

# iLaw2023 Global Forum on International Law

## AAA-ICDR® International Arbitration Track

February 17, 2023 | JW Marriott Marquis Hotel, Miami, FL

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### AAA-ICDR INTERNATIONAL ARBITRATION TRACK SPONSORS

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### MORNING SESSIONS

10:00-11:00 a.m.

#### Regional Reports 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. Special emphasis will be given to an overview of the potential advantages and problems in selecting a particular seat of arbitration; areas of concern and areas of promise. 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:

**Eric P. Tuchmann**, Senior Vice President, General Counsel and Corporate Secretary, AAA-ICDR; New York

#### Speakers:

**B. Ted Howes**, Mayer Brown LLP; New York

**Martin F. Gusy**, Bracewell LLP; New York

**Gretta Walters**, Chaffetz Lindsey LLP; New York

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11:15 a.m.-12:15 p.m.

### International Arbitration of Life Sciences Disputes – Counsel’s Perspective

This panel will discuss the issues to consider when preparing for an international arbitration of a life sciences dispute, including counsel’s approach to arbitrator selection, preparing for the preliminary hearing, the exchange of information, emergency measures, presenting technical evidence and educating the tribunal, fact and expert witness testimony, and advocacy and the importance of properly knowing and understanding your tribunal. The panel will discuss their preferred approaches to these issues and the “best practices” they employ as counsel for international life sciences arbitrations.

**Moderator:**

**James P. Duffy IV**, Reed & Smith LLP; New York

**Speakers:**

**Katie Gonzalez**, Cleary Gottlieb Steen & Hamilton LLP; New York

**Alex de Gramont**, Dechert LLP; Washington D.C

**Thomas W. Walsh**, Freshfields Bruckhaus Deringer LLP; New York

12:30-1:45 p.m.

### Lunch and Keynote

**Topic: Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges**

**Keynote Speaker**

**Kenneth R. Feinberg**, Mediator and the Former Administrator of the September 11<sup>th</sup> Victim Compensation Fund

## AFTERNOON SESSIONS

2:00-3:00 p.m.

### Investment Arbitration Reports

**Moderator:**

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

**Topic 1:**

**The ICSID Report - Recent developments at ICSID and a discussion of the proposed Code of Conduct.**

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

**Topic 2:**

*Achmea* in the US – The Court of Justice of the European Union’s 2018 *Achmea* decision held investor state arbitration pursuant to intra-EU investment treaties contrary to European Union law. Arbitral tribunals have consistently rejected *Achmea* as a matter of international law. The *Achmea* issue is now before US federal courts in the context of efforts to enforce major intra-EU awards, in a series of cases raising important questions about the relationship of the relevant international legal regimes.

- **Carlos Ramos-Mrosovsky**, BakerHostetler LLP; New York

**Topic 3:**

**Much Ado About Nothing—the Unnecessary Reform of the Investment Arbitration System.**

Several ongoing initiatives aim at reforming the investment arbitration system, but a closer look at the alleged reasons for it show the proposed changes are non-sequiturs.

- **Silvia Marchili**, White & Case LLP; Texas



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3:15-4:15 p.m.

### **International Construction Arbitration – Keeping the Project Moving Forward – Conflict Management Options**

This session will discuss key issues regarding dispute board practice and procedure. Attendees will learn, among other things, options available for international infrastructure projects and other sectors as well as “Best Practices” applied by the DARB professionals, the various forms of dispute boards and dispute board rules, how are these dispute board professionals selected, the connection between dispute board determinations and arbitration and the AAA-ICDR’s new *Dispute Avoidance and Resolution Board Procedures*.

**Moderator:**

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

**Speakers:**

**Ricardo A. Ampudia**, Shook, Hardy & Bacon L.L.P.; Florida

**Deborah Bovarnick Mastin**, Law Office of Deborah Mastin, PLLC; Florida

**Mike Stenglein**, King & Spalding LLP; Texas