

INTRODUCTION

*Louis B. Kimmelman and Edna Sussman, Co-Chairs
Fordham International Arbitration Conference*

On November 22, 2019 the fourteenth annual Fordham International Arbitration and Mediation Conference was held at Fordham Law School in New York City. This year the conference was the final event of the inaugural New York Arbitration Week. It was a big day for international arbitration in New York.

We are grateful for the contributions of our panelists and our keynote speaker who made each of the panels and topics a valuable learning experience.

Summary of the Conference

This year's Fordham International Arbitration and Mediation Conference focused on key issues in international commercial and treaty arbitration in 2018. Our keynote speaker, Julian D M Lew QC, spoke about the issue of transparency in international arbitration. In addition, there were five panels that focused on practical issues in international arbitration. As a result of the work that went into preparing the keynote and panel presentations, there are several articles that reflect the topics discussed during the conference. ARIA has worked with the authors to finalize the articles that appear in this issue.

The day's program of panels and speakers is set forth below:

Panel 1: Contract Interpretation in International Arbitration: Is There a Common Law-Civil Law Divide that Matters?

A panel of arbitrators and international arbitration practitioners discussed some of the key contract law issues and principles in common law and civil law jurisdictions and how they impact their respective approaches to resolving contract disputes.

Moderator – Laurence Shore, Partner, BonelliErede

Panelists

Nicholas Fletcher QC, Independent Arbitrator, 4 New Square

Hon. Faith S. Hochberg, Principal, Hochberg ADR

Melissa Magliana, Partner, Lalive

Athina Fouchard Papaefstratiou, Of Counsel, Eversheds Sutherland

*Panel 2: ICSID under the New Rules: A Conversation with Meg Kinnear,
Secretary General of ICSID*

In a conversation with Donald Donovan, the Secretary General of ICSID, Meg Kinnear, explained the background of the rules revision process that has been underway at ICSID and some of the key changes that have been considered.

Moderator – Donald Francis Donovan, Partner, Debevoise & Plimpton LLP
Meg Kinnear, Secretary General of ICSID

Keynote: Transparency in International Arbitration: Practical Value or Voyeurism?

by Julian D M Lew QC, 20 Essex Street Chambers;
Head of the School of International Arbitration,
Centre for Commercial Law Studies,
Queen Mary University of London

Panel 3: Hot Tubbing Experts: Examining the Process

The panel considered the issues that arise in hot tubbing expert witnesses in the context of a mock case involving damages experts. Each of the participants provided thoughts on how the process can be useful to the tribunal.

Moderator – Thomas D. Halket, Independent Arbitrator, President, Chartered Institute of Arbitrators

Panelists

Carla Chavich, Senior Vice President, Compass Lexecon

Jennifer Glasser, Partner, White & Case LLP

Julian D M Lew QC, Independent Arbitrator

Timothy G. Nelson, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Greig Taylor, Managing Director, AlixPartners, LLP

Panel 4: What Are Global Arbitral Institutions Focusing on Today?

The leaders of major global international arbitration institutions discussed some of the issues that their institutions are confronting and how they are addressing them.

Moderators – Louis B. Kimmelman, Partner, Sidley Austin LLP and
Anne Marie Whitesell, Professor, Georgetown University
Law Center

Panelists

Alexander G. Fessas, Secretary General, ICC International Court of Arbitration

Kevin Nash, Deputy Registrar and Centre Director, SIAC Court of Arbitration

Eric P. Tuchmann, Senior Vice President, General Counsel and Corporate Secretary, AAA – ICDR

Jacomijn van Haersolte-van Hof, Director General of the LCIA

Panel 5: Economic Issues in International Arbitration: A Primer

This panel of economic experts addressed issues that frequently arise in international arbitrations, such as determining fair market value, undertaking event studies and making “but for” evaluations. These economic experts provided a useful tutorial on how economic analysis can be used effectively in international arbitration.

Moderators – Robert H. Smit, Independent Arbitrator and
Marinn Carlson, Partner, Sidley Austin LLP

Panelists

Ronnie Barnes, Principal, Cornerstone Research

Jeffrey A. Cohen, Managing Principal, Analysis Group

Santiago Dellepiane, Managing Director, Berkeley Research Group

Isabel Kunsman, Managing Director, AlixPartners, LLP

Dr. Meloria Meschi, Senior Managing Director, FTI Consulting, Inc.

Benjamin A. Sacks, Principal, The Brattle Group

