

iLaw2024 The ILS Global Forum on International Law AAA-ICDR® International Arbitration Track

February 16, 2024 | JW Marriott Marquis Hotel, Miami, FL

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MORNING SESSIONS

10:00-11:00

The AAA-ICDR Updates on the Current State of Affairs in International Arbitration

An exciting and quick-moving session covering key legal and practice developments pertaining to the latest global highlights with a focus on international arbitration. In rapid succession, experts will answer questions and provide updates on relevant topics (including the current state of affairs in international arbitration, key cases, legal updates, emerging trends and what the future holds for international ADR globally) — all under tight time frames managed by the moderator. From the institutional perspective special emphasis will be given to an overview of the trends we are seeing from various business sectors using international arbitration. Conference attendees will have the opportunity to listen, compare and analyze the international dispute resolution landscape as presented and receive important updates regarding international arbitration.

Moderator:

Bridget M. McCormack, President and CEO, AAA-ICDR; New York

Speakers:

Katie Gonzalez, Cleary Gottlieb LLP; New York

L Andrew S. Riccio, Baker & McKenzie LLP; New York

Gretta L. Walters, AAA-ICDR Arbitrator, Chaffetz Lindsey LLP; New York

11:15-12:15

So you're an international arbitrator, how to approach and handle some of the issues that may arise.

This session will cover a number of issues that international arbitrators may face during an international arbitration. The panel will discuss how to determine which jurisdiction's law should apply and how different laws (*i.e.*, substantive laws, procedural laws, specialized laws) that may apply impact that determination as they interpret the arbitration agreement. Additionally, the panel will discuss other issues that may arise during the international arbitration, including the managing of parties' expectations – civil law and common law tradition, managing the exchange of information ("discovery") phase, managing dilatory tactics, *ex parte* proceedings (non-participating, non-paying party), requests for early dispositions, the allocation of costs, managing tribunal dynamics and the approach to drafting the award, deliberations and possible dissents.

Moderator:

Katharine Menéndez de la Cuesta, Holland & Knight LLP; Florida

Speakers:

James Boykin, AAA-ICDR Arbitrator, Hughes Hubbard Reed LLP; Washington, D.C.

Henry Burnett, AAA-ICDR Arbitrator King & Spalding LLP; Miami

Gisela Paris, Foley Hoag, LLP; Washington, D.C.

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AFTERNOON SESSIONS

2:00-3:00

Investment Arbitration Reports – The ICSID Report, new ICSID Rules and Code of Conduct.

This session will provide an overview of recent developments in ICSID arbitration, with a focus on the new ICSID Rules and Regulations that came into effect on July 1, 2022. The session will cover the latest trends and important cases in investment arbitration and a discussion on the ICSID Code of Conduct for Arbitrators in International Investment Disputes which was also adopted and the United Nations Commission on International Trade Law (UNCITRAL) in 2022.

Moderator:

Silvia Marchili, White & Case LLP; Miami

Speakers:

Arif Hyder Ali, AAA-ICDR Arbitrator, Dechert LLP; Washington, D.C.

Meg Kinnear, Secretary-General, ICSID; Washington, D.C.

Carlos Ramos-Mrosovsky, BakerHostetler LLP; New York

3:15-4:15

International Construction Arbitration, Infrastructure projects with sovereigns. Keeping the Project Moving Forward, Conflict Management Options, Cultural differences and Off-Ramps to consider.

This session will discuss key issues regarding international construction arbitration and other conflict management options for infrastructure projects with states or state-related entities. The panel will focus on how public construction contracts differ from private construction agreements depending on the jurisdiction and how the involvement of government entities affects the resolution of international construction disputes. This panel will also discuss options available for international infrastructure projects with a special focus on dispute boards and a discussion on the AAA-ICDR's Dispute Avoidance and Resolution Board Procedures and process.

Moderator:

Luis M. Martinez, Vice President, AAA-ICDR; New York

Speakers:

Ulyana Bardyn, Eversheds Sutherland LLP; New York

Roberto Hernandez-Garcia, AAA-ICDR Arbitrator, COMAD, SC; Mexico City

Martin Gusy, AAA-ICDR Arbitrator, Bracewell LLP; New York

Annie Lespérance, Jus Mundi; New York