aims to establish a forum in which top practitioners, academics, attorneys, and students gather on an annual basis to:

- Explore sophisticated topics in international arbitration and dispute resolution;
- Advance the development of international arbitration and dispute resolution;
- Educate the next generation of lawyers; and
- Provide networking opportunities.

This year's Symposium focuses on current developments in the field of international arbitration, including both commercial and investor-State arbitration. It builds upon Washington University's 2015 symposium, *International Dispute Resolution: Protecting Your Client in the Global Economy*, co-sponsored by the Harris Institute and the Negotiation & Dispute Resolution Program, the International Chamber of Commerce, the U.S. Council for International Business, and U.S. Arbitration & Mediation.

CLE credit is offered to lawyers who attend this symposium. Course credit may be awarded to students of Washington University School of Law, in conjunction with courses in international arbitration and international business transactions.