



Fordham International Arbitration Conference

**Key Issues in International Commercial
and Treaty Arbitration: 2019**

November 22, 2019

9 a.m. – 5:30 p.m.

Skadden Conference Center

(Second Floor)

Fordham Law School



FORDHAM UNIVERSITY
THE SCHOOL OF LAW

Fordham International Arbitration and Mediation Conference

About Us

About the Conference Co-Chairs



Louis B. Kimmelman

Partner

Sidley Austin LLP, New York Office

Benno Kimmelman acts as lead counsel in complex commercial and investment treaty disputes under all the major international arbitration rules and serves as an arbitrator in international and domestic disputes. He also represents parties involved in litigation in aid of the arbitration process, such as compelling parties to arbitrate and enforcing arbitration awards. He is an adjunct professor of law at Brooklyn Law School and Georgetown University Law Center, where he teaches International Commercial Arbitration, and has been an adviser to the American Law Institute project on the Restatement of the U.S. Law of International Commercial and Investor-State Arbitration. He received his B.A. and J.D. degrees from Yale University and clerked for the Honorable Leonard I. Garth, U.S. Court of Appeals for the Third Circuit.



Edna Sussman

Independent Arbitrator and Mediator

Distinguished Practitioner in Residence

Fordham Law School

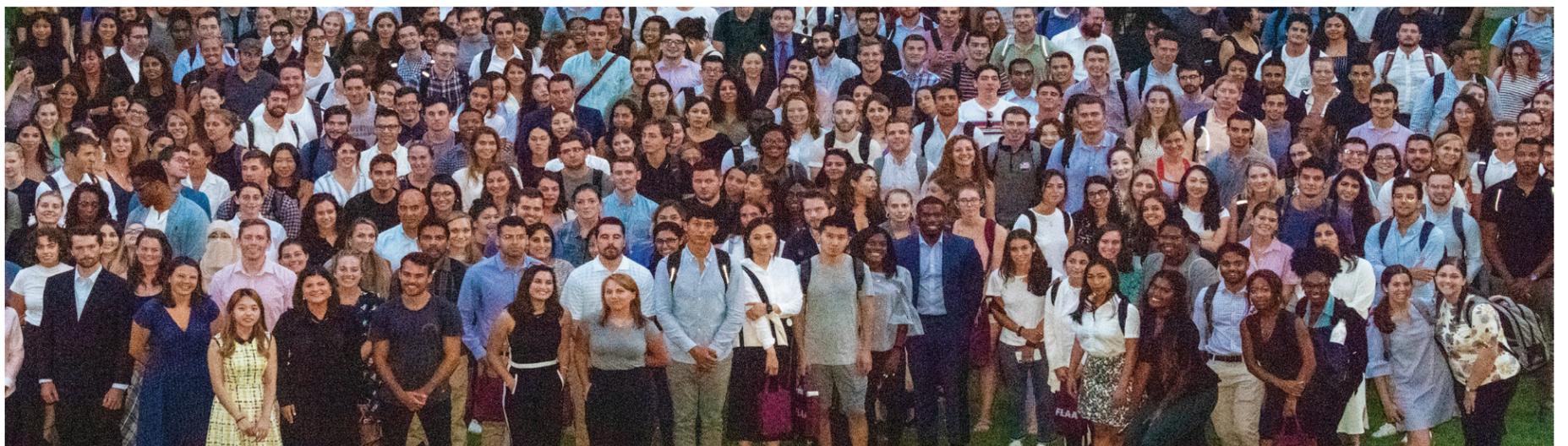
Edna Sussman (esussman@SussmanADR.com) is a full time independent arbitrator and is the Distinguished ADR Practitioner in Residence at Fordham University School of Law. She was formerly a litigation partner at White & Case LLP and has served in over 250 complex commercial arbitrations, both international and domestic. Ms. Sussman is a member of the panel of many of the leading dispute resolution institutions around the world. Ms. Sussman sits on the Board of the American Arbitration Association, serves as Chair of the New York International Arbitration Center, as chair of the AAA-ICDR Foundation, as a member of the consultative group for the American Law Institute's Restatement (Third) of the US law of International Arbitration and as Co-Editor-in-Chief of the *New York Dispute Resolution Lawyer*.

About the Fordham Law School Conflict Resolution and ADR Program

Fordham's Conflict Resolution and ADR Program offers a curriculum that balances theory and casework with real-world practice, reflecting the breadth and span of alternative dispute resolution practice within the legal and business communities. Students have unique opportunities to study the field of ADR through the renowned clinics and courses offered in negotiation, mediation, arbitration and international dispute resolution taught by leading academics in the field and experienced ADR practitioners. The curriculum has rich offerings with over twenty-one courses in a given year, seven of which focus on aspects of international dispute resolution. The program offers a JD concentration in Litigation and Dispute Resolution and an LLM in International Dispute Resolution that attracts students from all over the world. It also sponsors annual symposia on critical issues in domestic and international dispute resolution. Finally, the program provides students with the opportunity to engage in public service through teaching negotiation and mediation skills in the community.

About the Fordham Law School International Arbitration and Mediation Conference

Fordham University School of Law has a long and respected tradition of sponsoring and hosting annual conferences that address cutting-edge issues of international and foreign law. Following this tradition, the first Fordham Conference on International Arbitration and Mediation was held in May 2006 under the able leadership of former Baker & McKenzie partner and well known international arbitrator, Arthur W. Rovine. Under Arthur's leadership, the papers from the conference were published every year as "Contemporary Issues in International Arbitration and Mediation: The Fordham Papers. In 2016, Edna Sussman and Benno Kimmelman assumed leadership as co-chairs of the conference and have continued the tradition of attracting leading authorities to offer the best thinking in commercial and treaty arbitration and then publishing conference papers.



Fordham International Arbitration and Mediation Conference

Agenda

8:15 – 9 a.m. | **Conference Registration and Breakfast**

9 – 9:15 a.m. | **Welcome**

9:15 – 10:30 a.m. | **Panel 1 – Contract Interpretation in International Arbitration: Is There a Common Law – Civil Law Divide That Matters?**

(1.5 professional practice CLE)

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

Moderator: **Laurence Shore**, Partner, BonelliErede

10:30 – 10:45 a.m. | **Break**

10:45 a.m. – 12 p.m. | **Panel 2 – ICSID Under the New Rules: A Conversation with Meg Kinnear, Secretary General of ICSID**

(1.5 professional practice CLE)

Meg Kinnear, Secretary-General, International Centre for Settlement of Investment Disputes (ICSID)

Moderator: **Donald Francis Donovan**, Partner, Debevoise & Plimpton LLP

12 – 12:10 p.m. | **Break**

12:10 – 12:45 p.m. | **Keynote Address – Transparency in International Arbitration: Practical Value or Voyeurism?**

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

12:45 – 1:30 p.m. | **Lunch**

1:30 – 2:45 p.m. | **Panel 3 – Hot Tubbing Experts: Examining the Process**

(1.5 professional practice CLE)

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

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

2:45 – 2:55 p.m. | **Break**

2:55 – 4:10 p.m. | **Panel 4 – What Are Global Arbitral Institutions Focusing on Today?**

(1.5 professional practice CLE)

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

Moderators: **Louis B. Kimmelman**, Partner, Sidley Austin LLP and

Anne Marie Whitesell, Professor, Georgetown University Law Center

4:10 – 4:20 p.m. | **Break**

4:20 – 5:30 p.m. | **Panel 5 – Economic Issues in International Arbitration: A Primer**

(1.5 professional practice CLE)

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

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

5:30 – 7 p.m. | **Reception**

CLE CREDITS

Continuing legal education credits have been approved in accordance with the requirements of the New York State CLE Board for a maximum of 7.5 transitional and nontransitional professional practice credits.

GUEST WI-FI ACCESS

1. Go to Settings > Wi-Fi and select **Connect-Fordham-WiFi**.

2. Open your web browser and navigate to a frequently refreshed URL, such as CNN.com. You will automatically be directed to the Fordham network welcome page. Select **Join as a Guest**. (Note: For Apple iOS devices, use only the Safari browser for this process.)

3. Agree to the acceptable use policy. You will be directed to a new website. Click **Join Now**.

4. Follow the prompts to complete the process, which includes downloading/installing a small configuration file that allows you to connect to our public Wi-Fi network. You may need to enter the password for the device/computer to complete the process.

5. You'll receive a message confirming that you've joined the network. Click **Done**.

Guest Wi-Fi is available throughout Fordham University's Lincoln Center campus. While guest access does not expire, on subsequent use with your device/computer, you may be prompted to agree to the acceptable use policy.

For more detailed, device- or computer-specific instructions, visit www.fordham.edu/wireless, pick up a more detailed instruction sheet at the information desk, or call the Fordham Law Helpdesk at 212-636-6786.

Fordham International Arbitration and Mediation Conference

Speaker Bios

Ronnie Barnes

Principal, Cornerstone Research

Dr. Ronnie Barnes, a principal at Cornerstone Research, heads the firm's international arbitration practice. An expert in accounting, damages, and valuation, Dr. Barnes specializes in complex valuation methodologies, including the estimation of the cost of capital, the determination of country risk premia, and the valuation of complex financial instruments such as derivatives and structured finance products.

He has provided written and oral testimony in multiple matters involving topics that range include the tax treatment of hire purchase contracts; the assessment of damages resulting from the breach of a joint venture agreement; the economic equivalence of various financial derivatives; and the use of derivatives in alleged share price manipulation.

Dr. Barnes is an author of "Issues in Cross-Border Valuation and the Implications for Damages Assessments in Investor-State Disputes," and has also published articles on valuation methods and damages analyses. He is a UK-qualified chartered accountant, and previously held positions in accounting and investment banking firms, as well as a consulting firm and in academia.

Dr. Barnes holds a PhD and an MSc from London Business School; a Master of Advanced Study degree in mathematics from the University of Cambridge; and a BA (with honors) in mathematics from the University of Oxford.

Marinn Carlson

Partner, Sidley Austin LLP

Marinn Carlson is the co-leader of Sidley Austin's Global Arbitration, Trade and Advocacy practice, focuses her practice in international investment disputes, with an emphasis on investor-state arbitration. She represents both cross-border investors as well as respondent governments in ICSID and UNCITRAL arbitrations under investment treaties (BITs) and free trade agreements, including NAFTA. She 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 also represents corporate clients from around the world in a wide range of institutional and *ad hoc* international commercial arbitrations, including under ICC and SCC rules among others, and has represented clients in U.S. litigation with international ramifications before the United States Supreme Court and various courts of appeal. She is an adjunct professor teaching investment arbitration at George Washington University and American University's law schools, and is a Vice President of the American Society of International Law (ASIL) and Vice President of the Board of the Capital Area Immigrants' Rights (CAIR) Coalition in Washington, D.C.

Carla Chavich

Senior Vice President, Compass Lexecon

Carla Chavich is a Senior Vice President in the New York office of Compass Lexecon with testifying experience in Treaty and Commercial Arbitrations. Ms. Chavich has been involved in more than 60 commercial and treaty arbitration proceedings.

Ms. Chavich specializes in economic and regulatory analysis, and in the valuation of assets in developing countries. Her work is focused on international arbitration matters, where she performs economic and financial analysis in the context of international treaty and contractual disputes. She has also led several regulatory consultancy projects. Ms. Chavich has worked on projects related to various industries (such as oil and gas, mining, electricity generation and distribution, gas transportation and distribution, telecommunications, infrastructure, transportation, water services, financial services) in diverse locations, including Argentina, Brazil, Bolivia, Chile, Croatia, Ecuador, Mexico, Rumania, Spain, United States and Venezuela. Ms. Chavich has been recognized as "a very thorough and incredibly smart expert" in Who's Who Legal.

Carla Chavich is a CFA® charterholder and holds an MBA from Harvard Business School. She obtained her degree in Economics from Universidad de San Andrés

with summa cum laude honors.

Jeffrey A. Cohen

Managing Principal, Analysis Group

Mr. Cohen is Managing Principal of the Chicago office of Analysis Group. He has over 30 years' experience as an expert in international arbitration, valuation, antitrust, intellectual property, and securities, and has testified in arbitration and federal courts on many aspects of economic damages. He has worked across a wide range of industries, including health care, software and technology, financial services, energy, transportation, and entertainment. His clients include significant multinational corporations as well as various government entities.

Mr. Cohen is the author of Intangible Assets: Valuation and Economic Benefit and a contributor to the American Bar Association publication Proving Antitrust Damages. Mr. Cohen holds both a B.A. in political science and an M.B.A. in finance and strategy from the University of Chicago.

His most recent publication is entitled, "In All Probability: An Economic Reading of Damages Under Factory at Chorzów", forthcoming in ICSID Review - Foreign Investment Law Journal.

Santiago Dellepiane

Managing Director, Berkeley Research Group

Santiago Dellepiane is a Managing Director with Berkeley Research Group and Co-Chair of its Economics & Damages practice. He has worked extensively as an economist and valuation analyst, and as a consultant for utilities and regulated and nonregulated businesses. His work involves economic analysis, valuation, business advisory, regulatory analysis, and damages assessment.

Mr. Dellepiane has provided written and oral testimony or expert advice in more than thirty-five cases involving valuation, regulatory, damages, and other issues before the ICSID, ICC, UNCITRAL, and ICDR tribunals, and before Canadian courts (Superior Court of Justice of Ontario and Court of Queen's Bench of Alberta). In 2016, he led a team of damages experts working for the Ministry of Foreign Affairs of Japan on investor-state dispute settlement.

Mr. Dellepiane's research on damages in contractual and treaty breaches was published in Oxford University Press' Damages in International Arbitration under Complex Long-term Contracts in 2014. He has also written articles on damages issues published in the Journal of International Arbitration and has contributed to books published by the National Autonomous University of Mexico and by ICCA. He speaks regularly at conferences on damages issues. He has been recognized over several years among the world's top arbitration expert witnesses and as a thought leader by Who's Who Legal.

Donald Francis Donovan

Partner, Debevoise & Plimpton LLP

Donald Francis Donovan is Co-Head of the International Disputes and Public International Law Groups at Debevoise & Plimpton LLP and serves as counsel before courts in the United States, international arbitration tribunals, and international courts. He is widely regarded as one of the leading international arbitration practitioners and practicing international lawyers in the world. Mr. Donovan recently served as President of the International Council for Commercial Arbitration (ICCA) (2016-2018) and of the American Society of International Law (ASIL) (2012-2014), having previously served as Chair of the Institute for Transnational Arbitration (ITA). He serves as a Member of the US Department of State's Advisory Committee on International Law, a Member of the Advisory Committees of the American Law Institute for the Restatement of Foreign Relations Law of the United States and for the Restatement of the US Law of International Arbitration, and a Member of the Board of Human Rights First and Chair of its Litigation Committee. He teaches International Investment Law and Arbitration at the New York University School of Law and Tsinghua University School of Law in Beijing.

Mr. Donovan joined Debevoise after serving as law clerk to Associate Justice Harry A. Blackmun of the U.S. Supreme Court and as legal assistant to Judge

Howard M. Holtzmann of the Iran-United States Claims Tribunal.

Alexander G. Fessas

Secretary General, ICC International Court of Arbitration

Alexander G. Fessas is the Secretary General of the ICC International Court of Arbitration.

As Secretary General, he is responsible for the operational management and coordination of the ICC Court's Secretariat and other dispute resolution services in Paris, Hong Kong, New York, Sao Paulo and Singapore.

He joined the Secretariat in late 2011 and held consecutive positions in three case management teams, of which two as counsel. Prior to his appointment as Secretary General, he was the Secretariat's Managing Counsel over a three-year term.

He read law at the University of Athens, Greece having specialized in international commercial transactions and conflict of laws.

Prior to joining the ICC Court, he practised as counsel out of Athens where he established a sole practice in 2008. He was previously an associate at an Athens-based law firm. During the same period, he was also the editor-in-chief of the Revue hellénique de droit international.

He is admitted to the Athens Bar and speaks English, French and Greek.

Nicholas Fletcher QC

Independent Arbitrator, 4 New Square

Nicholas Fletcher QC is an independent arbitrator based in London. Nic is admitted to practice in England & Wales and in New York. After spending 3 years practising in New York in the 1980s, Nic joined Clifford Chance in London and was a partner in that firm's international arbitration practice. He then became Head of International Arbitration at Berwin Leighton Paisner before joining 4 New Square Chambers to sit exclusively as arbitrator. Nic has over 35 years' experience as both counsel and arbitrator in international commercial disputes. He has acted as presiding arbitrator, sole arbitrator and panel member in arbitrations conducted under a broad range of institutional and procedural rules and on an ad hoc basis. As arbitrator and previously as counsel, Nic has experience of a wide variety of commercial disputes, including M&A and shareholder disputes, financial instruments, pharmaceuticals, energy and natural resources, offshore engineering and construction matters. He is a member of the ICC's Task Force on the New York Convention and the ICC's UK national committee, a trustee of the Foundation for International Arbitration Advocacy and the rapporteur for England for the Institute of Transnational Arbitration. He is also consultant editor of the recently published Guide to the IBA Rules on the Taking of Evidence in International Arbitration.

Athina Fouchard Papaefstratiou

Of Counsel, Eversheds Sutherland

Athina Fouchard Papaefstratiou, Counsel at Eversheds Sutherland (Paris), specialises in international arbitration, commercial and investment. She also has significant experience in Africa-related arbitration.

Athina is listed as a "Future Leader" of the international arbitration market in France by Who's Who Legal (2018, 2019, 2020) and as one of the ten "Rising Stars" in commercial arbitration for France by Euromoney's Expert Guides (2019).

For over twelve years, she has acted as counsel or arbitrator in arbitrations in various sectors, such as energy, telecommunications, mining and construction. Her experience includes arbitrations under the ICC, ICSID, UNCITRAL, LCIA, SCAI, ACIC, CRCICA, ACIC and CCJA arbitration rules.

Prior to joining Eversheds Sutherland, Athina worked at the arbitration boutique Lazareff Le Bars, specializing in Africa-related arbitration, and at Freshfields Bruckhaus Deringer LLP in Paris. She has also served as in-house counsel in the Office of International Standards and Legal Affairs of UNESCO.

She is the Co-Chair of AfricArb, an association of

professionals focusing on Africa-related arbitration; the vice-Chair of the Steering Committee of CI Arb YMG; a member of the ICC Arbitration Commission, the think-tank of the ICC; and a board member of the Arbitration Committee of ICC Greece.

She is registered with the Bar in Paris and in Athens and works in English, French and Greek. She also has a good knowledge of Spanish.

Jennifer Glasser
Partner, White & Case LLP

Jennifer Glasser is a Partner in White & Case's No. 1 ranked International Arbitration group. Based in New York, Ms. Glasser represents corporate clients from across the globe in institutional and ad hoc arbitrations involving common and civil laws, as well as sovereigns in investor-State disputes. Ms. Glasser also advises on international contract drafting, public international law and U.S. court proceedings in aid of arbitration. Her experience covers a wide range of industries including energy, oil and gas, manufacturing, mining, financial services and technology.

Ms. Glasser is the co-editor of *The CPR Corporate Counsel Manual for Cross-Border Dispute Resolution*, a comprehensive manual on drafting international ADR clauses and managing cross-border ADR. She is the Vice Chair of the Arbitration Committee of the International Institute for Conflict Prevention and Resolution (CPR), co-chair of CPR's Transparency Task Force and a member of CPR's Cybersecurity Task Force.

Before entering private practice, Ms. Glasser clerked for Judge Koen Lenaerts at the Court of Justice of the European Union and was resident in the Paris office of White & Case.

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

A Chartered Arbitrator, Fellow of the Chartered Institute of Arbitrators, Fellow of the College of Commercial Arbitrators and a member of arbitral panels around the world, Thomas Halket has been an arbitrator for over 30 years. He is the President of Chartered Institute of Arbitrators, an Adjunct Professor at Fordham Law School where he teaches courses on International Arbitration and on IP transactions and an independent ADR neutral and adviser. Earlier in his career, he was a partner at Bingham McCutchen and prior to that a partner at Hughes, Hubbard & Reed. He is a frequent speaker and writer on ADR matters. He co-authored and edited a book on the arbitration of international IP disputes, about to go into its second edition, and is a co-author of a book on the arbitration of IP disputes in the U.S.

Hon. Faith S. Hochberg
Principal, Hochberg ADR

Judge Hochberg served over 15 years as a federal judge in the District of New Jersey. In 2015, she founded Hochberg ADR [www.JudgeHochberg.com], based in New York, to provide Mediation, Arbitration and strategic Advisory services to counsel in the U.S. and internationally. Judge Hochberg also serves as a Court-Appointed Monitor in an international cybersecurity case, and as a court-appointed Special Master in both a Trade Secrets/Patent case and an Antitrust MDL.

Judge Hochberg previously served as The United States Attorney for the District of New Jersey, and prior to that, she was Deputy Assistant Secretary of the U.S. Treasury Department. She has twice been confirmed by the U.S. Senate. Judge Hochberg has also spent many years in the private practice of law; as Legal Assistant to the Chairman of the SEC; and as a top official in a bank regulatory agency.

Judge Hochberg is known for her broad expertise in all complex cases: class actions, corporate contract, insurance, banking & financial institutions, securities, antitrust, pharmaceutical, patent, and all intellectual property litigation. She is listed on the rosters of AAA, ICDR, Federal Arbitration, CPR, WIPO, ITC and ICC and is a Fellow of the College of Commercial Arbitrators.

In her community, Judge Hochberg serves on the Advisory Board of the Innovation Center for Law & Technology, at New York Law School.

Judge Hochberg graduated from Harvard Law School, magna cum laude, where she was an Editor of the Harvard Law Review, and earned a B.A., summa cum laude, from Tufts University. She was elected to Phi

Beta Kappa. She also attended the London School of Economics.

In her few moments of spare time, Judge Hochberg is an artist whose paintings and wearable art have been shown in galleries, boutiques and museum stores.

Meg Kinnear
Secretary-General, International Centre for Settlement of Investment Disputes (ICSID)

Meg Kinnear is currently the Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID) at the World Bank. She was formerly the Senior General Counsel and Director General of the Trade Law Bureau of Canada, where she was responsible for the conduct of all international investment and trade litigation involving Canada, and participated in the negotiation of bilateral investment agreements. In November 2002, Ms. Kinnear was also named Chair of the Negotiating Group on Dispute Settlement for the Free Trade of the Americas Agreement.

From October 1996 to April 1999, Ms. Kinnear was Executive Assistant to the Deputy Minister of Justice of Canada. Prior to this, Ms. Kinnear was Counsel at the Civil Litigation Section of the Canadian Department of Justice (from June 1984 to October 1996) where she appeared before federal and provincial courts as well as domestic arbitration panels.

Ms. Kinnear was called to the Bar of Ontario in 1984 and the Bar of the District of Columbia in 1982. She received a Bachelor of Arts (B.A.) from Queen's University in 1978; a Bachelor of Laws (LL.B.) from McGill University in 1981; and a Master of Laws (LL.M.) from the University of Virginia in 1982.

Ms. Kinnear has published numerous articles on international investment law and procedure and is a frequent speaker on these topics. She is a co-author of Investment Disputes under NAFTA (published in 2006 and updated in 2008 & 2009). She also co-authored texts on Canadian legal procedure including Federal Court Practice (1988-1990, 1991-1992, and 1993-2009 annually) and 1995 Crown Liability and Proceedings Act Annotated (1994).

Isabel Kunsman
Managing Director, AlixPartners, LLP

Mrs. Isabel Santos Kunsman is a Managing Director at AlixPartners' Washington DC office. Isabel is a skilled expert witness on quantum, with more than 20 years of experience focused on valuation and financial matters. She specializes in high stakes Investor State Arbitrations and regulatory disputes in Latin America. She has been regularly retained as a quantum and valuation expert to provide testimony in both English and Spanish in various jurisdictions including ICSID, UNCITRAL, and the ICC. She has worked on behalf of States and investors in nearly equal proportion on matters involving expropriations and breach of contract disputes. The matters Mrs. Kunsman has helped clients and arbitral tribunals resolve have required valuations of complex financial instruments, concessions and companies in sectors including: banking, infrastructure, energy and mining.

Mrs. Kunsman holds an MBA from Georgetown University and a Bachelor of Science in Finance and Economics from the Georgetown University School of Foreign Service.

Julian D M Lew QC
Independent Arbitrator
Professor, Queen Mary University of London

Professor Lew is a full-time arbitrator of international commercial and investment disputes at Twenty Essex based in London. Prof. Lew's involvement with arbitration as an academic, counsel and arbitrator spans more than 40 years. He accepts appointments as a sole, presiding and co-arbitrator in arbitrations under all the major arbitral rules and institutions. His professional experience includes international transactions affecting investments; sale and purchase of corporate entities and assets; joint ventures, oil and gas exploration, development and production agreements, research and development and promotions of pharmaceutical and chemical products, mining and concession arrangements, distribution, agency, licensing agreements, infrastructure and construction projects, international trade finance, trading arrangements with developing countries, EC law and arbitration arising out of all such transactions.

Prof. Lew is a former partner and Head of the

International Arbitration Practice Group of what is now Herbert Smith Freehills. He is Professor of International Arbitration and Head of the School of International Arbitration, Centre for Commercial Law Studies, Queen Mary University of London.

Melissa Magliana
Partner, Lalive

Melissa Magliana is a partner at LALIVE in Zurich specializing in international commercial arbitration.

With experience in both common and civil law jurisdictions and holding legal degrees in US and Swiss law, she advises and represents clients in ad hoc and institutional arbitration proceedings under all major rules of arbitration. She also acts as sole arbitrator, co-arbitrator and as chair of arbitral tribunals and advises on other forms of dispute resolution and related proceedings, such as mediation and international legal assistance.

Melissa Magliana was the 2016 recipient of the ASA Prize for Advocacy in International Commercial Arbitration and has been recommended by several directories for her work in commercial arbitration.

Before joining LALIVE, Melissa Magliana clerked for The Hon. Carol Bagley Amon at the United States District Court for the Eastern District of New York and was Counsel in arbitration and litigation at a leading Swiss law firm. She graduated from Princeton University in 1999 and received her Juris Doctor from the Columbia University School of Law in 2004. In 2014, she obtained a Swiss law degree from the University of Lucerne School of Law.

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

Dr Meloria Meschi is a Partner and Senior Managing Director in FTI's Economic and Financial Consulting practice, and is based in London.

A double PhD in Economic Policy and Economics-Econometrics, Meloria has over 20 years' experience in applying economic and statistical analysis to complex litigation, regulatory, and policy issues across a broad range of industries. Meloria is recognized by Who's Who Legal: Consulting Experts as a leading individual in the Quantum of Damages category, recognized for her "exceptional econometric abilities", and by Who's Who Legal: Arbitration Experts as a leading expert, highly rated "for her excellent work on valuations relating to fraud".

An experienced witness, Meloria has been appointed as an expert in statistics or economics in disputes before the courts of England, Norway, Italy and South Africa and arbitral tribunals in New York, Hong Kong, Toronto, London, New Delhi and Stockholm.

Meloria has published numerous articles in international journals. In March 2005, her joint paper on the impact of mobile telecommunications on economic development was placed on the front page of The Economist. She is a faculty member for the Masters in Antitrust and Regulation, University of Rome, teaching on costs estimation, efficiency benchmarking and other regulatory topics.

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

As Deputy Registrar & Centre Director of the Singapore International Arbitration Centre (SIAC), Kevin assists with the administration of all cases filed with SIAC and the supervision of SIAC's multinational Secretariat.

Kevin has overseen the administration of thousands of international cases under all versions of the SIAC Rules and the UNCITRAL Arbitration Rules, among others, and has significant experience in SIAC cases conducted under the Expedited Procedure and applications for the appointment of an Emergency Arbitrator. He worked closely on the revisions to the SIAC Rules 2013, the SIAC Rules 2016 and the SIAC Investment Arbitration Rules 2017.

Kevin is a frequent speaker and lecturer on contemporary issues in international arbitration and has participated in events and training sessions on six continents for arbitral institutions, law firms, government ministries, universities, NGOs and other arbitration stakeholders. He is a member of the Singapore delegation for UNCITRAL Working Group II (Dispute Settlement) and represents SIAC as an observer at UNCITRAL Working Group III (ISDS

Fordham International Arbitration and Mediation Conference

Speaker Bios Cont'd

Reform).

Kevin holds a B.A. from Mount Allison University and a J.D. from Osgoode Hall Law School. Kevin worked at one of Canada's prominent 'Seven Sister' law firms and then went on to study an LL.M. in International Commercial Arbitration at Stockholm University. He is qualified as a Barrister and Solicitor with the Law Society of Upper Canada.

Kevin speaks English and French.

Timothy G. Nelson

Partner, Skadden, Arps, Slate, Meagher & Flom LLP

Timothy G. Nelson, a New York partner of Skadden, Arps, Slate, Meagher & Flom LLP, represents clients from a range of sectors, including oil and gas (upstream, midstream), nuclear, solar, mining, cement, finance, insurance, pharmaceuticals, telecommunications, retail, sports, motor racing, hotels and property investment, plus sovereign entities, before ICSID, ICDR, AAA, ICC, LCIA, SIAC, HKIAC and UNCITRAL arbitration tribunals, as well as U.S. federal and state courts. He handles corporate/commercial disputes as well as investment treaty/expropriation claims involving foreign governments. He has litigated cases involving the New York and Panama Conventions, the Hague Service and Evidence Conventions, the Foreign Sovereign Immunities Act and "Section 1782" (the cross-border discovery statute). He is widely published and quoted on matters of international law, cross-border dispute and international arbitration, is the co-editor of *Take the Witness: Cross-Examination in International Arbitration* and a co-founder of the *Journal of Enforcement of Arbitration Awards*. He also is a veteran of numerous complex quantum disputes (having acted both for claimants and respondents in such matters), and often speaks or writes on issues involving valuation of businesses, calculation of damages in business disputes, and the handling of expert evidence on quantum.

Benjamin A. Sacks

Principal, The Brattle Group

Mr. Benjamin A. Sacks is a Principal in the Washington, DC office of The Brattle Group. For over twenty years, he has assisted corporations, investors, U.S. government agencies and foreign governments, to develop and present economic and financial testimony in complex litigations and arbitrations. Mr. Sacks has provided expert reports and testimony, for both Claimants and Respondents, in the United States and internationally, including before panels operating under ICSID, LCIA, PCA, the ICC rules and the Delaware Court of Chancery. He was the consulting expert for Russia in the Yukos ECT arbitration and the subsequent annulment proceedings. In US litigation, Mr. Sacks was the expert for Shareholders in the Facebook Class C Reclassification Litigation which sought to enjoin Facebook from issuing non-voting shares. Facebook cancelled its plans to issue those shares before trial was to begin. Mr. Sacks teaches a Continuing Legal Education course on damages featuring several valuation case studies, has taught classes to attorneys on valuation and served as a panelist on damages at industry conferences. Mr. Sacks received his B.A. in mathematical economics from Columbia University and his M.A. in economics from the University of Chicago.

Laurence Shore

Partner, BonelliErede

Laurence Shore is a partner in the BonelliErede-Milan office, and is the head of the firm's international arbitration practice group. Laurence began his career as a litigation associate at Williams & Connolly in Washington, D.C., and subsequently worked in London and New York City in the arbitration field, before moving to BonelliErede. He is qualified in D.C., Virginia, and New York, and is also a solicitor of the Senior Courts of England and Wales. Laurence received his law degree from Emory University, where he was editor-in-chief of the *Emory Law Journal*. He has a doctorate in American History from Johns Hopkins University. Laurence is a co-author of *International Investment Arbitration: Substantive Principles*, published by Oxford University Press (second edition, 2017).

Robert H. Smit

Independent Arbitrator

Robert H. Smit is an independent arbitrator in international commercial and investment treaty arbitrations seated around the world. Mr. Smit is an Adjunct Professor of Law at Columbia Law School, where he teaches courses and seminars on international arbitration and transnational litigation. He is a retired Litigation Partner at Simpson Thacher & Bartlett LLP, where he Co-Chaired the Firm's International Arbitration and Dispute Resolution Practice. Mr. Smit is also Co-Editor-in-Chief of the *American Review of International Arbitration*; Member of the ICC Commission on Arbitration; and Adviser to the American Law Institute's Restatement (Third) of the U.S. Law of International Arbitration. He is also former U.S. Member of the ICC International Court of Arbitration; Chair of the New York City Bar Association's International Commercial Disputes Committee; Chair of the CPR Arbitration Committee; and Vice-Chair of the IBA's International Arbitration and ADR Committee.

Greig Taylor

Managing Director, AlixPartners, LLP

Greig is an experienced testifying financial and accounting expert witness with more than 20 years of experience in resolving disputes involving accounting, valuation, and economic damages. His experience includes breach-of-contract and loss-of-profits claims, expropriations, minority-shareholder and joint-venture disputes, and claims arising following acquisitions and sales of businesses.

Greig has testified in numerous international arbitrations under various institutions such as the ICC, AAA-ICDR, ICSID, SIAC and JCAA, as well as in ad hoc proceedings under UNCITRAL rules and free-trade agreements. He has also provided litigation consulting involving forensic accounting and financial investigations under various accounting and legal protocols.

Greig is listed in The International Who's Who of Commercial Arbitration since 2014 as a leading expert witness, and most recently as a Thought Leader for Arbitration 2018 and Global Elite Thought Leader for 2019. Greig is also recognized by Who's Who Legal for Economic Consulting - Quantum of Damages since 2016.

Eric P. Tuchmann

Senior Vice President, General Counsel and Corporate Secretary, AAA - ICDR

Eric P. Tuchmann is Senior Vice President, General Counsel and Corporate Secretary for the American Arbitration Association (AAA) and its international division, the International Centre for Dispute Resolution (ICDR). In that capacity, he oversees the ICDR's operations, strategy and policies. In addition, he manages the organization's legal and governance affairs, including litigation and regulatory matters involving the AAA-ICDR and its arbitrators and mediators. Mr. Tuchmann served as counsel of record on *amicus curiae* briefs filed in various courts and cited by the Supreme Court of the United States, and has been involved in various policy initiatives related to alternative dispute resolution. He analyzes domestic and international legal developments impacting the field, serves as an observer to various UNCITRAL working groups, and speaks frequently on arbitration and mediation topics. Mr. Tuchmann previously served as the AAA's Associate General Counsel, and has managed the ICDR and other offices within the organization.

Jacomijn van Haersolte-van Hof

Director General of the LCIA

On 1 July 2014, Jackie van Haersolte-van Hof became Director General of the LCIA. Previously, she practised as a counsel and arbitrator in The Hague, at her GAR 100 boutique HaersolteHof. She set up HaersolteHof in 2008 after three years as counsel in the international arbitration group at Freshfields Bruckhaus Deringer in Amsterdam.

She was previously with Amsterdam firm De Brauw Blackstone Westbroek from 2000 to 2004, and before that Loeff Claey's Verbeke in Rotterdam, which she

joined on her qualification in 1992.

She has sat as arbitrator in cases under the ICSID, ICC, LCIA and UNCITRAL Rules, as well as those of the Netherlands Arbitration Institute (NAI), and UNUM, the Institute of Transport, Arbitration & Mediation, and at the Royal Dutch Grain and Feed Trade Association, based in the Netherlands. She is on the ICSID roster of arbitrators and sat on an ad hoc committee.

She was also involved in setting up the arbitral process for the Claims Resolution Tribunal in Zurich, which analysed claims from Holocaust survivors over dormant accounts in Swiss banks.

She is a professor of arbitration law at University of Leiden and a member of GAR's editorial board. Her 1992 PhD thesis on the application of the UNCITRAL rules by Iran-US Claims Tribunal was one of the first books to be published on the subject.

Anne Marie Whitesell

Professor, Georgetown University Law Center

Anne Marie Whitesell is Professor, LL.M. Program and Faculty Director, Program on International Arbitration and Dispute Resolution at Georgetown University Law Center in Washington D.C. Prior to joining Georgetown, she practised with the law firm Dechert LLP in Washington and Paris.

Ms Whitesell was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. She also previously taught at the Université de Paris I, the Institut de Droit Comparé and Georgetown. Ms Whitesell has practised with law firms in both the United States and in France, and has acted as arbitrator and counsel in numerous international arbitration cases. She serves as a member of various boards and committees related to dispute resolution and is the Director of the Alternative Dispute Resolution Center of the International Law Institute.

Ms Whitesell received her A.B. from Smith College, her J.D. from the University of Virginia School of Law and her Doctorate in Law from the Université de Paris I, Panthéon-Sorbonne. She is admitted to the New York State Bar, the District of Columbia Bar and the US District Courts for the Southern and Eastern Districts of New York.

We gratefully thank our participating organizations



AMERICAN ARBITRATION ASSOCIATION®
INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION®



International Centre for Settlement of Investment Disputes
WORLD BANK GROUP



INTERNATIONAL COURT OF ARBITRATION®

ARBITRAL WOMEN



CPR

International Institute for Conflict Prevention & Resolution



CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION COMMISSION

ARBITRATION INSTITUTE OF THE STOCKHOLM CHAMBER OF COMMERCE



CENTER FOR INTERNATIONAL COMMERCIAL & INVESTMENT ARBITRATION



Association Suisse de l'Arbitrage
Schweiz. Vereinigung für Schiedsgerichtsbarkeit
Associazione Svizzera per l'Arbitrato
Swiss Arbitration Association

Columbia Law School



CRCICA

LCIA
Arbitration and ADR worldwide

CARDOZO LAW
BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY
Kukin Program for Conflict Resolution

SIAC
Singapore International Arbitration Centre

NYU LAW

CENTER FOR TRANSNATIONAL LITIGATION, ARBITRATION, AND COMMERCIAL LAW



SCIA

深圳国际仲裁院
SHENZHEN COURT OF INTERNATIONAL ARBITRATION
深圳仲裁委员会
SHENZHEN ARBITRATION COMMISSION



ST. JOHN'S UNIVERSITY
SCHOOL OF LAW
The Hugh L. Carey Center
for Dispute Resolution

CAM-CCC

CENTER FOR ARBITRATION AND MEDIATION

NEW YORK CITY BAR

Arbitration Committee

COOPERATING ENTITY



TOURO COLLEGE

JACOB D. FUCHSBERG LAW CENTER
Where Knowledge and Values Meet



香港國際仲裁中心
Hong Kong International Arbitration Centre

NEW YORK CITY BAR

International Commercial Disputes Committee

COOPERATING ENTITY

GEORGETOWN LAW

VIAC II Vienna International Arbitral Centre

NEW YORK CITY BAR

International Law Committee

COOPERATING ENTITY



Brooklyn Law School
ESTABLISHED 1901

DIS

NYIAC New York International Arbitration Center



ABA Section of International Law
Your Gateway to International Practice

COOPERATING ENTITY



The College of Commercial Arbitrators



NEW YORK STATE BAR ASSOCIATION
COMMERCIAL & FEDERAL LITIGATION SECTION



Section of Dispute Resolution
AMERICAN BAR ASSOCIATION

COOPERATING ENTITY



The International Arbitration Club of New York



NEW YORK STATE BAR ASSOCIATION
DISPUTE RESOLUTION SECTION



NEW YORK STATE BAR ASSOCIATION
INTERNATIONAL SECTION

ABA
Section of Litigation



ACICA
Australian Centre for International Commercial Arbitration



Practical Law™



We gratefully thank our sponsors

