



COLUMBIA ARBITRATION DAY 2017

Striking a Balance: Confronting Tensions In International Arbitration

Friday, March 3, 2017

Columbia Law School, New York

**New York State Areas of Professional Practice
7.0 total New York State CLE credits are available for this event:
5.5 Areas of Professional Practice credits & 1.5 Ethics and Professionalism credits**



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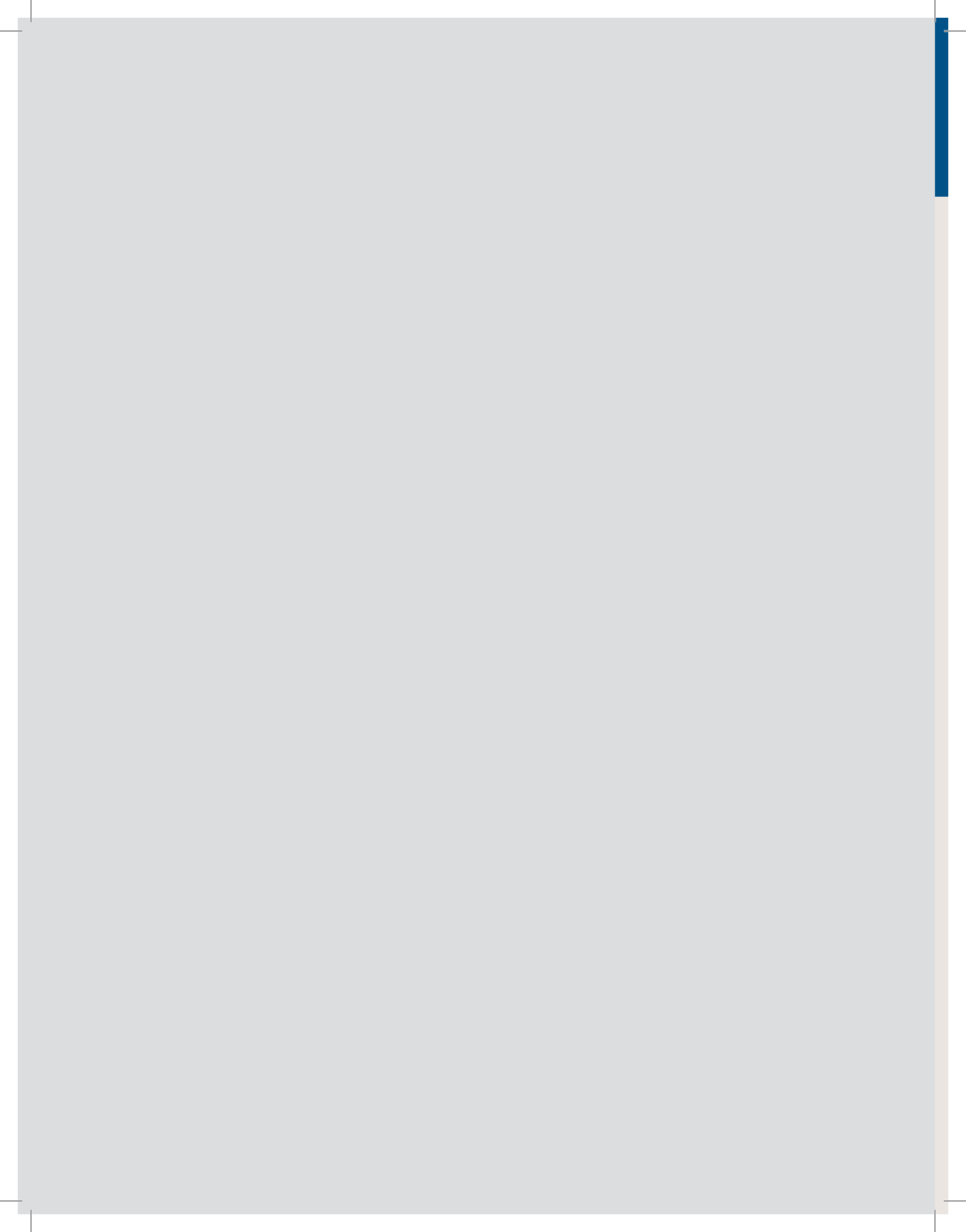
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REVIEW OF
INTERNATIONAL
ARBITRATION







Welcome from the Dean



Dear Conference Participant,

It is my pleasure to invite you to Columbia Arbitration Day on March 3rd, 2017. We are very pleased to host a number of 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 topical and difficult issues in this field today.

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

Best,
Gillian Lester
Dean and the Lucy G. Moses Professor of Law



Welcome from Professor George Bermann



Now in its eighth year, Columbia Arbitration Day (“CAD”) has become a fixture on the international arbitration community’s annual calendar—and for good reason. The event has a sterling reputation, even alongside the many fine programs that populate the field. Attainment of this status is all the more impressive due to the fact that the Columbia International Arbitration Association (CIAA) has made this possible with minimal reliance on the faculty and administration of the Law School. It is a tribute to the initiative, resourcefulness and energy of the student organizers.

The theme this year—“Striking a Balance: Confronting Tensions in International Arbitration”—is a reminder that constructing and operating a fair and efficient international arbitral process entails a tradeoff among competing objectives. Cognizance of that is all the more important in a time when arbitration—whether commercial or investment—is coming in for concerted criticism. This year’s program reflects the CIAA’s attunement to acknowledging and addressing the challenges that the international arbitration regime currently faces and is likely to in the years ahead.

The roster of speakers is also as magnificent as ever. That too is a product of CIAA’s energy and ambition in attracting the best and brightest to address us on this occasion. It is not surprising that our many LLM students from abroad have succeeded, as they always do, in bringing their most outstanding mentors from home to our program. It remains a genuine tribute to the program that invitees accept with alacrity invitations to speak at CAD.

The level commitment at Columbia to the international arbitration field is unparalleled in this country, and CAD is its embodiment. I wish to thank our student leaders for their ingenuity and dedication in assembling this program and for all else they do to make Columbia the vibrant setting for international arbitration study that it has become.

And now, along with the Dean and CIAA, I want to welcome all who have taken the time out of busy schedules to attend this year. I have every confidence that you will find the day as instructive as it is enjoyable. Thank you for being part of it.

Professor George A. Bermann
Director, Center for International Commercial and Investment Arbitration
Columbia Law School



Welcome from the Conference Chairs



Dear Conference Participants,

It is our pleasure to welcome you to Columbia Arbitration Day 2017. Over the past eight years, this event has become a prominent fixture in the international arbitration calendar. As a result of the hard work of our predecessors, we are today able to attract leading academics and practitioners for an annual discussion of the issues faced by the international arbitration community.

This year's theme, "Striking a Balance: Confronting Tensions in International Arbitration," considers the diverse interests in international arbitration that are in frequent competition with one another, and without a defined hierarchy. These unresolved tensions often leave both counsel and arbitrators with no other choice but to engage in

the delicate endeavor of striking a balance between equally legitimate, yet irreconcilable interests. Absent a clear-cut answer in doctrine or case law, solutions to these issues are usually reached on a case-by-case basis, and do not always lead to optimal results.

The aim of this year's conference is to unpack some of these tensions, and engage in discussions that will assist in shaping more effective solutions. Our panels will consider the issue of State liability, the admissibility of "illegally-obtained" evidence, the multifaceted nature of double recovery, and practitioners' conflicting ethical obligations. In addition, this year's keynote speech will address the knotty issue of third-party funding.

We hope Columbia Arbitration Day 2017 will enable scholars, practitioners, and students to share experiences, make meaningful connections, and gain valuable insight into these complex and recurring issues faced by the international arbitration community.

Thank you for joining us, and welcome to Columbia Arbitration Day 2017.

Sincerely,

Paris Aboro, Michael Lemanski, Arianna Rosato, Mauricio Salgueiro, Seri Takahashi, and Logan Wright
Columbia Arbitration Day 2017 Conference Chairs



Welcome from the Founder and Executive Advisor



The field of arbitration prides itself as being highly dynamic—with an impressive ability not only to resolve commercial and investment-related disputes quickly and efficiently to the benefit of clients all around the globe, but also with an ability to quickly adjust its framework and processes when issues arise and improvements are needed. These adjustments are, of course, not made by a central authority, but instead by those who practice arbitration.

The Columbia Arbitration Day has, since its inception in 2009, taken a special role in this adjustment process—for it has combined the powerful thought materials developed by academia with the relevance of professional practice, helped inspire debate where it is needed, and has through networking opportunities brought the arbitration community closer together with the next generation of legal minds.

This year is no different: under the theme of “Striking a Balance: Confronting Tensions in International Arbitration,” the Columbia Arbitration Day takes a close and indeed timely look at the challenges facing the arbitration community today, including on issues related to double recovery, the admissibility of illegally obtained evidence, third party funding, conflicting supranational obligations in state liability, and ethics rules.

Identifying, debating, and resolving these tensions is critical for the dynamism of arbitration, so it is our honor to be able to offer to you yet another excellent program this year. But all of this would of course not have been possible without the tireless efforts of this year’s incredibly dedicated team of conference chairs and the organizing committee—so please join me in congratulating them for putting together such a terrific program!

With this, I welcome you to this year’s edition of the Columbia Arbitration Day, which I am certain you will find to be a very rewarding and intellectually enriching experience.

Dr. Matthias M. Pitkowitz, Esq.
Chief Executive Officer, Equilibrium Stock Exchange
Founder and Executive Advisor, Columbia Arbitration Day



Information

Date

Friday, March 3, 2017

Conference Venue

Columbia Law School

Jerome L. Greene Hall

435 West 116th Street, at the intersection of Amsterdam Avenue

Travel

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. For further information on hotel accommodations please visit www.columbia.edu/newcuhome/content/visitors-center.html.

Registration

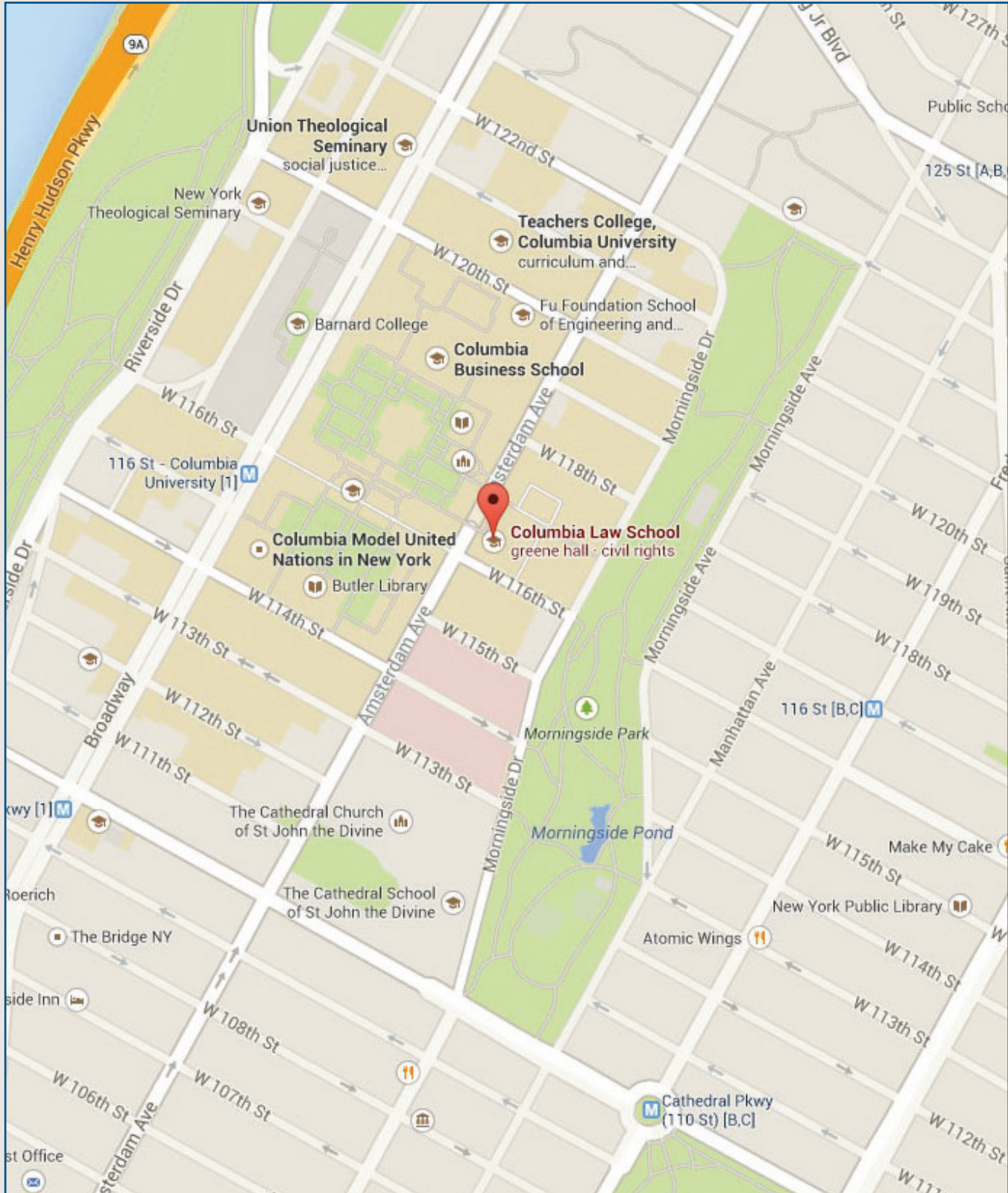
Pre-register online at <https://web.ovationtix.com/trs/pe/10127152>. Students buying tickets before February 15th may use the promo code EARLYARB to purchase tickets using the early bird discount. Online pre-registration is necessary to secure attendance. Please note that conference rates are flat and fees cannot be prorated according to attendance. Space is limited. Confirmed reservations are transferable. In order for your name to appear on the list of participants, which will be distributed at the conference, your registration information must have been received before March 1, 2017.

Be bold.

Cooley



Columbia Law School Map





Information Regarding New York CLE Credits

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 transitional and non-transitional CLE program will provide 5.5 credit hours that can be applied toward the Areas of Professional Practice requirement and 1.5 credit hours that can be applied toward the Ethics and Professionalism requirement. For CLE purposes, the two panels before lunch (Panels 1 and 2) will be the morning session and the two after lunch (Panels 3 and 4) will be the afternoon session. 1.5 CLE credits will be offered for each panel (i.e., 3.0 CLE credits for each session). 1.0 CLE credit will be awarded for the lunchtime keynote address. 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 a jurisdiction other than New York should consult the relevant jurisdiction's guidelines for the reporting of such credit.

Columbia Law School's CLE Financial Aid Policy

Persons seeking a hardship scholarship should submit a scholarship request, no later than 23:30 (EST) February 24, 2017 to Logan Wright (CIAA@law.columbia.edu). Requests, which will be answered, 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.

Inquiries

Please direct your inquiries regarding CLE to Logan Wright (mlw2163@columbia.edu) and all other registration or conference inquiries to the Columbia International Arbitration Association (ciaa@law.columbia.edu).



Conference Program

Friday, March 3, 2017 at Columbia University School of Law, Jerome Greene Hall

8:30 a.m. – 8:55 a.m. <i>Jerome Greene Hall Lobby</i>	Registration & Breakfast
8:55 a.m. – 9:00 a.m. <i>Jerome Greene Hall 106</i>	Conference Welcome by CAD Chairs
9:00 a.m. – 10:20 a.m. <i>Jerome Greene Hall 106</i>	Panel 1 – The One Thousand Faces of Double Recovery (1.5 CLE credits) MODERATOR: Oliver Thomas Johnson , <i>Columbia Law School and Iran-U.S. Claims Tribunal</i> Marinn Carlson , <i>Sidley Austin</i> Elliot Friedman , <i>Freshfields Bruckhaus Deringer</i> Dietmar Prager , <i>Debevoise & Plimpton</i> Mohamed Shelbaya , <i>Shearman & Sterling</i>
10:20 a.m. – 10:40 a.m. <i>Jerome Greene Hall Lobby</i>	Coffee Break
10:40 a.m. – 12:00 p.m. <i>Jerome Greene Hall 106</i>	Panel 2 – The Admissibility of Illegally Obtained Evidence in International Arbitration (1.5 CLE credits) MODERATOR: Kabir Duggal , <i>Columbia Law School and Baker & McKenzie</i> Ian Binnie C.C., Q.C. , <i>Lenczner Slaught and Former Justice of the Supreme Court of Canada</i> Paula Hodges Q.C. , <i>Herbert Smith Freehills</i> Natalie Reid , <i>Debevoise & Plimpton</i> Howard Zelbo , <i>Cleary Gottlieb</i>
12:10 p.m. – 1:00 p.m. <i>Faculty House, 2nd Floor</i>	Lunch
1:00 p.m. – 1:50 p.m. <i>Faculty House 2nd Floor</i>	Keynote Address – Third Party Funding and International Arbitration (1.0 CLE credits) Carolyn Lamm , <i>White & Case</i>
2:00 p.m. – 3:20 p.m. <i>Jerome Greene Hall 106</i>	Panel 3 – Conflicting Supranational Obligations: The Complex Web of State Liability (1.5 CLE credits) MODERATOR: George Bermann , <i>Columbia Law School</i> Mark Beckett , <i>Cooley</i> Coralie Darrigade , <i>Shearman & Sterling</i> Sophie Nappert , <i>Arbitrator</i> Anibal Sabater , <i>Chaffetz Lindsey</i>
3:20 p.m. – 3:40 p.m. <i>Jerome Greene Hall Lobby</i>	Coffee Break
3:40 p.m. – 5:00 p.m. <i>Jerome Greene Hall 106</i>	Panel 4 – Ethical Rules: Reconciling Conflicting Sources and Tradition (1.5 CLE credits) MODERATOR: Alejandro Garro , <i>Columbia Law School</i> Charles Adeyemi Candide-Johnson , <i>Lagos Court of Arbitration</i> Tai-Heng Cheng , <i>Quinn Emanuel</i> Diane Desierto , <i>University of Hawaii at Mānoa</i> Catherine Rogers , <i>Penn State University</i>
5:00 p.m. – 5:05 p.m. <i>Jerome Greene Hall, 106</i>	Concluding Remarks by CAD Chairs
5:05 p.m. – 7:00 p.m. <i>Drapkin Lounge</i>	Cocktail Reception and Raffle



Panels

Panel 1: The One Thousand Faces of Double Recovery

Double recovery is widely recognized as impermissible, but it is often difficult to avoid in practice. The same material facts can affect multiple stakeholders, give rise to claims under multiple treaties and/or contracts, or establish multiple arbitral and national jurisdictions. In all these cases, awarding damages might result in double recovery. While principles of *lis pendens* and *res judicata* partially redress the issue, subtler situations pass through the sieve. How should arbitrators handle these cases and what tools are available to them? To what extent should multi-layer protection (e.g., concurrent treaty and contractual protections) be upheld? To what extent is the risk of double recovery tolerable? How far up in the investment chain are actors entitled to relief? How should relief be apportioned among stakeholders? Ultimately, how should arbitrators coordinate with other tribunals?

Panel 2: The Admissibility of Illegally Obtained Evidence in Arbitration

The admissibility of illegally obtained evidence has become an increasingly prominent issue in international arbitration. How have tribunals traditionally approached this issue? What are the issues lawyers face when seeking to either rely on or resist the admission of such evidence? Will these considerations change as technology advances and with the advent of organizations such as *Wikileaks*? How have cybersecurity concerns impacted this issue?

Panel 3: Conflicting Supranational Obligations: The Complex Web of State Liability

The proliferation of investment treaties and the increasingly integrated system of state interactions, in the form of both regional organizations (e.g., the European Union) and international agreements (e.g., environmental protection treaties), have resulted in states undertaking a number of competing supranational obligations. Given the disparity of goals pursued by these instruments (e.g., investor protection on the one hand, and fair competition or environmental sustainability on the other), how do these obligations coexist? When these obligations conflict, how should arbitrators determine which prevail?

Panel 4: Ethical Rules: Reconciling Conflicting Sources and Traditions

Counsel and arbitrators are often subject to ethical rules from a variety of sources, including the laws and regulations of their home jurisdictions, as well as the rules governing the arbitration, such as the *lex arbitri*, institutional rules, and *lex fori*. How does one know which rules apply? Is it possible to establish international standards of practice and, if so, should they control? How should arbitrators and counsel reconcile potentially inconsistent ethical obligations to ensure a fair and just adjudication?

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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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Speaker Biographies

Panel 1 – The One Thousand Faces of Double Recovery

Moderator: Oliver Thomas Johnson, Columbia Law School and Iran-U.S. Claims Tribunal, New York City

Professor O. Tom Johnson is a member of the Iran-United States Claims Tribunal in The Hague. Prior to his appointment to that tribunal in 2012, he was a partner in the law firm of Covington & Burling LLP, where his practice focused on international commercial arbitrations, arbitrations between States and foreign investors, and land and maritime boundary disputes between States. He also advised clients concerning the application of the United States Foreign Corrupt Practices Act and similar laws of other States. From 2002 until 2009, Professor Johnson was a member of the Panel of Arbitrators of the World Bank's International Centre for Settlement of Investment Disputes ("ICSID"), appointed by the United States. Before joining Covington & Burling, Professor Johnson served as Special Assistant to the Legal Adviser of the United States Department of State. He received both his B.A. (1968) and his J.D. (1971) from Stanford. He has been an adjunct professor at Columbia Law School since 2011.

Marinn Carlson, Sidley Austin, Washington, D.C.

Marinn Carlson is an international arbitration partner in Sidley Austin LLP's Washington, DC office, where she focuses her practice on investment disputes. She represents both claimant investors and respondent governments in arbitrations under investment treaties and trade agreements, and counsels clients in sectors ranging from financial services to energy to infrastructure development on the implications of international trade and investment rules for their global operations. She has also represented corporate clients in a wide range of international commercial arbitrations, and in U.S. litigation with international ramifications. Ms. Carlson has been named as one of the Top 250 Women in Litigation and as one of Who's Who Legal's "Future Leaders" in arbitration, among many other recognitions. She teaches and speaks on topics in international arbitration ranging from investor-state arbitration caselaw to arbitration advocacy skills, including as an adjunct professor at American University's Washington College of Law and with the Foundation for International Arbitration Advocacy (FIAA). She also serves on the Board of Directors of the CAIR Coalition, a legal services organization focused on immigrants' rights, and is active in the American Society of International Law.

Elliot Friedman, Freshfields Bruckhaus Deringer, New York City

Elliot Friedman is an international arbitration partner at Freshfields Bruckhaus Derringer, New York. Mr. Friedman focuses on international arbitration (commercial and investor-state) and international litigation, with a particular focus on disputes in the energy and natural resources sector. He has handled international arbitrations before virtually every major arbitral institution. His experience includes disputes involving long-term energy contracts, bilateral and multilateral investment treaties, joint venture agreements, construction contracts, distribution agreements and intellectual property, among others. Mr. Friedman also represents companies in transnational litigation in US courts, including the enforcement of arbitral awards. Recently, Mr. Friedman represented BG Group in its victory before the Supreme Court of the United States, in the first ever case concerning a bilateral investment treaty to be considered by the Supreme Court.

Dietmar Prager, Debevoise & Plimpton, New York City

Dietmar W. Prager is a litigation partner at Debevoise & Plimpton, New York, who focuses his practice on international arbitration and litigation. Dr. Prager has represented parties in numerous arbitrations throughout the world under the auspices of the ICC, ICSID, the LCIA, the AAA, ICDR and the PCA as well as in ad hoc arbitration proceedings. He was also one of the youngest lawyers ever to argue before the International Court of Justice. Dr. Prager's recent representations include disputes involving complex construction projects, bilateral investment treaties, mining ventures, oil & gas, the retail sector, the finance sector, sovereign debt, and distribution agreements. He also regularly sits as arbitrator. Dr. Prager is ranked among the leading international arbitration practitioners by *Chambers Global*, *Chambers USA*, *Chambers Latin America*, *Legal 500 Latin America*, *Benchmark Litigation* and



Who's Who Legal. He is a vice chair of the Institute of Transnational Arbitration and co-editor in chief of the World Arbitration & Mediation Review. Dr. Prager speaks English, Spanish, German, French and is proficient in Portuguese.

Mohamed Shelbaya, *Shearman & Sterling, Paris*

Mohamed Shelbaya is a partner in Shearman & Sterling's International Arbitration Group. He is based in the firm's Paris office and has represented companies, States and State-owned entities in more than 30 commercial and investment treaty arbitrations, with a particular focus on arbitrations in the oil & gas sector and/or arbitrations involving interests in the Middle East. He also has extensive experience advising energy companies regarding their contractual portfolio as well as negotiating on their behalf with their major upstream and downstream counterparties. Clients quoted in Global Arbitration Review described Mr. Shelbaya as "a brilliant lawyer, who understands how each case involves different interests, priorities, concerns and goals and has a pragmatic approach, perfectly balancing legal and commercial considerations" and as "an outstanding strategist, with excellent analytical skills and a unique ability to come up with innovative solutions to solve difficult problems." Chambers Global and Legal 500 also reported that clients describe Mohamed as "persuasive and very smart" and "an excellent negotiator" who "thinks outside the box."

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Panel 2 – The Admissibility of Illegally Obtained Evidence in International Arbitration

Moderator: Kabir Duggal, Columbia Law School and Baker & McKenzie, New York City

Kabir Duggal is a senior associate in Baker McKenzie's International Arbitration Practice Group in New York. His practice focuses on investor-state arbitration, commercial arbitration, and issues and disputes relating to public international law. Mr. Duggal is a Lecturer-in-Law at the Columbia Law School, teaching "International Investment Law and Arbitration." He is the Managing Editor for Columbia Law School's "The American Review of International Arbitration" and is an editor for investmentclaims.com hosted by Oxford University Press. He also serves on ICSID Review's Peer Review Board and is an Associate Editor for Brill-Nijhoff publisher's international law and arbitration section. He is a Fellow at Columbia Center on Sustainable Development. Mr. Duggal has been awarded the inaugural "Diversity Fellowship" by the American Bar Association, Section of International Law. He also serves on the Chartered Institute of Arbitrator Young Members Steering Committee. Mr. Duggal is a graduate of the University of Mumbai (University Medal), University of Oxford (DHL-Times of India Scholar) and NYU School of Law (Hauser Global Scholar). He is admitted to practice law in India, England and Wales (Solicitor) and New York.

Ian Binnie C.C., Q.C., Lenczner Slaught and Former Justice of the Supreme Court of Canada, Toronto

Ian Binnie, C.C., Q.C. is counsel at Lenczner Slaght. One of Canada's most respected advocates, the Honorable Ian Binnie served for nearly 14 years as a Justice of the Supreme Court of Canada. When he retired in 2011 he was described by The Globe and Mail as "arguably the country's premier judge." During his time on the country's top court (as only the third modern Justice appointed directly from the bar), Mr. Binnie authored more than 170 opinions, including on landmark cases involving issues of patent interpretation and validity, protection of trade-marks, media law, commercial disputes, punitive damages, expert evidence and many aspects of constitutional, criminal and administrative law. Over the course of three decades as a litigator, he argued cases in most of the common-law provinces and appeared regularly before the Supreme Court on a range of constitutional, civil and criminal matters. Mr. Binnie has often taken on public service roles as well. In the early 1980s he served for four years as Canada's Associate Deputy Minister of Justice. He was later appointed Special Parliamentary Counsel to the Joint Committee of the Senate and the House of Commons on the Meech Lake Accord.

Paula Hodges Q.C., Herbert Smith Freehills, London

Paula Hodges heads Herbert Smith Freehills' Global Arbitration Practice and has over 25 years' experience of advising on international disputes, particularly in the energy, telecommunications and technology sectors. She specialises in international arbitration and has represented clients in many jurisdictions (including London, Paris, Geneva, Zurich, Stockholm, the US, Canada, Dubai, Africa, Asia, Russia and the CIS) in ad hoc arbitration and proceedings under the auspices of the major arbitral institutions. She also sits as an arbitrator. Ms. Hodges has been closely involved in several high-profile cases before the High Court in London, and has also appeared before the Court of Appeal and House of Lords (now the Supreme Court). Ms Hodges studied law at the University of Cambridge and graduated in 1986 with an M.A. in Law. Ms. Hodges is a member of the LCIA Board and Vice President of the LCIA Court. She became a QC in 2014. Ms. Hodges is also a registered foreign lawyer at the Singapore International Commercial Court.

Natalie Reid, Debevoise & Plimpton, New York City

Natalie Reid is a partner in the international dispute resolution group at Debevoise & Plimpton, where her practice for the last ten years has focused on international arbitration, public international law, and complex commercial litigation. A Jamaican national, she regularly advises and represents multinational corporations and international organizations in proceedings in U.S. courts and international fora. As part of that practice, Ms. Reid acts as counsel in arbitrations conducted under the rules of the major arbitral institutions, and her recent representations include disputes arising under bilateral investment treaties in South Asia and East Asia. Prior to joining Debevoise in 2006, Ms. Reid was an Associate Legal Officer at the International Criminal Tribunal for the former Yugoslavia. In recent years, she has served on the Executive Council of the American Society of International Law and the International Commercial Disputes



Committee of the New York City Bar Association, and she is currently a member of the Board of Editors of the American Journal of International Law. She was named a “rising star” by the New York Law Journal in 2015, and a “future leader” in international arbitration by Who’s Who Legal in 2017.

Howard Zelbo, *Cleary Gottlieb, New York City*

Howard Zelbo is a partner in the New York office of Cleary Gottlieb Steen & Hamilton. Mr. Zelbo’s practice focuses on international arbitration and complex commercial litigation. He has acted as the lead attorney in numerous arbitrations and has represented a number of corporations and sovereigns globally, with significant experience in Latin America. Mr. Zelbo’s notable international arbitration experience includes, representing a company in an ICSID arbitration against Peru under a port concession agreement; a consortium of major Latin American oil and gas corporations in a dispute with an oil trading company, involving an ICC arbitration in New York and injunction proceedings in the UK; Citigroup in its widely publicized battle for corporate control over Brasil Telecom, which included ICC arbitrations in London and in Paris; several companies in purchase price adjustment arbitrations, including obtaining a \$70 million purchase price adjustment award in favor of a French company; Goodyear in an arbitration relating to its principal European subsidiary; and the Russian Federation in an ICC arbitration against an \$800 million claim by Swiss Compagnie Noga d’Importation et d’Exportation S.A. Mr. Zelbo joined the firm in 1988 and became a partner in 1994. He received a J.D., *summa cum laude*, from Cornell Law School and a B.A., *magna cum laude*, from the University of Connecticut.

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Keynote Speaker – Third Party Funding and International Arbitration

Carolyn B. Lamm, White & Case LLP, Washington, D.C.

Ms. Carolyn B. Lamm is a partner of White & Case LLP based in Washington, DC and Co-Chair of the International Arbitration Americas. Ms. Lamm regularly serves as lead counsel in high-stakes, cutting-edge cases, successfully resolving significant international arbitrations involving international corporates and sovereign clients. She also serves as lead counsel in arbitration-related litigation matters.

Her practice concentrates on international dispute resolution through international arbitration, litigation and international trade proceedings. She advises clients in matters with ICSID and its Additional Facility, and other international arbitral proceedings involving States, as well as commercial arbitral fora including AAA/CDR, ICC, Vienna Centre, Stockholm Chamber, Swiss Chamber and in federal court litigation. She teaches International Investment Arbitration at the University of Miami School of Law.

Ms. Lamm was appointed by President Clinton to the US Panel and later by the Government of Uzbekistan to the Uzbek Panel of Arbitrators for ICSID arbitration. She was a member of the American Arbitration Association Executive Committee and Board, and is currently a member of the ICCA Governing Board, a member of the Council of the American Law Institute (Advisory Committee for the Restatement of International Arbitration and a Counselor for the Restatement Fourth on Foreign Relations) and has served as an arbitrator in AAA International Rules, ICSID and NAFTA Chapter 11 disputes.

Ms. Lamm is a past President of both the District of Columbia Bar and the American Bar Association. She is currently serving as the American Bar Association’s Representative to the International Bar Association. She has been recognized by peers for excellence: 2013 National Law Journal’s “100 Most Influential Lawyers in the US”; October 2011 *Washingtonian Magazine* “100 Most Powerful Women in Washington” and “One of 30 Top Lawyers in DC”; and *Lawdragon* 500 Leading Lawyers in America.

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Panel 3 – Conflicting Supranational Obligations: The Complex Web of State Liability

Moderator: George Bermann, Columbia Law School, New York City

George Bermann has been a professor at Columbia Law School for over four decades, and directs the law school's Center for International Commercial and Investment Arbitration (CICIA). Professor Bermann also teaches at the École de droit, Institut d'Études Politiques de Paris (Sciences Po Law School) and the MIDS Program (Geneva). He has served as international arbitrator in a great many international commercial and investment arbitrations and frequently testifies on issues of international arbitration law before courts and arbitral tribunals. He is currently Chief Reporter of the ALI Restatement of the US Law of International Commercial Arbitration, director of the Global Board of Advisers of the New York International Arbitration Center, member of the Advisory Council of the International Institute for Conflict Prevention and Resolution, and director of the American Arbitration Association.

Mark Beckett, Cooley, New York City

Mark Beckett focuses on international commercial and investment treaty arbitration, public international law, and cross-border and multi-jurisdictional legal issues and disputes, as well as international corporate social responsibility. His practice involves resolving controversies relating to a variety of cross-border transactions and long-term relationships including disputes under joint venture and joint development agreements, long-term supply and purchase agreements, post-sale and acquisition disputes, and infrastructure and project disputes. Mr. Beckett also provides advice to clients on mitigating commercial and country risk, contract drafting, and international legal issues, including investment protection. He also handles disputes relating to the responsibility of states toward foreign investors under investment treaties and international law.

Coralie Darrigade, Shearman & Sterling, Paris

Coralie Darrigade is a partner in Shearman & Sterling's International Arbitration group. She has represented companies, States and State-owned entities in numerous investor-State and commercial arbitrations, under the Rules of the ICC, SCC, ICSID as well as in ad hoc arbitrations under the UNCITRAL Rules, with a strong focus on energy, business combination and general commercial disputes. Ms. Darrigade is a lecturer in law at Sciences Po, Montpellier University and the Paris Bar School.

Sophie Nappert, Independent Arbitrator, London

Sophie Nappert is a dual-qualified lawyer in Canada and in the UK. She is an arbitrator in independent practice, based in Gray's Inn, London, specialising in international disputes, notably in energy, infrastructure, natural resources and cross-border investment. Before becoming a full-time arbitrator, she was Head of International Arbitration at a global law firm. Ms. Nappert is trained and has practised in both civil law and common law jurisdictions. She is the peer-nominated Moderator of OGEMID, the online discussion forum on current issues of international investment law, economic law and arbitration. She is ranked in Global Arbitration Review's Top 30 List of Female Arbitrators Worldwide and is commended as a "leading light" in the field by Who's Who Legal.

Anibal Sabater, Chaffetz Lindsey, New York City

Anibal Sabater is licensed in several U.S. jurisdictions, England and Wales (solicitor), and Spain. He has spent the last 18 years working on international arbitrations, appearing before foreign and supranational courts, and helping clients deal with complex or simply unusual transnational claims and situations. He provides representation, but also comprehensive analysis and strategic advice for parties wishing to consider all their options in international disputes. He also sits frequently as an arbitrator, and in 2015 Global Arbitration Review shortlisted him for its award in the Best Prepared/Most Responsive Arbitrator category. Mr. Sabater was recently described by Chambers as a "gifted counselor" whose clients praise "his skill in managing an arbitration tribunal." Legal 500 highlights him as "a skillful partner who understands the realities of Europe, the US and Latin America" and for his "ability to give strong answers to difficult questions."



Panel 4 – Ethical Rules: Reconciling Conflicting Sources and Traditions

Moderator: Alejandro Garro, Columbia Law School, New York City

Alejandro Garro is Adjunct Professor of Law at Columbia University and Senior Research Scholar at the Parker School of Foreign and Comparative Law. He has been a member of the Columbia Law School Faculty since 1981, where he has been teaching in the fields of Comparative Law, International Business Transactions and Latin American Legal Systems. Professor Garro is the author or editor of books on international commercial arbitration, international sales, and secured transactions, as well as a score of articles and contributions to edited volumes. He is a graduate from the National University of La Plata School of Law (Argentina) and holds a master's degree (LLM) from Louisiana State University and a doctoral degree in law (JSD) from Columbia University. He is admitted to practice in Buenos Aires, Madrid, and New York.

Charles Adeyemi Candide-Johnson, Lagos Court of Arbitration, Lagos

Yemi Candide-Johnson is a Senior Advocate of Nigeria and the Founding Partner of Strachan Partners, a commercial law firm in Lagos, Nigeria. He is continuously engaged as lead counsel in major and high profile commercial and public policy disputes across the courts of Nigeria and has been either counsel or arbitrator in several domestic and international commercial arbitrations in the maritime, petroleum, banking and construction industries. Mr. Candide-Johnson has notable experience in advising on complex commercial transactions as well as advising foreign investors on potential investment in Nigeria. He is the current President of the Lagos Court of Arbitration, which is Africa's foremost dispute resolution institution. Mr. Candide-Johnson is also the author of several scholarly papers as well as co-author of the leading book on Arbitration in Nigeria '*Commercial Arbitration Law and International Practice in Nigeria*'. He is a Fellow of the Chartered Institute of Arbitrators of England (FCI Arb) since 1996, an Approved Tutor and Examiner of the Chartered Institute of Arbitrators UK and an Honorary Fellow of the Centre for International Legal Studies, Salzburg, Austria.

Tai-Heng Cheng, Quinn Emanuel, New York City

Tai-Heng Cheng leads the New York international arbitration practice of Quinn Emanuel Urquhart & Sullivan. He has achieved numerous victories in investor-state and commercial arbitrations, worldwide, as well as in US litigation and regulatory investigations. Cheng has also served as tribunal chair or co-arbitrator in more than a dozen arbitrations with \$8bn. to \$5mn. at stake, and is a member of the arbitration panels of arbitration institutions in North America, Europe and Asia. Dr. Cheng has been recognized in Chambers Global and Chambers USA for international arbitration, GAR and Who's Who Legal: Arbitration Future Leaders 2017, Benchmark Litigation's Rising Stars, Benchmark Litigation's Under 40 Hot List, as well as in Euromoney's Guide to the World's Leading Experts in Commercial Arbitration. He is an elected fellow of the College of Commercial Arbitrators, the American Law Institute and the Foreign Policy Association, and serves on the boards of several professional and civic associations. Dr. Cheng was also a tenured professor of international law in the United States. U.S. Federal Circuit and District Courts have cited and relied on his scholarship as authoritative. Dr. Cheng has a J.S.D. and LL.M. degree from Yale Law School and first class honors in law from Oxford University.

Diane Desierto, University of Hawaii at Mōnoa, Honolulu

Dr. Diane Desierto (JSD, Yale) is the Michael J. Marks Distinguished Professor in Business Law, tenured Associate Professor of Law, and ASEAN Law & Integration Center Co-Director at the University of Hawaii William S. Richardson School of Law; Fellow, Stanford University's Center for Advanced Study in the Behavioral Sciences (CASBS); Adjunct Fellow at the WSD Handa Center for Human Rights and International Justice at Stanford Global Studies; External Executive Director (Associate Dean rank) at the University of the Philippines Law Graduate School at Bonifacio Global City, Philippines; International Arbitration Partner at Desierto & Desierto Law (Manila/ASEAN); International Arbitrator, British Virgin Islands International Arbitration Centre (BVIAC), and 2017 Director of Studies of the Hague Academy of International Law. She is a Member of the Academic Council of the Institute of Transnational Arbitration, SAB Member of the European Journal of International Law, Editor of the Asian Yearbook of International Law, and



Research Committee Head for International Economic Law & Development at the Asian Society of International Law. Professor Desierto is listed among *Who's Who Legal and Global Arbitration Review's 2017 List of Best "45 under 45"* arbitration counsels, and is the 2016 *Lawyer Monthly Administrative/Public Law Lawyer of the Year (USA)*.

Catherine Rogers, *Penn State University, University Park*

Catherine A. Rogers is a Professor of Law at Penn State Law, with a dual appointment as Professor of Ethics, Regulation, and the Rule of Law at Queen Mary, University of London, where she is also Co-Director of the Institute of Regulation & Ethics. Professor Rogers is a Reporter for the American Law Institute's Restatement of the U.S. Law (Third) of International Commercial Arbitration, a Member of the Court of Arbitration for the Jerusalem Arbitration Center, and Co-Chair, together with William W. "Rusty" Park and Stavros Brekoulakis, of the ICCA-Queen Mary Task Force on Third-Party Funding in International Arbitration. She is the founder and CEO of Arbitrator Intelligence, a non-profit, community sourced entity that aims to increase transparency, fairness, accountability and diversity in the arbitrator selection process. Professor Rogers is a frequent speaker on topics relating to fairness and professional responsibility in international arbitration and a regular contributor to arbitration-related capacity-building efforts around the world. Her book, *Ethics in International Arbitration*, was published by Oxford University Press in 2014.



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Through the generosity of our student sponsors, Debevoise & Plimpton and Cleary Gottlieb, the Columbia International Arbitration Association (CIAA) was able to subsidize student tickets to Columbia Arbitration Day 2017. Our conference gives students a unique opportunity to learn from the leading figures in the field of international arbitration. CAD provides students with an essential complement to their study of arbitration: the knowledge and experience of practitioners. Their perspective is something we are proud to share with the Columbia Law School community, as well as the law students from around the world. We are confident that with each successive CAD, the next generation of arbitration lawyers will become better informed and better connected.

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This year's prizes include:

- David D. Caron, Stephan W. Schill, Abby Cohen Smutny, Epaminontas E. Triantafyllou (eds.), *Practicing Virtue: Inside International Arbitration*, Oxford University Press 2015
- Ragnar Harbst, *A Counsel's Guide to Examining and Preparing Witnesses in International Arbitration*, Wolters Kluwer 2015
- Jorge A. Huerta-Goldman, Antoine Romanetti, Franz X. Stirnimann (eds.), *WTO Litigation, Investment Arbitration, and Commercial Arbitration*, Wolters Kluwer 2013
- Catherine A. Rogers, *Ethics in International Arbitration*, Oxford University Press 2014
- Wei Sun, Melanie Willems (eds.), *Arbitration in China: A Practitioner's Guide*, Kluwer Law International 2015
- Jeffery Waincymer, *Procedure and Evidence in International Arbitration*, Wolters Kluwer 2012
- Reinmar Wolff (ed.), *The New York Convention: A Commentary*, Hart Publishing 2012

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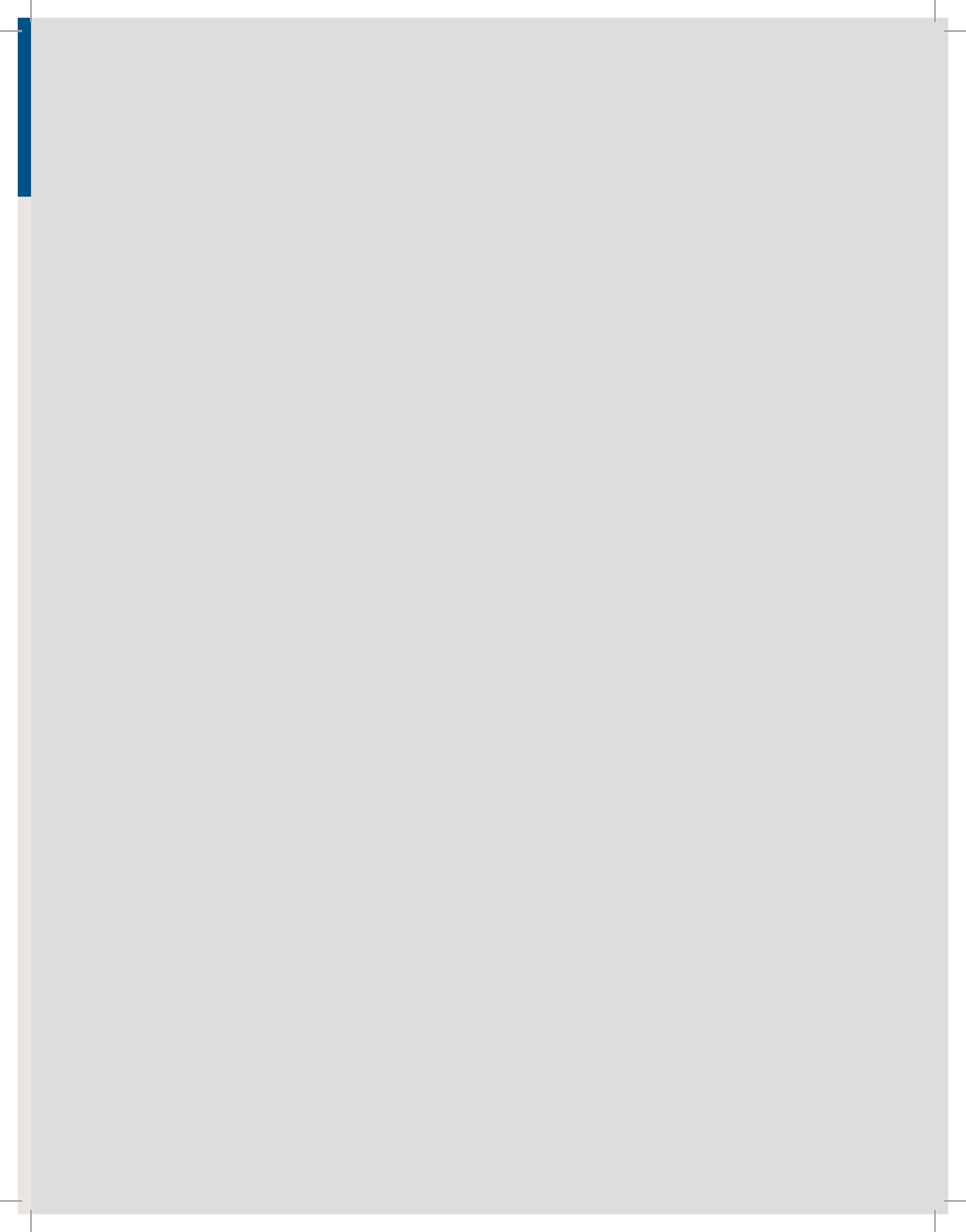
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