

COLUMBIA ARBITRATION DAY 2022

RETHINKING INTERNATIONAL ARBITRATION: TOWARDS TRANSFORMATION AND REFORM

Friday, March 4, 2022 | 8:45am-5:15pm (online event)

KEYNOTE SPEECH: "GLOBALIZATION AND HOW TO MAINTAIN
INTERNATIONAL ARBITRATION'S LEGITIMACY"

Gabrielle Kaufmann-Kohler (Partner, Lévy Kaufmann-Kohler)

6 NEW YORK STATE CLE CREDITS AVAILABLE



 Columbia Law School

INTERNATIONAL ARBITRATION ASSOCIATION

BROADCAST:



We

handle

it.

Nikolaus Pitkowitz
Partner

Sheila Schwalbhofer
Senior Associate

Roxanne de Jesus
Partner

Pitkowitz
& Partners
pitkowitz.com

About Columbia Arbitration Day

CAD is one of the premier international arbitration conferences in the country, bringing together thinkers, scholars, practitioners, and students from all over the world. CAD gives students a special opportunity to learn from the leading figures in the field of international arbitration. It 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 law students from around the country. We are confident that with each successive CAD, the next generation of arbitration lawyers will become better informed, and better connected.

About Columbia International Arbitration Association

The Columbia International Arbitration Association (CIAA) is an organization of Columbia Law School students dedicated to all sorts of things related to international arbitration. CIAA was formed in 2008 in a joint effort of students in the J.D. and LL.M. programs with the support and guidance of Professor George Bermann.

The Columbia Arbitration Day 2022 Team

CIAA Presidents: Olivia Lu (J.D.)

Andrea Chong (LL.M.)

CAD Chair: William Oldfield

CAD Co-Chairs: Anja Cervenka

Gustavo Vaughn

Jessica Lim

Luis Tamborini

Marilyn Onukwugha

Mateo Verdías

Renata Monteiro

Sakshi Srivastava

Simon Bianchi

Treasurer: Abigail Greene

Communications: Seongjin Kwon

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 simultaneous transmission transitional and non-transitional CLE Program will provide 3 credit hours that can be applied toward the Areas of Professional Practice requirement and 3 credit hours that can be applied toward the Skills requirement.

This CLE credit is awarded only to New York attorneys for full attendance of individual program sessions in their entirety. Attorneys attending only part of individual sessions are not eligible for partial credit.

Attendance is determined by an attorney's submission of their Attorney Attendance Affirmation with appropriate course codes noted. On submission of the Attorney Attendance Affirmation, attorneys also should submit their completed Evaluation Form, provided by the program organizers.

Please note the NYS Certificate of Attendance will be sent to the email address as it appears in the register unless otherwise noted there.

The Attorney Attendance Affirmation and the Evaluation Form can be also downloaded at: <https://arbitration-day.law.columbia.edu/content/cle-credits>

Please submit the necessary forms and direct all inquiries regarding CLE to Luis Tamborini (lt2807@columbia.edu) and Gustavo Vaughn (gfv2102@columbia.edu) and direct all other conference information questions to the Columbia International Arbitration Association (ciaa@law.columbia.edu).

COLUMBIA ARBITRATION DAY 2022

Rethinking International Arbitration: Towards Transformation and Reform

8:45 A.M. – 9:15 A.M.

**KEYNOTE SPEECH BY GABRIELLE KAUFMANN-KOHLER
(LÉVY KAUFMANN-KOHLER, GENEVA)**

Globalization and How to Maintain International Arbitration's Legitimacy

9:15 A.M. – 10:45 A.M.

**PANEL 1 – IS ARBITRATION KEEPING UP WITH NEW WAYS OF DOING
BUSINESS? THE ARBITRATORS' PERSPECTIVE**

Sophie Nappert (3 Verulam Buildings Barristers, London)

Eduardo Silva Romero (Dechert, Paris)

Charles N. Brower (20 Essex Street Chambers, London)

Moderator: Robert Smit (Columbia Law School; Independent
International Arbitrator)

10:45 A.M. – 11:00 A.M.

COFFEE BREAK

11:00 A.M. – 12:30 P.M.

**PANEL 2 – REFORMING INTERNATIONAL ARBITRATION THROUGH THE
USE OF ARTIFICIAL INTELLIGENCE: WHAT TO EXPECT IN THE NEAR
FUTURE?**

Abby Cohen Smutny (White & Case, Washington, DC)

Tunde Ogunseitan (Ogunseitan Arbitration, Lagos & London)

Thomas R. Snider (Al Tamimi & Company, Dubai)

Moderator: Rahim Moloo (Columbia Law School; Gibson Dunn, New York)

12:30 P.M. – 2:00 P.M.

LUNCH BREAK

2:00 P.M. – 3:30 P.M.

**PANEL 3 - NEW CHALLENGES TO INVESTMENT ARBITRATION:
ENVIRONMENTAL CLAIMS**

Yasmine Lahlou (Chaffetz Lindsey, New York)

Lorraine de Germiny (LALIVE, London)

Matthew E. Draper (Draper & Draper, New York)

Moderator: Kabir Duggal (Columbia Law School; Arnold & Porter, New York)

3:30 P.M. – 3:45 P.M.

COFFEE BREAK

3:45 P.M. – 5:15 P.M.

**PANEL 4 - INVESTMENT TREATIES AND ARBITRATION: SHOULD WE SEEK A
DIFFERENT WAY TO SETTLE DISPUTES BETWEEN STATES AND INVESTORS?**

Patrick W. Pearsall (Allen & Overy, Washington, DC)

Andrea Bjorklund (McGill University, Montreal)

Julie Bédard (Skadden, New York)

Clovis Trevino (Covington & Burling, Washington, DC)

Moderator: George A. Bermann (Columbia Law School; Independent
International Arbitrator)

WELCOME BY CAD 2022 ORGANIZERS

Dear Columbia Arbitration Day (CAD) 2022 Participants,

We are thrilled to welcome you. Over the years CAD has become a fixture in the international arbitration community. For CAD's 13th year, we are proud to continue this tradition in an altered format due to the ongoing Covid-19 pandemic.

For many of us, the last two years have given us time to reflect. With this in mind, we want to use CAD to pause and take the time to rethink international arbitration. Our brilliant and truly international speakers this year will explore how arbitration is keeping up with rapidly shifting technology and new ways of doing things. Further, they will ask how environmental claims can be addressed in the framework of investment arbitration and provide insight into new approaches to settling disputes between investors and states.

We are extremely grateful for the continuing dedication and support of Professors Bermann and Duggal. Our special thanks also go to Pitkowitz & Partners as our headline sponsor, and all of our other sponsors, for staying with us in these challenging times and allowing CAD not only to survive but to thrive.

Above all, we are indebted to all of the participants that have battled Zoom fatigue and incredibly busy schedules to join us and make CAD 2022 a success.

Yours sincerely,

Columbia Arbitration Day Chair & Co-Chairs

Simon Bianchi | Anja Cervenka | Jessica Lim | Renata Auler | William Oldfield | Marilyn Onukwughu | Sakshi Srivastava | Luis Tamborini | Gustavo Vaughn | Mateo Verdías

IN MEMORIAN:



Emmanuel Gaillard
(1952 - 2021)



Martin Hunter
(1937-2021)

One of the best out there.

– *Who's Who Legal*

A NEW YORK-BASED DISPUTE RESOLUTION FIRM
OFFERING MARKET-LEADING EXPERIENCE WITH
BOUTIQUE FLEXIBILITY AND EFFICIENCY.

Proud supporter of
Columbia Arbitration Day.

NEW YORK CITY

CHAFFETZLINDSEY.COM

+1 212 257 6960

KEEP UP WITH US:





KEYNOTE SPEAKER

GABRIELLE KAUFMANN-KOHLER

Lévy Kaufmann-Kohler, Geneva

Gabrielle Kaufmann-Kohler is the immediate past President and now Honorary President of ICCA, the International Council for Commercial Arbitration. She practices international commercial, investment and sports arbitration and has acted in over 220 international arbitrations, mainly as arbitrator. Gabrielle appears on numerous institutional arbitration panels (including ICC, ICSID, AAA, LCIA, SIAC, CIETAC) and conducts arbitrations under the rules of all major institutions. She is regularly ranked among the top ten arbitrators worldwide; a study of investment arbitration released in 2016 concluded that she was the “most influential arbitrator in the world”. In 2021, she received Who’s Who Legal Switzerland’s Award for Arbitration Lawyer of the Year, and the Chambers Europe Outstanding Contribution Award.

A Professor Emerita at Geneva University Law School, Gabrielle is also the founder, former director and a current faculty member of the Geneva LLM in International Dispute Settlement (MIDS), a joint program of the Graduate Institute of International and Development Studies and Geneva Law School. She is also a visiting professor at National University of Singapore, Tsinghua University in Beijing, and Georgetown University and the President of the Council of the Center for International Dispute Settlement (CIDS). Gabrielle teaches courses on international commercial and investment arbitration and heads research projects in the area of arbitration.

She is Honorary President of the Swiss Arbitration Association (ASA) and was ASA President from 2001 to 2005. Gabrielle is also a founder of the FIAA (Foundation for International Arbitration Advocacy) and the President of its Advisory Board, as well as a former member of the ICC Court, LCIA Court, and AAA Board. She was and is a member of the Swiss delegation to UNCITRAL, including within Working Group II on transparency (until 2014), and presently Working Group III on the reform of investor-state arbitration, for which she has co-authored two CIDS reports.

She will be speaking on the topic “Globalization and How to Maintain International Arbitration’s Legitimacy.”

Covington is proud to support

Columbia Arbitration Day 2022

Covington's international arbitration team handles commercial, investment, and state-to-state disputes under the rules of every major arbitration system in the world. Our team combines advocates, former high-ranking diplomats, trade specialists, and lawyers with focused industry and substantive experience.

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG LONDON LOS ANGELES
NEW YORK PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

www.cov.com

© 2022 Covington & Burling LLP. All rights reserved.

PANEL 1

IS ARBITRATION KEEPING UP WITH NEW WAYS OF DOING BUSINESS? THE ARBITRATORS' PERSPECTIVE

Speakers: Sophie Nappert

Eduardo Silva Romero

Charles N. Brower

Moderator: Robert Smit

Organizers: Renata Auler and Marilyn Onukwugha

BROADCAST:



SOPHIE NAPPERT

3 Verulam Buildings Barristers, London



Sophie is an arbitrator in independent practice, based in London. She is dual qualified as an Avocat of the Bar of Quebec, Canada and as a Solicitor of the Supreme Court of England and Wales. Before becoming a full-time arbitrator, she pursued a career as an advocate and was Head of International Arbitration at a global law firm. She is commended as "most highly regarded" and a "leading light" in her field by Who's Who Legal.

Sophie is highly sought-after in complex energy, investment, and natural resources disputes. She is a pioneering practitioner at the intersection of arbitration and Legal Tech. In 2019, she completed the University of Oxford's Saïd Business School Programme on Blockchain Strategy. In 2021, she co-founded ArbTech, a worldwide, online community forum fostering cross-disciplinary dialogue on technology, dispute resolution and the future of justice.

Sophie is an award-winning lecturer and the first female recipient of the Global Arbitration Review Award for Best Speech in 2016 for her Inaugural EFILA Annual Lecture on International Investment Arbitration: Escaping from Freedom? The Dilemma of an Improved ISDS. She delivered the 2018 Proskauer Lecture on International Arbitration, Disruption Is the New Black, which was also shortlisted for Best Speech at the 2019 GAR Awards.

She is the author of a Commentary on the 2010 UNCITRAL Arbitration Rules. She is a regular speaker at conferences and seminars on issues of international arbitration, international investment law and dispute resolution. She is a guest lecturer at Columbia Law School, Harvard Law School and McGill University Faculty of Law. She created the Nappert Prize in International Arbitration, open to young scholars and practitioners worldwide, administered under the auspices of McGill University.

EDUARDO SILVA ROMERO

Dechert, Paris



Eduardo Silva Romero is Professor Emeritus at the University of Rosario's Law School in Bogotá. He teaches Investment Arbitration at Paris 2 (Panthéon-Assas) University, Investment Arbitration and International Contracts at the Paris Institute for Political Studies (Sciences Po), and French Arbitration Law at the University of Paris-Dauphine (Paris IX).

Prof. Silva Romero is also Co-Chair of Dechert's International Arbitration global practice. He is a member of the ICC International Court of Arbitration and the Chair of the ICC Institute of World Business Law.

He was Deputy Secretary General of the ICC International Court of Arbitration from 2000 to 2004, and Vice-Chair of the ICC Commission on Arbitration and ADR from 2007 to 2017.

CHARLES N. BROWER

20 Essex Street Chambers, London



The Honorable Charles N. Brower is an international arbitrator and judge. His career spans six decades marked by his prowess at the bar and affinity for public service both in the national and international arenas. He has handled cases involving commercial disputes and public international law across six continents.

Judge Brower has served as a judge of the Iran-United States Claims Tribunal, a Judge ad hoc of the Inter-American Court of Human Rights, and the most-appointed American Judge ad hoc of the International Court of Justice. In 1987, he took leave to serve in the White House as sub-Cabinet, ranked Deputy Special Counselor to the President of the United States.

Judge Brower obtained his BA from Harvard College and JD from Harvard Law School. He also studied in Germany for a year as a Fulbright Scholar. He then began his career at White & Case in New York City where he rose to the rank of partner. He later left the firm to serve in the Office of The Legal Adviser of the US Department of State successively as Assistant, Deputy and Acting Legal Adviser. Following this first stint in public service, Judge Brower returned to White & Case to establish its Washington D.C. office.

Throughout the course of his career, Judge Brower has held many notable positions including as a member of the Register of Experts of the United Nations Compensation Commission, a member of the Panel of Arbitrators of the International Centre for Settlement of Investment Disputes, President of the American Society of International Law, Governor of the American Bar Association, Chairman of the Institute for Transnational Arbitration of the Center for American and International Law and a member of the Executive Council of the International Law Association.

In academia, Judge Brower has been recognized for his outstanding achievements and contributions to the field of International Law. He holds six Lifetime Achievement Awards, including the Manley O. Hudson Medal of the American Society of International Law, in 2015 and is the fourth recipient of the Global Arbitration Review Lifetime Achievement Award. Since 2001 he has been affiliated with 20 Essex Street Chambers in London, UK.

ROBERT SMIT (MODERATOR)

Columbia Law School; Independent International Arbitrator



Robert Smit is an independent international arbitrator and Adjunct Professor of Law at Columbia Law School. As a former partner at Simpson Thacher & Bartlett LLP, he chaired the firm's International Arbitration Practice. Smit's career is distinguished by his lengthy profile of highly complex international commercial and investment arbitration cases.

Smit received his B.A. from Cornell University, J.D. from Columbia Law School, and Diplôme d'Etudes Approfondies from the Sorbonne in Paris, France. He subsequently clerked for the Honorable Charles M. Metzner of the U.S. District Court for the Southern District of New York.

Among the many offices he has served are Co-Chair of the ICC Task Force on Production of Electronic Documents in Arbitration, Chair of the New York City Bar Association International Commercial Disputes Committee, Vice-Chair of the International Bar Association's Committee on International Arbitration and ADR, and a U.S. member of the ICC International Court of Arbitration.

**Davis Polk
is proud to
support
Columbia
Arbitration
Day 2022.**

PANEL 2

REFORMING INTERNATIONAL ARBITRATION THROUGH THE USE OF ARTIFICIAL INTELLIGENCE: WHAT TO EXPECT IN THE NEAR FUTURE?

Speakers: Abby Cohen Smutny

Tunde Ogunseitan

Thomas Snider

Moderator: Rahim Moloo

Organizers: Luis Tamborini and Gustavo Favero Vaughn

BROADCAST:





ABBY COHEN SMUTNY

White & Case, Washington, DC

Abby Cohen Smutny is the Global Head of White & Case's International Arbitration Practice. She is widely recognized as one of the leading international arbitration practitioners globally and has been ranked repeatedly as a Band One practitioners by Chambers and other directories.

Abby's leadership positions have included: Chair of the Institute of Transnational Arbitration (ITA); Vice President of the American Society of International Law; President of LCIA North American Users Council; AAA Advisory Board Member; Vice Chair of IBA Arbitration Committee and Chair of IBA Investment Treaty Sub-Committee; ALI Adviser on US Restatement on International Arbitration; co-Chair of the ICCA Task Force on Standards of Practice in International Arbitration; and Chair International Law Section of Washington DC Bar.

Abby is a member of the Court of Arbitration of the Singapore International Arbitration Centre.



TUNDE OGUNSEITAN

Ogunseitan Arbitration, Lagos & London

Tunde Ogunseitan is an independent arbitrator. He has substantial practical experience from several international law firms, specialising in dispute resolution, asset tracing, maritime law, insurance, structured finance and debt capital markets. Tunde regularly consults internationally for a variety of arbitral institutions, businesses and firms.

He is also a teaching fellow in alternative dispute resolution and international commercial arbitration at various universities in England and France. He is a trustee of ODRAfrica. He is a court member of the Lagos Court of Arbitration (LCA) and currently chairs the LCA Sub Committee on reviewing the LCA Rules. Tunde is a member of the Chartered Institute of Arbitrators Professional Development Advisory Group and is part of its teaching faculty in London. He is also a Fellow of the Chartered Institute of Arbitrators. He was a founding member of the IBA 40 under 40.

He led the Common Law jurisdictions as Counsel of the International Court of Arbitration including the United Kingdom, Ireland, the Caribbean, Anglophone Africa, and the Indian subcontinent for over 7 years.

He is admitted as a Solicitor of the Supreme Court of England and Wales (n.p.) and a Solicitor and Advocate of the Supreme Court of Nigeria.



THOMAS SNIDER

Al Tamimi & Company, Dubai

Thomas is a partner and the Head of Arbitration of Al Tamimi & Co, Dubai office. He is experienced in international commercial arbitration, international investment disputes, state-to-state arbitration, and foreign sovereign immunity issues. His experience covers a wide range of industries, sectors, and types of disputes, including oil and gas, construction, hospitality, telecommunications, automobile manufacturing, distribution agreements, shareholder disputes, and joint-venture disputes.

Thomas is recognized in Who's Who Legal Arbitration (2022) and is ranked for dispute resolution in Chambers United Arab Emirates (2021), which notes that "Tom's knowledge and expertise is extremely impressive" and that "he has the ability to advise and write with an uncommon degree of precision and clarity." In the Legal 500 United Arab Emirates (2020), Tom was described as having "cross-examination skills [that] are excellent. He listens hard, is polite to witnesses and yet wields an iron fist beneath his velvet glove."

He has sat as an arbitrator and is on the panel of arbitrators of several arbitral institutions around the world.

Thomas is also the lead international expert for the Asian Development Bank (ADB) in its provision of technical advice to the Republic of Uzbekistan on its new, UNCITRAL-based arbitration law.

He frequently writes and speaks on topics involving international law and dispute resolution. Prior to relocating to Dubai, he was a professorial lecturer in law at the George Washington University Law School in Washington, DC.



RAHIM MOLOO (MODERATOR)

Columbia Law School; Gibson Dunn, New York

Rahim Moloo is a partner in the New York office of Gibson, Dunn & Crutcher. He has been recognized as a leader in the field of international arbitration by Chambers and Partners, Law360, Who's Who Legal, Legal 500, Latinvex, The Best Lawyers in America, Lawdragon and Euromoney Legal Media Group.

Mr. Moloo's practice focuses on assisting clients to resolve complex international disputes in the most effective and efficient way possible. Who's Who Legal recognizes Mr. Moloo as "one of the most skilled advocates of his generation" and ranks Mr. Moloo as one of the ten "Most Highly Regarded" International Arbitration Partners in the Americas for 2022. Law360 named Mr. Moloo one of five MVPs for International Arbitration for 2020.

Mr. Moloo's experience spans a number of industries, including energy, mining, telecommunications, financial services, infrastructure, construction and consumer products. Many of the disputes on which Mr. Moloo advises involve claims brought in multiple jurisdictions where important strategic choices must be made about which forum will provide the best result with respect to different aspects of the dispute. And legal solutions often need to be considered in light of other avenues available, such as media campaigns and negotiations between business teams, to reach a favorable result. Mr. Moloo has experience in navigating these various options. His prior experience as General Counsel of a multinational organization in Central Asia helps him to see things from the perspective of management and in-house lawyers operating in difficult political and legal environments.

Concurrently, Mr. Moloo is an Adjunct Professor at Columbia Law School, where he teaches an advanced course on international arbitration. Mr. Moloo has lectured at leading law schools and conferences, and published several articles on international arbitration and litigation, international investment law, and public international law, many of which have been cited in international arbitration decisions, courts around the world, and leading treatises.

Celebrate & salute

We are proud to support **Columbia Arbitration Day**.

The International Arbitration Practice at White & Case is widely recognized as preeminent in its field. With more than 200 arbitration practitioners, we cover every jurisdiction, arbitral forum and industry sector, and work under multiple laws and in diverse languages.

“International arbitration heavyweight”

*Chambers Global: International Arbitration
(Band One)*

#1 International Arbitration Practice Worldwide

Global Arbitration Review (2015 – 2019 & 2021)

WHITE & CASE

whitecase.com

In this advertisement, White & Case means the international legal practice comprising White & Case LLP, a New York State registered limited liability partnership, White & Case LLP, a limited liability partnership incorporated under English law, and all other affiliated partnerships, companies and entities.

PANEL 3

NEW CHALLENGES TO INVESTMENT ARBITRATION: ENVIRONMENTAL CLAIMS

Speakers: Yasmine Lahlou

Lorraine de Germiny

Matthew Draper

Moderator: Kabir Duggal

Organizers: Simon Bianchi and Sakshi Srivastava

BROADCAST:



YASMINE LAHLOU

Chaffetz Lindsey, New York



In her practice of over 20 years, Yasmine has represented clients in international arbitration and courts in virtually every continent. Initially trained in Paris and qualified to practice both in France and New York, Yasmine works easily across civil and common law traditions. She has particular experience in construction, pharmaceutical, aerospace, telecommunications and energy disputes involving both private and sovereign parties. Yasmine has acted as counsel and arbitrator under the most widely used arbitration rules, including the ICC, ICDR, LCIA, UNCITRAL and SCC Rules. She recently published an updated version of the article she co-authored on “The Rise of Environmental Counterclaims in Mining Arbitration,” in Global Arbitration Review’s Guide to Mining Arbitration –Second Edition (2019).

LORRAINE DE GERMINY

LALIVE, London



Lorraine's main area of practice is international arbitration, including commercial and investment treaty arbitration with particular experience in the mining and energy sectors. She has acted as counsel or arbitrator in a number of international arbitral proceedings, either ad hoc (including UNCITRAL) or administered (under the rules of the ICC and ICSID), governed by various procedural and substantive laws.

Lorraine is a member of several professional associations (including the CFA-40, ArbitralWomen, ICDR Y&I and LCIA YIAG) and one of the founding members of and Secretary and Legal Officer of Women in Mining Switzerland. She is also on the list of arbitrators with the Court of Arbitration for Art (CAfA).

Before joining LALIVE, Ms. de Germiny practiced international arbitration at King & Spalding in Paris (2009-2014) and at Dewey & LeBoeuf in Paris and New York (2006-2009). In addition, she completed secondments to the Hong Kong International Arbitration Centre and to UNESCO in 2008 and 2012, respectively.

Ms. de Germiny holds a Licence with honors from the University of Rennes, a J.D. (Juris Doctor) cum laude from Tulane University Law School and an LL.M. from Columbia Law School where she was named a Harlan Fiske Stone scholar.

MATTHEW E. DRAPER

Draper & Draper, New York



Matthew E. Draper is an arbitrator, international arbitration counsel, and litigator. He leads the firms' international arbitration practice, which is ranked as a top practice nationwide by U.S. News Best Lawyers "Best Law Firms" 2022.

Matthew is a Fellow of the Chartered Institute of Arbitrators. He sits as an arbitrator in international disputes administered by the ICC and ICDR, and U.S. commercial disputes administered by the AAA. Matthew serves on the arbitrator rosters for the AAA's Large and Complex disputes, the ICDR's international panel, and the Singapore International Arbitration Centre (SIAC). He also sits as arbitrator in ad hoc arbitrations under the UNCITRAL Rules.

Matthew was Co-Chair of New York Arbitration Week 2021 and the Vice Chair of the New York Branch of the Chartered Institute of Arbitrators. He serves as Chair of the USCIB Arbitration Committee's Sole Practitioner Subcommittee, and was a member of the ICC Task Force on Arbitration of Climate Change Related Disputes. He is a member of the SIAC Users Council, the International Commercial Disputes and the Arbitration Committees of the New York City Bar Association, and the New York International Arbitration Center.

Matthew's commercial disputes practice focuses on energy and water-related disputes. Matthew regularly represents clients in transboundary water disputes. He has represented U.S. and foreign clients in courts and international arbitrations across various industries, including telecommunications, construction and transportation. Matthew also has significant experience representing financial services firms before industry arbitration panels and regulators.

KABIR DUGGAL (MODERATOR)

Columbia Law School; Arnold & Porter, New York



Kabir Duggal focuses his practice on international investment arbitration, international commercial arbitration and public international law matters, serving both as counsel and arbitrator. Dr. Duggal's experience includes complex disputes under numerous bilateral/multilateral investment treaties and contracts in South Asia, Latin America, Central Asia, Middle East, Europe, and Africa. His experience flows from his triple training in international law, common law, and civil law traditions. He has served as an arbitrator in over 40 disputes involving parties from all over the world.

He has facilitated the mediation and negotiation of complex disputes. He also acts as a consultant for the United Nations Office of the High Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS) on the creation of a novel "Investment Support Program" (which was shortlisted by Global Arbitration Review for the category of "Best Developments" for 2018).

Dr. Duggal is a Lecturer-in-Law at the Columbia Law School, teaching "International Investment Law and Arbitration." He is also an adjunct professor at Fordham Law School teaching "Transnational Litigation and Arbitration." He is also a course director and faculty member for the Columbia Law School-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration and serves as an academic coordinator for the Chartered Institute of Arbitrators' Diploma Course. He also hosts a leading webinar series entitled "TagTime" which involves conversations with leading arbitrators from all over the world. Additionally, he has taught dispute resolution courses in educational institutions all over the world.

Dr. Duggal has published several articles and books and is regularly invited to speak at conferences globally. He is the managing editor for Columbia Law School's "The American Review of International Arbitration." He also serves as an associate editor for "ICSID Review" and also serves on its Peer Review Board and is also an associate editor for Brill-Nijhoff's "Perspectives in International Investment Law and Arbitration." He has co-authored a book entitled "Evidence in Investment Arbitration" published by Oxford University Press and has received the Burton "Law360 Distinguish Legal Writing Award" for his scholarly writings. His writings have been cited by arbitral tribunals and by the Supreme Court of Switzerland.

Dechert is proud to support

Columbia Arbitration Day

A leading global law firm with 22 offices around the world, Dechert delivers practical commercial advice on complex matters and transactions with energy, creativity and efficiency. dechert.com



Dechert
LLP

Skadden, Arps, Slate, Meagher & Flom

is proud to support the

2022 Columbia Arbitration Day

Skadden



skadden.com/recruiting

PANEL 4

**INVESTMENT TREATIES AND ARBITRATION: SHOULD WE
SEEK A DIFFERENT WAY TO SETTLE DISPUTES BETWEEN
STATES AND INVESTORS?**

Speakers: Patrick W. Pearsall

Andrea Bjorklund

Julie Bédard

Clovis Trevino

Moderator: George A. Bermann

Organizers: Anja Cervenka, Simon Bianchi, and Mateo Verdías

BROADCAST:





PATRICK W. PEARSALL

Allen & Overy, Washington, DC

Patrick has extensive experience representing parties in international disputes and providing strategic advice on investments and commercial contracts. He served in the U.S. State Department for nearly a decade, working on economic and natural resource diplomacy, and departed as the Chief of Investment Arbitration.

Patrick has successfully resolved claims involving billions of dollars. He is often called upon to provide strategic counsel to parties when they face international disputes, including matters related to energy and natural resources, and has experience with nearly all of the major international commercial arbitration rules. He is a trusted adviser to Fortune 500 companies and governments alike.

In addition to his representations, Patrick was on a drafting committee for revision of the International Court of Arbitration's (ICC) rules and led the negotiations of several bilateral and multilateral treaties. He advised on the negotiation of the investment provisions in the Trans-Pacific Partnership (TPP), the Transatlantic Trade & Investment Partnership, and the U.S.-China Bilateral Investment Treaty. He is widely recognized as one of the foremost experts on investment protection in the world.

Patrick has received several awards and serves on multiple boards. He is band ranked in Chambers, recommended in the Legal 500, and the youngest person ever listed as a "Global Thought Leader" the highest designation in the peer ranked Who's Who Legal: Arbitration, where he is recognized as "an incredible advocate," "whose razor-sharp mind is unmatched" and who is a "leader in public international law and investment treaty arbitration."

He is an adjunct professor at Georgetown University Law Center where he teaches two courses on international courts and tribunals and investment arbitration. Prior to this appointment, he taught at Columbia Law School, Harvard Law School and Yale Law School.

Patrick is on the panel of arbitrators for the Hong Kong International Arbitration Centre (HKIAC), the Korean Commercial Arbitration Board (KCAB) and the International Center for Settlement of Investment Disputes (ICSID).



ANDREA BJORKLUND

McGill University, Montreal

Andrea K. Bjorklund is a Full Professor and the L. Yves Fortier Chair in International Arbitration and International Commercial Law at McGill University Faculty of Law. In Winter 2018, she was a Plumer Fellow at St. Anne's College and a Visiting Fellow in the Law Faculty, University of Oxford. In March 2019, she was elected a vice-president of the governing Executive Council of the American Society of International Law. In July 2019, she took up the role of Associate Dean (Graduate Studies) at McGill Law for a three-year mandate. In September 2021, she was appointed Norton Rose Fulbright Faculty Scholar in Arbitration and Commercial Law for a second time.

In addition to serving as an adviser to the American Law Institute's project on restating the U.S. law of international commercial arbitration, she is a member of the Advisory Board of the Investment Treaty Forum of the British Institute for International and Comparative Law. Professor Bjorklund was the inaugural ICSID Scholar-in-Residence for 2014-2015 and was Editor-in-Chief of the Yearbook on International Investment Law and Policy (OUP) from 2012 to 2015. She sits on the panel of arbitrators of the AAA's International Centre for Dispute Resolution and on the roster of NAFTA Chapter 19 arbitrators.

Prior to joining McGill, Professor Bjorklund taught at the University of California, Davis, School of Law. Before entering the academy she was an attorney-adviser on the NAFTA arbitration team in the Office of the Legal Adviser of the U.S. Department of State, in addition to periods at the U.S. International Trade Commission and in private practice at Miller & Chevalier in Washington, D.C. She clerked for Judge Samuel J. Ervin, III, of the U.S. Court of Appeals for the Fourth Circuit. Professor Bjorklund has a J.D. from Yale Law School, an M.A. in French Studies from New York University, and a B.A. (with High Honors) in History and French from the University of Nebraska.



JULIE BÉDARD

Skadden, New York

Julie Bédard is head of Skadden's International Litigation and Arbitration Group for the Americas. She is a prior member of Skadden's Policy Committee, the firm's governing body. Fluent in French, Spanish and Portuguese, Ms. Bédard practices in four languages in complex disputes and investigations.

Trained in both civil and common law, Ms. Bédard has a doctorate in conflict of laws and represents clients in connection with litigation and arbitration proceedings throughout the world, advising on strategy, disputes on governing law, jurisdiction, the enforcement of arbitration agreements, extraterritoriality and international judgment enforcement.

Ms. Bédard is a member of the panel for the U.S.-Mexico-Canada Agreement's dispute settlement mechanism. She also is a member of the ICC International Court of Arbitration, the Shanghai Arbitration Commission and the Korean Commercial Arbitration Board's International Panel of Arbitrators.

Ms. Bédard has been recognized and repeatedly listed in many rankings, such as Chambers USA - Recognized in Band 1 ("She's a standout lawyer" with "great skills in dealing with clients" ... "a complete lawyer who deals very well with court litigation, arbitration and investigations," 2021 edition; "Exceptional" and "very thoughtful in giving her advice ... [she] takes time to really get to know a file," 2020 edition; and an "extremely talented lawyer," 2019 edition); and Chambers Latin America ("She is one of the best lawyers I have ever worked with and has an outstanding expertise and ability to evaluate all aspects of the case;" and "the most strategic legal mind I have ever come across," 2022 edition; "She is a great team leader, does commercial and investor-state cases and is a very impressive practitioner," 2021 edition; "one of the most impressive external lawyers we've come across," who "has profound technical knowledge of arbitration, [and is] also very insightful and strategic. She commands respect and stature among the community. She really is the whole package and it makes you feel extraordinarily confident with her representing you," 2020 edition).



CLOVIS TREVINO

Covington & Burling, Washington, DC

Clovis Trevino is special counsel in the firm's international disputes practice. She specializes in public international law and international commercial and investment arbitration and represents private entities and States in high-stakes international commercial, investor-State, and State-to-State proceedings, including under ICSID, ICC, UNCITRAL, and UNCLOS rules and before the International Court of Justice.

Fluent in Spanish, Clovis regularly handles disputes arising out of Latin America. Her experience spans a wide range of industries, including mining and minerals, oil and gas, textile manufacturing, and consumer services.

She also advises investment firms and asset managers in evaluating investments in international claims or arbitration awards. Clovis is recognized by Legal 500 as a Rising Star in international arbitration in the United States.



GEORGE A. BERMANN (MODERATOR)

Columbia Law School; Independent International Arbitrator

The director of the Center for International Commercial & Investment Arbitration at Columbia Law School, George A. Bermann is a world-renowned authority on comparative law, EU law, international trade contracts, WTO dispute resolution, and transnational litigation and arbitration. For more than four decades, he has been an active international arbitrator in commercial and investment disputes in all sectors, including general commercial contract, construction, intellectual property, energy, oil and gas, competition law, insurance, telecommunications, pharmaceuticals, distributorship and franchising, transportation, and employment. He also serves regularly as an expert witness before international arbitral tribunals as well as before courts in arbitral-related cases.

Bermann joined the Columbia Law School faculty in 1975. He founded both the Columbia Journal of European Law and the European Legal Studies Center, where he serves as the director. In addition to teaching full-time at the Law School, he is an affiliated faculty member of the School of Law of Sciences Po in Paris and the MIDS Masters Program in International Dispute Settlement in Geneva.

Bermann was the chief reporter for the American Law Institute (ALI) for its Restatement of the Law, The U.S. Law of International Commercial and Investor-State Arbitration, a 12-year project that was completed in 2019; it was the first ALI Restatement on this area of the law. Bermann is also co-author of the UNCITRAL Guide to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, chair of the Global Advisory Board of the New York International Arbitration Center (NYIAC), co-editor in chief of the American Review of International Arbitration, and founding member of the governing body of the ICC Court of Arbitration and a member of its standing committee.

WE ARE DELIGHTED TO ACKNOWLEDGE THE SUPPORT OF CAD
2022'S SPONSORS, TO WHOM MUCH GRATITUDE IS OWED!

Headline Sponsor

Pitkowitz
& Partners

Silver Sponsors

CHAFFETZ
LINDSEY

COVINGTON

Davis Polk

WHITE & CASE

Friends of CAD

Dechert
LLP

Skadden
Skadden, Arps, Slate, Meagher & Flom LLP

WE WOULD ALSO LIKE TO ACKNOWLEDGE AND THANK SO MUCH THE INSTITUTIONAL SUPPORTERS OF CAD 2022!

 Columbia Law School

INTERNATIONAL ARBITRATION ASSOCIATION



CENTER FOR INTERNATIONAL
COMMERCIAL & INVESTMENT ARBITRATION



 Columbia Law School



The
American Review
of International Arbitration
Columbia Law School



JUS
MUNDI

Center for International Commercial and Investment Arbitration



The International Arbitration Club of New York



AMERICAN
ARBITRATION
ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®



Wolters Kluwer



DIGITAL
COFFEE
BREAK

