



12th Annual Conference of the Atlanta International Arbitration Society



MONDAY - WEDNESDAY, OCTOBER 2 - 4, 2023

TO REGISTER, VISIT: arbitrateatlanta.org/12th-annual-atlas-conference

12TH ANNUAL AtIAS CONFERENCE FEATURING:

ICC YAAF / YOUNG ITA / AtIAS YPG

AtIAS TERTULIA SESSIONS / AtIAS CONFERENCE / AtIAS FORUM

Kilpatrick Townsend & Stockton LLP, 1100 Peachtree Street NE, Suite 2800, Atlanta, Georgia 30309

11:50am - Check In

12:20pm - Welcome and Introductory Remarks

Christopher Smith, Senior Associate, King & Spalding LLP, Atlanta; AtIAS Vice President; ICC YAAF Regional Representative

Meredith Craven, Associate, White & Case LLP, Houston; Young ITA Representative

12:30pm - Panel 1: Commencing an Arbitration - Practical Insight into the Initiation of an International Arbitration Proceeding

Moderator: Grace Haidar, Associate, K&L Gates LLP, Houston

Speakers:

Abbey Hawthorne, Deputy Director, ICC Arbitration and ADR, New York

Nicholas Hill, Partner, McGuireWoods LLP, Atlanta

Julianne Jaquith, Senior Associate, Quinn Emanuel Urquhard & Sullivan LLP, Houston

This session will provide practical insight into the most common issues practitioners face when commencing an arbitration. Our panelists aim to guide young and aspiring arbitration practitioners on how to effectively and efficiently manage the beginning of the arbitration process, and provide tips on how to avoid common pitfalls.

1:45pm - Coffee & Networking Break

2:00pm - Panel 2: Key Issues in the Ethics of International Arbitration Practice

Moderator: Erin Collins, Associate, DLA Piper LLP, New York

Speakers:

Eric Lenier Ives, Associate, White & Case LLP, New York

Mevelyn Ong, Associate, Sullivan & Cromwell LLP, New York

M. Laughlin Allen, Associate, McGuireWoods LLP, Atlanta

Ethical issues in arbitrations emerge at all stages of the proceeding. In this session, our panelists will examine the different kinds of ethical issues that young practitioners should keep in mind when considering their expectations from arbitral institutions, when instructing experts, and while building their own careers as counsel or arbitrator.

3:15pm - Coffee & Networking Break

Kilpatrick Townsend & Stockton LLP, 1100 Peachtree Street NE, Suite 2800, Atlanta, Georgia 30309

3:15pm - Check In

3:30pm - Welcome and Introductory Remarks

Nancy Baughan, Partner, Bradley Arant Boult Cummings LLP, Atlanta

3:40pm - Tertulia Panel 1A: Has Arbitration Lost Its Edge, and If So, How Do We Fix It? The Length and Costs of International Arbitration Proceedings

Anna Kozmenko, Partner, Schellenberg Wittmer Ltd., Zurich, Switzerland

Shelby Grubbs, Arbitrator, Mediator, and Special Master, JAMS, Atlanta

Nancy Baughan, Partner, Bradley Arant Boult Cummings LLP, Atlanta

Olivier André, Client Relationship Advisor, Freshfields Bruckhaus Deringer LLP, New York

This interactive session will focus on issues related to the efficiency and cost of the arbitration process. The discussion is expected to touch on, among other things, costs, mitigating environmental impacts, the use of expedited proceedings, the advent and elaboration of video conferencing technology, and obtaining evidence from third parties. Come with your ideas and observations on these and related topics.

3:40pm - Tertulia Panel 1B: Recent Developments in Arbitration Award Enforcement

David Gallo, Of Counsel, Parker Hudson Rainer & Dobbs LLP, Atlanta

Brent Clinkscale, Independent Arbitrator, Mediator, and Litigation Consultant, Greenville

Sebastian Feiler, Partner, Bodenheimer, Cologne, Germany

Carly Miller, Partner, Bradley Arant Boult Cummings LLP, Birmingham

Arbitration practitioners must always keep the enforceability of an award front of mind. Challenges to arbitration awards remain heavily circumscribed across jurisdictions. However, as recent court and legislative activity demonstrates, the enforcement landscape is ever evolving and not always predictable. This panel will dive into these and related issues.

4:50pm - Tertulia Panel 2A: Recent Developments in Insurance and Reinsurance Arbitration

Joseph Englert, Partner, McGuireWoods LLP, Atlanta

Leslie Davis, Partner, Troutman Pepper Hamilton Sanders LLP, Washington, DC

Paige Freeman, Chief Legal Officer, Munich Re, Atlanta

Lawrence Bracken, Partner, Hunton Andrews Kurth LLP, Atlanta, New York

In recent years, courts and arbitration panels in the U.S., U.K., and Bermuda have actively debated—and protected—their respective jurisdictions' statutory and public policy interests concerning applicable law, arbitration forum, and procedural rules. This session will bring together experienced insurance arbitration counsel to discuss current battles involving choice of law, anti-arbitration statutes, the U.K. and Bermuda's anti-suit injunction rulings, and arbitration procedures in insurance arbitrations.

4:50pm - Tertulia Panel 2B: Recent Developments in Construction Arbitration

Peter Crofton, Partner, Smith, Gambrell & Russell LLP, Atlanta

R. Zachary Torres-Fowler, Partner, Troutman Pepper Hamilton Sanders LLP, Philadelphia

Jessica Sabbath, Counsel, McDermott, Will & Emery LLP, Atlanta

Patricia Thompson, Mediator and Arbitrator, JAMS, Miami

In this session, panelists will discuss important developments and trends in construction disputes, including issues implicated by multi-party arbitrations, the potential benefits of agreement to the appellate rules of various arbitration providers, the continuing impact of supply chain issues, labor shortages, and/or inflation on construction projects, the increasing role of Chinese construction and engineering firms on international construction projects, managing local law issues in unfamiliar jurisdictions, and more.

ATIAS SPEAKERS' DINNER

Ticketed Event / Separate Registration Required

6:30 - 9:30pm

The Peachtree Club, 999 Peachtree Street NE, Atlanta, Georgia

Smith, Gambrell & Russell LLP, 1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

9:00am - Welcome Coffee and Registration

9:30am - Opening Remarks

Peter Crofton, Partner, Smith, Gambrell & Russell LLP, Atlanta
Christof Siefarth, Partner, Bodenheimer, Cologne, Germany; AtIAS President-Elect

9:40am - Introduction of Keynote Speaker

Shelby Grubbs, Arbitrator, Mediator, and Special Master, JAMS, Atlanta

9:45am - Morning Keynote Address

Chiara Giorgetti, Professor, University of Richmond School of Law
Our keynote speaker will discuss the recently-adopted UNCITRAL Code of Conduct for Arbitrators in International Investment Disputes. Professor Giorgetti assisted ICSID and UNCITRAL in the preparation of the first draft of the Code.

10:10am - Panel 1: Top 10 Developments in International Arbitration in 2023

Moderator: Timothy Tyler, Counsel, Vinson & Elkins LLP, Houston

Speakers:

Alan Anderson, Founder, Alan Anderson Law Firm LLC, Minneapolis
Mark Kantor, Adjunct Professor, Georgetown University Law Center, Washington, DC
Glenn Hendrix, Chairman, Arnall Golden Gregory LLP, Founding President, AtIAS, Atlanta
The editors of a fictional upstart media outlet devoted to international arbitration review and whittle down their list of the top recent cases and developments in international commercial and investor-state arbitration.

11:25am - Coffee & Networking Break

11:45am - Panel 2: Discovery and Disclosure in International Arbitration

Moderator: Anna Kozmenko, Partner, Schellenberg Wittmer Ltd., Zurich, Switzerland

Speakers:

James Boykin, Partner, Hughes Hubbard & Reed LLP, Washington, DC
Thomas Allen, Partner, Kilpatrick Townsend & Stockton LLP, Washington, DC
Rainbow Willard, Independent Arbitrator, Willard Arbitration, Washington, DC
This panel will feature an interactive roundtable discussion of various topical issues related to discovery and disclosure in international arbitration. Apart from document disclosure, what alternative mechanisms exist for collecting evidence and when might a party to an international arbitration want to use them? What tools are available to an arbitral tribunal to address a party's obstructive conduct in disclosure? What issues might the use of artificial intelligence raise for document review in international arbitration? Should parties be required to disclose their use of artificial intelligence?

1:00pm - Networking Lunch

Smith, Gambrell & Russell LLP, 1105 W. Peachtree St. NE, Suite 1000, Atlanta, GA 30309

2:00pm - Introduction of Bridget M. McCormack

Rebecca Kolb, Counsel, Councill Gunnemann & Chally LLC, Atlanta; AtIAS President

2:05pm - Fireside Chat

Speaker: Bridget M. McCormack, President and CEO, AAA-ICDR, New York

Facilitator: Rebecca Kolb, Counsel, Councill Gunnemann & Chally LLC, Atlanta; AtIAS President

AtIAS President Rebecca Kolb will speak with AAA/ICDR President and CEO Bridget McCormack about developments at the arbitral institution, and where practitioners can expect the institution and the arbitration services industry more broadly to go over the coming years.

2:30pm - Panel 3: Issues in Third-Party Funding

Moderator: Christof Siefarth, Partner, Bodenheimer, Cologne, Germany

Speakers:

Jeffery Commission, Director, Burford Capital, Washington, DC

Kirk Watkins, Of Counsel, Davis, Zipperman, Kirschenbaum & Lotito LLP, Atlanta

James Blick, Director and Co-Founder, Erso Capital, Irvine

Third-Party Financing (TPF) has been a hot topic both in arbitration and litigation worldwide. The panel, comprised of practitioners from all areas of TPF, will report on the impact of new case law, new regulatory rules, the status of disclosure duties in international arbitration, and also give practical advice on what information funders need to be in a position to decide on whether to provide TPF. The interactive format will give the audience the possibility to engage in a lively discussion with the panel.

3:45pm - Coffee & Networking Break

4:15pm - Panel 4: The Risks and Benefits of New Technologies to International Arbitration

Moderator: Victoria Alvarez, Partner, Troutman Pepper Hamilton Sanders LLP, Charlotte

Speakers:

Stephanie Cohen, Independent Arbitrator, Cohen Arbitration, New York

Mark Morril, Independent Arbitrator, Morril ADR, New York

Annie Lespérance, Head of Americas, Jus Mundi, New York

Sebastian Feiler, Partner, Bodenheimer, Cologne, Germany

We adapt to new technologies daily—often without even realizing it. During the pandemic, we all became proficient in Zoom, switched from physical data transmission to the cloud, and spent more time at home talking to Siri and Alexa. (Also ChatGPT helped to draft this description.) The arbitration sector is experiencing this ongoing technological change. This panel will discuss the issues related to information technology, AI, and arbitration practice, including best practices, how to reap the benefits of technological development, and how to avoid the risks associated with these changes.

5:30pm - Closing Remarks

Timothy Tyler, Counsel, Vinson & Elkins LLP, Houston

Meredith Craven, Associate, White & Case LLP, Houston

5:45pm - Cocktail Reception

Troutman Pepper Hamilton Sanders LLP, 600 Peachtree St. NE, Suite 3000, Atlanta, Georgia 30308

9:00am - Coffee and Registration

9:30am - Opening Remarks

Jeremy Heep, Partner, Troutman Pepper Hamilton Sanders LLP, Philadelphia

9:40am - Panel 1: Impartiality in Arbitration: Perspectives and Risks of a Party-Appointed Arbitrator

Moderator: Brian White, Partner, King & Spalding LLP, Atlanta

Speakers:

Shelby Guilbert, Partner, McGuireWoods LLP, Atlanta; AtIAS Immediate Past President

Albee Bates, Jr., Partner, Troutman Pepper Hamilton Sanders LLP, Pittsburgh

Isabel Fernández de la Cuesta, Independent Arbitrator, Isabel Fernández de la Cuesta Arbitration, New York

Luis Martinez, Vice President, AAA-ICDR, New York

The parties' ability to select co-arbitrators is seen as an important opportunity to influence the composition of the tribunal.

What can—or should—the parties, party-appointed arbitrators, arbitral institutions and courts do to ensure that party-appointed arbitrators are and will remain impartial? This panel will explore the role of party-appointed arbitrators, problems they confront, and potential solutions to those problems.

10:55am - Coffee & Networking Break

11:10am - Panel 2: Issues in Arbitration Award Enforcement

Moderator: Timothy Nelson, Partner, Skadden Arps Slate Meagher & Flom LLP, New York

Speakers:

Thomas Childs, Counsel, King & Spalding LLP, New York

Nilufar Hossain, Investment Manager, Omni Bridgeway, San Francisco

Thomas Walsh, Partner, Freshfields Bruckhaus Deringer LLP, New York

Adriana Riviere-Badell, Partner, Kobre & Kim LLP, Miami

The last twelve months have seen some major developments in enforcement of international arbitral awards. The federal District of Delaware has cleared the path for auctioning Venezuela's U.S. assets, while the D.C. federal courts have made several groundbreaking rulings concerning "intra-EU" and Energy Charter treaty award enforcement. Meanwhile, the massive Yukos award is making its way through the U.S. courts, as are a host of large private commercial arbitral awards. This panel, which includes counsel in some of the key current cases, will review these and other developments.

12:25 - 1:25pm - Networking Luncheon

12:50pm - Closing Remarks

Shelby Guilbert, Partner, McGuireWoods LLP, Atlanta; AtIAS Immediate Past President

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