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Columbia International
Arbitration Association



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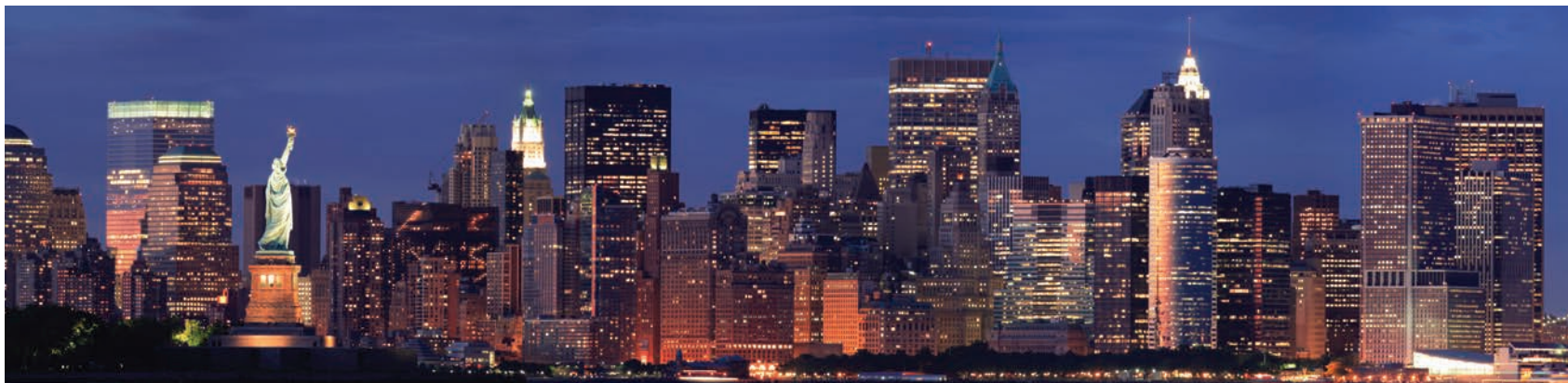
COLUMBIA ARBITRATION DAY 2012

Arbitrating with a Sovereign: Issues in Commercial and Investment Arbitration

Friday, March 23, 2012

Columbia Law School

A live NYS CLE Program





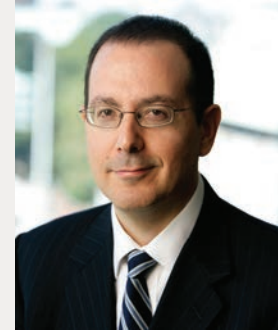
Welcome from the Dean

February 15, 2012

Dear Prospective Conference Participant,

It is my pleasure to invite you to Columbia Arbitration Day on March 23, 2012. We are very pleased to host several leading practitioners in the field of international arbitration, outstanding faculty, as well as students and alumni, for a day-long conference. This effort arises from our recognition of the common interests of practitioners, academics, and students in this field, and our belief that we can offer a valuable and unique service by bringing these diverse groups together. We hope to provide a platform for the mutually beneficial exchange of ideas and solutions to some of the most prominent and difficult issues this field faces today.

We hope that you will take advantage of this opportunity, and we look forward to welcoming you to Columbia Law School.



Sincerely,

David M. Schizer
Dean and the Lucy G. Moses
Professor of Law



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Dear Colleagues,



It is with great pleasure that we invite you to the Third Annual Columbia Arbitration Day, to be held on Friday, March 23, 2012. The Columbia International Arbitration Association (CIAA) is honored to welcome sixteen eminent practitioners and academics to Columbia Law School for a one-day conference on “Arbitrating with a Sovereign: Issues in Commercial and Investment Arbitration.”

The conference will focus on arbitrations between private investors and sovereigns, either a State, or a State entity. To mirror the differing and sometimes irreconcilable positions on these problems in the arbitration community, each panel will be structured as a debate, where a moderator and three speakers from varied backgrounds will bring to bear divergent perspectives on the central topics.

Panel 1 will address the issue of legitimacy (or lack thereof) in the investment arbitration system: Can arbitrators who are repeat players in a small community be truly independent and impartial? Does the current system protect the public interest

by ensuring an adequate level of transparency and public participation? Are investment arbitration tribunals bound by previous arbitral decisions? Panel 2 will center on overlapping contract and treaty obligations. It will discuss the notions of umbrella clauses, *lis pendens* and *res judicata*, and seek to discover whether an investor is entitled to recovery based on both the treaty and the contract. Panel 3 will explore the controversial problem of enforcing an arbitral award against a defaulting sovereign, an issue that has become very topical in light of Argentina’s defaults. Finally, Panel 4 will explore the possibility of rebalancing the investment arbitration regime. Speakers will assess the future of the current system in light of the transformation of capital-importing countries into capital-exporting countries and the official denunciation of ICSID and BITs by a number of current governments.

The conference will feature an evening reception, a lunch buffet and several coffee breaks for conference delegates, allowing the eminent panelists and other participants to engage in deeper discussions. Columbia Arbitration Day 2012 will be a unique opportunity for practitioners, scholars and students in the field to come together, share, and gain special insight into the cutting-edge issues of this practice.

We hope that you will embrace this opportunity to meet your peers and sharpen your edge for the most significant and fast-changing issues in our field. If you have not yet registered, please do so.

We look forward to welcoming you in New York City on March 23!

Sincerely yours,

Diogo Ciuffo Carneiro, Marcela Cursino de Moura Levy, Paula F. Henin & Iuliana Iancu
Conference Co-Chairs,
on behalf of the Columbia International Arbitration Association

Organizing Committee

Conference Co-Chairs

Diogo Ciuffo Carneiro, Marcela Cursino de Moura Levy, Paula F. Henin & Iuliana Iancu

Executive Planning Committee

Fundraising directors: Kathryn S. Benedict, Lillian G. Icard & Megha Kalbag

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A special thanks to the other Board Members of the Columbia International Arbitration Association for their support.

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Conference Program

Friday, March 23, 2012 at Columbia University, Faculty House, Presidential Ballroom, Third Floor

9:00 a.m. - 9:30 a.m.	Registration & Breakfast
9:30 a.m. - 9:40 a.m.	Introduction to the Conference Conference Chairs
9:40 a.m. - 11:00 a.m.	Panel 1 - Legitimacy Issues Arising in Arbitrations with Sovereigns MODERATOR: Carolyn B. Lamm , <i>White & Case LLP, Washington, D.C.</i> Professor Andrea K. Bjorklund , <i>U.C. Davis School of Law, California;</i> <i>McGill University Faculty of Law, Montreal</i> Nigel A. Blackaby , <i>Freshfields Bruckhaus Deringer LLP, Washington, D.C.-Paris</i> Sophie Nappert , <i>Gray's Inn, London</i>
11:00 a.m. - 11:25 a.m.	Coffee Break 1
11:30 a.m. - 12:50 p.m.	Panel 2 - Disputes Arising out of, or Related to, Overlapping Contract and Treaty Obligations: Procedural Issues MODERATOR: Dr. Yas Banifatemi , <i>Shearman & Sterling LLP, Paris</i> Carmine D. Boccuzzi, Jr. , <i>Cleary Gottlieb Steen & Hamilton LLP, New York</i> O. Thomas Johnson, Jr. , <i>Covington & Burling LLP, Washington, D.C.</i> Craig S. Miles , <i>King & Spalding LLP, Houston</i>
1:00 p.m. - 2:10 p.m.	Buffet Lunch, Seminar Room, Second Floor
2:20 p.m. - 3:40 p.m.	Panel 3 - The Enforcement of Arbitral Awards Against Sovereigns MODERATOR: Professor George A. Bermann '75 , <i>Columbia Law School, New York</i> Paolo Di Rosa , <i>Arnold & Porter LLP, Washington, D.C.</i> Caline Mouawad , <i>King & Spalding LLP, New York</i> David W. Rivkin , <i>Debevoise & Plimpton LLP, New York-London</i>
3:40 p.m. - 4:05 p.m.	Coffee Break 2
4:10 p.m. - 5:30 p.m.	Panel 4 - Rebalancing the Investment Arbitration Regime: Implications for International Commercial Arbitration MODERATOR: Professor Emmanuel Gaillard , <i>Shearman & Sterling LLP,</i> <i>Paris; University of Paris XII</i> Mark A. Clodfelter , <i>Foley Hoag LLP, Washington, D.C.</i> Ian A. Laird , <i>Crowell & Moring LLP, Washington, D.C.</i> Christian Leathley , <i>Herbert Smith LLP, London</i>
5:30 p.m. - 5:45 p.m.	Concluding Remarks Conference Chairs
6:00 p.m. - 7:45 p.m.	Evening Cocktail Reception, Garden Room, First Floor

Information

Date

Friday, March 23, 2012

Conference Venue

Columbia University

Faculty House, Presidential Ballroom, Third Floor

64 Morningside Drive, New York, NY 10027, USA

For directions, please visit <http://web.law.columbia.edu/columbia-arbitration-day/location>

Language

All working sessions and conference materials will be in English.

Registration

Please preregister on-line at <http://web.law.columbia.edu/columbia-arbitration-day/register> where full registration details can be found. Online preregistration is necessary to attend the conference and will close to all transactions at 5:00 p.m. (E.S.T.) on Wednesday, March 21, 2012. We regret that on-site registration will not be available at the Conference. Please note that conference rates are flat and fees cannot be prorated according to attendance. Space is limited. The favor of notification of cancellations is requested, and confirmed reservations are transferrable. Kindly notify Sallie Locke (slocke@law.columbia.edu) of cancellations and transfers as soon as possible, and, if possible, by the close of the preregistration period.

NYS CLE Credit

Columbia Law School has been certified by the New York State Continuing Legal Education (CLE) Board as an Accredited Provider of CLE programs. Under New York State CLE regulations, this live CLE program for both transitional and non-transitional attorneys will provide in aggregate a maximum of six (6.0) credit hours, of which 0.5 should be applied to the Ethics and Professionalism requirement and the balance, 5.5 credit hours, should be applied toward the Areas of Professional Practice requirement. The CLE credit award is based on sessions attended in their entirety only, as reflected in the conference registers, which attorneys seeking credit must sign both prior to and following their attending program sessions both for the Morning Sessions and for the Afternoon Sessions. Attorneys attending only part of a session are not eligible for partial credit for it, although they are most welcome to attend it. On sign-out, at the Morning or Afternoon Sessions' conclusion or otherwise on departure, attorneys should also submit their completed Evaluation Form, furnished at the Conference. Please note that the NYS Certificates of Attendance will be sent to the mailing address as it appears in the sign-in/-out registers unless otherwise noted there. Attorneys seeking credit for jurisdictions other than New York should consult the relevant jurisdiction's/s' guidelines for the reporting of such credit.



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Fees

There is a required attendance fee of \$190.00 per person. Reduced rates are available for attorneys who are serving in the public interest (including government, academia, and non- and not-for profit organizations) and/or are experiencing financial hardship. The Committee has also extended reduced rates to students currently enrolled in law school.

Delegate fees include: attendance at all working sessions; CD containing the conference materials; breakfast; light refreshments throughout; buffet luncheon; and evening cocktail reception.

We must be in receipt of your payment in full in order to process your registration. Payment may be made by credit card (Visa, MasterCard, and American Express); additional transaction fees and taxes may be applicable. Working sessions are reserved for delegates only.

All rates per person.

Professional/Private Practice:	USD 190
Public Interest/Nonprofit/Government/Academia:	USD 80
Attorney Hardship:	USD 40
Current Law Students:	USD 40
CIAA Student Members:	USD 30
Guest:	USD 50 (Cocktail Reception only)

Attorneys seeking a scholarship should register on-line and separately complete their registration by submitting a scholarship request, no later than 5pm, March 21, 2012, to Sallie Locke (slocke@law.columbia.edu). Requests should detail in a few sentences the basis of the applicant's need and the background to his or her interest. Please understand that without a complete scholarship request, the applicant may be notified that the scholarship registration has been cancelled.

List of Participants

In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by March 21, 2012.

Travel Arrangements and Visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full registration fees. Please apply for your visa in good time.

Hotel Accommodation

For further information on accommodation please visit <http://www.columbia.edu/content/visitors-center.html>.

Inquiries

Please direct your inquiries regarding CLE or registration matters to Sallie Locke (slocke@law.columbia.edu) and all other Conference inquiries to CIAA@law.columbia.edu.

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Challenge
Accepted.



Graf & Pitkowitz is a full service law firm based in Vienna, with a strong focus on international arbitration. Our attorneys have represented domestic and international companies in complex arbitrations at all of the world's leading arbitration centers.

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Friday, March 23, 2012



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