The Inaugural Conference of the Atlanta International Arbitration Society
The United States and its place in the International Arbitration System of the 21st Century: Trendsetter, Outlier or One in a Crowd?

COOPERATING ENTITIES:

April 15-17, 2012
The Loews Atlanta Hotel
1065 Peachtree St. NE
Atlanta, GA 30309
www.arbitrateatlanta.org
As observed by the reporters for a project to restate the U.S. Law of International Commercial Arbitration: “The United States occupies a unique place in the modern international arbitration system and in its historic evolution…. American lawyers, arbitrators and arbitration specialists have been important contributors to the growth and development of the international commercial arbitration system, from its very inception and within its most venerable institutions…. On the other hand, U.S. parties and lawyers have sometimes taken atypical approaches towards arbitral procedures, particularly when contrasted to some European counterparts, on matters as diverse as arbitrator independence, discovery and the role of lawyers.”

What will be the role of the United States in international arbitration of the 21st Century as trendsetter, outlier, or simply one in a crowd?
6:00 pm  Wedding at the High Museum of Art – Taylor Lobby
Enjoy dinner and drinks with your colleagues at the High Museum of Art, featuring the celebrated architecture of Richard Meier and Renzo Piano. The Museum will be hosting the “Picasso to Warhol: Fourteen Modern Masters” exhibit, offering a wonderful glimpse at the famous work of Henri Matisse, Piet Mondrian, Constantin Brancusi, Fernand Léger, Pablo Picasso, Marcel Duchamp, Giorgio de Chirico, Joan Miro, Alexander Calder, Romare Bearden, Louise Bourgeois, Jackson Pollock, Andy Warhol and Jasper Johns. The Museum is located in Atlanta’s midtown arts district, less than three blocks from the conference host hotel.

APRIL 17
8:30 am - 9:00 am  Keynote Address
Valerie Strong Sanders, Counsel, Sutherland Asbill & Brennan LLP, Atlanta, Georgia
Judith Gill, QC, Partner, Allen & Overy, London

9:00 am - 10:30 am  Lawyer Ethics in International Arbitration: Prospects for a Level Playing Field
Everyone would agree that ethical behavior by advocates is critical to the integrity of an international arbitration proceeding, but by what measure should ethical behavior be determined? For instance, which code of professional ethics should govern, say, a lawyer who is based in Atlanta and duly-licensed to practice law in the State of Georgia and Hong Kong, and who is advising before an arbitration tribunal seated in Singapore, where the arbitrators hail from Hong Kong, China and California, opposing counsel is an English barrister who is also licensed in Hong Kong, but based in China, the substantive law governing the dispute is Delaware law, and one of the parties is a Georgia corporation and the other Chinese? If counsel to an arbitration proceeding are subject to different codes of ethics, does the client whose lawyer is subject to the lowest ethical standard have an unfair advantage? Should conduct be governed by the rules of the arbitral seat, the lawyer’s home jurisdiction(s), by ethical codes developed by arbitral institutions, by a transnational code of ethics, or simply by reputational constraints? The ABA’s Commission on Ethics 2020, among other organizations, is presently wrestling with these issues, and a panel of experts will discuss possible solutions.

Moderator:  
Brian A. White, Partner, King & Spalding LLP, Atlanta, Georgia
Panelists:  
Nikolaus Pitkowitz, Partner, Graf & Pitkowitz, Vienna
Matthew D. Richardson, Partner, Allen & Overy, London
Richard H. Sinkfield, Partner, Sutherland Asbill & Brennan LLP, Atlanta, Georgia

11:00 am - 12:30 pm  Judicial Assistance in International Arbitration: Striking a Balance Between Help and Hindrance
Arbitration is generally understood as a set of mutual promises to forego resort to courts and, instead, to resolve disputes in an enforceable manner before neutral, private decision makers. Nonetheless, courts have always played a role in the process. While this traditionally has included resolving challenges to the enforceability of arbitration agreements or assessing the enforceability of an arbitral award, more recently, the assistance afforded by courts has expanded into other areas. Some jurisdictions permit their courts to freeze assets in support of an arbitration. In other instances, courts have issued anti-suit injunctions to prevent a party from pursuing litigation inconsistent with an arbitration clause or litigation designed to freeze assets in support of an arbitration. In other instances, courts have issued anti-suit injunctions to enforce the arbitration agreement or assessing the enforceability of an arbitral award, more recently, the assistance afforded by courts has expanded into other areas. Some jurisdictions permit their courts to freeze assets in support of an arbitration. In other instances, courts have issued anti-suit injunctions to prevent a party from pursuing litigation inconsistent with an arbitration clause or litigation designed to thwart enforcement of arbitral award. Finally, some jurisdictions allow parties to seek discovery orders in aid of arbitration, which are located within the court’s jurisdiction or, in some cases, arbitration located abroad. This panel examines these opportunities for judicial assistance, evaluates their compatibility with the “extraterritorial” nature of arbitration and offers advice on how practitioners can use these tools to their client’s advantage, both when drafting arbitration clauses and after disputes arise.

4:00 pm - 5:30 pm  The Changing Face of Investment Treaty Arbitration
Investment treaty arbitration is an option that cannot be overlooked in counseling a client seeking to recover an investment loss resulting from governmental expropriation abroad. There are more than 3,000 international investment agreements in force around the world, most of which allow investors to bring claims against the host state for treaty violations, with legally binding international arbitration. As concisely, bilateral arrangements covering such topics as traditional Bilateral Investment Treaties possessed a relatively narrow scope. However, investment treaty practice is becoming more complex on both sides of the Atlantic. For example, recent U.S. investment treaties have become much longer documents, frequently inserted as chapters into broader Free Trade Agreements with countries like Colombia, South Korea, and Panama. For its part, the European Union seems poised to develop investment treaties that would replace the more than 1,200 bilateral investment treaties currently in force for member states. In both settings, the changing landscape seems likely to produce substantial shifts in the law and politics of investment treaty practice. This panel focuses on the past, present, and future of this growing field.

Moderator:  
John A. Sherrill, Partner, Seyfarth Shaw LLP, Atlanta, Georgia
Panelists:  
John H. Fleming, Partner, Sutherland Asbill & Brennan LLP, Atlanta, Georgia
Richard N. Sheindlin, Partner, Hall Booth Smith & Sloss, PC, Atlanta, Georgia
John L. Watkins, Partner, Barnes & Thornburg LLP, Atlanta, Georgia

6:00 pm  Closing Remarks
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Registration fees include admission to the opening reception, Monday and Tuesday luncheons, the Monday night dinner and reception at the High Museum, and all CLE/CPD program sessions.

• Regular Registration ($585 on or before Mar. 15, 2012, $700 after)
• In-house Corporate Counsel ($285 on or before Mar. 15, 2012, $385 after)
• Full-time Law School Faculty ($285 on or before Mar. 15, 2012, $385 after)
• Full-time Judges: Complimentary registration on or before Mar. 15, 2012
• Additional guest ticket for Monday evening reception only ($150 each)

REFUND POLICY

Cancellations must be made in writing and received by ATLAS by March 16, 2012, for a full refund of fees, less a $100 administration fee. No refund of registration will be granted after that date except in the case of medical emergency or extenuating circumstances approved by ATLAS in its sole discretion.

ACCOMMODATIONS

Should you require overnight hotel accommodations, a block of rooms is being held at the Loews Hotel in Atlanta at a special low per night group rate of $159/night. Reservations may be made here: Loews Hotel Reservations or by calling 888-563-9736 and asking for the ATLAS Conference block of rooms.

REGISTRATION

Please register on-line at: http://arbitrateatlanta.org/events/registration/

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