



The International Network of Women in Dispute Resolution



President's Column

As we hurtle towards the middle of 2016, the calendar of ArbitralWomen activities - on behalf of all our members – is increasing at an incredible pace. The past few months, since the last Newsletter, have been extremely busy for ArbitralWomen. Our latest signature event on Unconscious Bias is gathering ground and rapidly spreading around the world. Indeed all our activities are contributing to the considerable debate on eradicating inequality in dispute resolution.

Following ArbitralWomen's commitment to the Equal Representation in Arbitration (ERA) Pledge at the AW Conference at UNESCO in Paris, in March, ArbitralWomen was very well represented at the formal launch of The Pledge at Freshfields' Offices in London on 18 May 2016. The Launch followed a GAR Live debate on the subject. The Pledge was very well received, having garnered over 300 signatories even before the launch. I urge all those who symbolically signed the Pledge at the ArbitralWomen Conference to sign the formal on-line register too and to encourage their friends, colleagues, their organisations and other relevant organisations to support it.

The Pledge aims to ensure that:

- committees, governing bodies and conference panels in the field of arbitration include a fair representation of women;

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ArbitralWomen thanks all contributors, and Alix Povey for her help in preparing this Newsletter.

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- lists of potential arbitrators or tribunal chairs provided to or considered by parties, counsel, in-house counsel or otherwise include a fair representation of female candidates;*
- states, arbitral institutions and national committees include a fair representation of female candidates on rosters and lists of potential arbitrator appointees, where maintained by them;*

- *where they have the power to do so, counsel, arbitrators, representatives of corporates, states and arbitral institutions appoint a fair representation of female arbitrators;*
- *gender statistics for appointments (split by party and other appointment) are collated and made publicly available; and*
- *senior and experienced arbitration practitioners support, mentor/sponsor and encourage women to pursue arbitrator appointments and otherwise enhance their profiles and practice.*

ArbitalWomen supports the aims of the Pledge wholeheartedly. Our members comprise women at all levels and stages of their careers and so our aims remain broader than the Pledge. We will, therefore, continue to encourage and promote equality especially in dispute resolution for all women, in all roles.

On 7 April 2016, following our very successful Conference in Paris (see our Newsletter N° 17 which may be accessed here:

<http://www.arbitalwomen.org/Media/Newsletter>), we continued our promotion of women in dispute resolution, this time focusing on the younger generation, the pipeline, the leaders of the future, with the launch of our Young ArbitralWomen Practitioner group (YAWP). I was very fortunate to be present in Zurich for the launch, with a motivational and inspiring address from **Paula Hodges QC**. I would like to congratulate AW Vice President **Gabrielle Nater-Bass** who has been driving this project from inception to making it a reality. I would also like to congratulate all those involved on the Executive Committee of YAWP from whose hard work not only will AW benefit but so will all the young practitioners who are looking for our guidance, support and encouragement. Well done to you all. My thanks also to Homburger for hosting so graciously. This Newsletter includes a full report on the launch and the day-long conference that followed. It also includes Paula Hodges QC's speech from the launch.

On 12 April 2016, at Queen Mary University of London, we held a joint AW/QMUL School of International Arbitration event, '*Arbitrating in the European Union: Leaving the Rhetoric Behind and Building the Realities Ahead*'. The event was split into two sessions: one dealing with commercial arbitration in the European Union and the other with investment arbitration in the EU. Both panels were all female panels – all experts in their respective fields. I chaired the commercial arbitration panel with panellists: **Annet van Hooft** of Bird & Bird, France, **Kate Davies** of Allen & Overy LLP, London and

Dr Eva Lein, Herbert Smith and Senior Research Fellow of Private International Law, British Institute of International and Comparative Law. **Norah Gallagher**, Academic Director of the Energy and Natural Resources Law Institute, Queen Mary University of London, chaired the investment arbitration session with panellists: **Lucy Martinez** of Three Crowns, London, **Naomi Briercliffe** of Allen & Overy, London and **Gloria Alvarez**, Research Fellow, Queen Mary University of London.

The discussion was lively, controversial and provocative. The audience included one of our Honourable Men, **Geoffrey Beresford Hartwell** and as with all great events, the level of interaction was tremendous. My thanks on behalf of ArbitalWomen to the SIA for hosting a great event. Gloria singlehandedly organised this. Norah and I fell into line quite happily with her ideas. My gratitude to Gloria and QMUL for hosting another exciting ArbitalWomen event.

Both the Vis and Vis-East Moots took place shortly after our Conference in Paris. ArbitalWomen again sponsored several teams for each competition. We report below on the Moots.

Continuing our series on women in leadership roles we include an interview with **Alice Fremuth-Wolf**, Deputy-Secretary General of the Vienna International Arbitration Centre (VIAC). Alice and I had the good fortune of working together on the recent workshop on unconscious bias in Vienna. Again, another inspirational woman and role model.

ArbitalWomen held a joint unconscious bias event with VIAC, hosted by Freshfields in Vienna on 2 June 2016. I was delighted to present the keynote speech: '*Unconscious Bias: Recognised and Managed?*', which was intended to lay the foundations for what turned out to be a highly interactive evening. My keynote speech is available here: <http://www.arbitalwomen.org/Media/AW-News/PostId/18/unconscious-bias-recognised-and-managed>.

Ema Vidak Gojkovic of Baker & McKenzie in Vienna then made an excellent presentation boring into unconscious bias, '*Recognizing Cognitive Blind Spots*'. **Alice Fremuth-Wolf** then chaired a fantastically feisty panel session, '*Unconscious Bias in International Arbitration*' with panellists, **Alexander Petsche** of Baker & McKenzie, **Jeffrey Sullivan** of Allen & Overy and **Eliane Fischer** of Freshfields. The evening was topped by a coaching session, '*Improving Negotiation Skills by Combating Biases*' conducted by **Charlie La Fond**, Negotiation Coach, *Into Results* and **Claudia Winkler**, Negotiation Coach and Director, CDRC. A full report of the event is included in this Newsletter. My gratitude to Ema who also conceived of the format, the topics behind the sessions and ran around to make all the

necessary arrangements. Like Norah and I, Alice and I were more than happy to run with what Ema was suggesting. My thanks, of course, also to Freshfields for hosting it.

Lastly, I am delighted to be able to announce the new ArbitalWomen Board for 2016-2018. I am particularly honoured to be President again and I congratulate each one of the Board Members on their fabulous achievements. I know that each one of them will devote time and effort in continuing to make ArbitalWomen a force for change and a significant world leader for equality. It has not happened and does not happen unless everyone pulls their weight (*returning Board members):

***Rashda Rana SC** – President (UK/Singapore)

***Gabrielle-Nater Bass** – Vice President (Switzerland)

***Asoid Garcia-Marquez** – Secretary (France)

***Juliette Fortin** – Treasurer (France)

***Karen Mills** – Executive Editor (Indonesia)

Valentine Chessa – (France)

Jo Delaney - (Australia)

***Lucy Greenwood** – (USA)

Elena Gutierrez – (Spain)

Dana MacGrath – (USA)

Marily Paralika –France)

Alison Pearsall – (France)

***Ileana Smeureanu** – France

Mary Thomson – (Hong Kong)

***Ana Carolina Weber** – (Brazil)

Erika Williams – (Australia)

Louise Woods – (UK)

Of course, **Louise Barrington (Hong Kong/Canada)** and **Mirèze Philippe (France)** remain on the Board as Founding Co-Presidents. **Dominique Brown-Berset (Switzerland)** remains on the Board as Past President as does **Lorraine Brennan (USA)** in an advisory capacity.

The one person missing from the list above is **Gillian Carmichael Lemaire (France/Scotland)**. It is with great regret that I announce that she did not stand again for the Board as her practice and move from Paris to London will not permit her the time she wishes to commit to the work of ArbitalWomen. Gillian has converted this Newsletter into the bumper publication we all enjoy every quarter.

I know that all the members on the Board are more than aware of the great amount of work that goes into producing the Newsletter, our key point of contact with the members. That awareness makes each of us extremely grateful for all the work she has put into not only the Newsletter but also to ArbitalWomen events, to ideas ArbitalWomen has taken up or promoted and to other written contributions. I join everyone in thanking her for her tremendous contribution to the work of ArbitalWomen these past few years. As Gillian is currently a member of the Paris committee for the Global Pound Conference Series, and ArbitalWomen is in the process of developing its relationship with the GPC Series further, in gratitude of Gillian's unswerving support, we have invited her to remain a member of the Board in an advisory capacity in relation to both the Newsletter and GPC. She will join Lorraine Brennan on that Advisory Board. I have very much enjoyed working closely with her and look forward to continuing doing so.

A final thanks to all our media supporters who so encouragingly get the word out to all their members to support our events: GAR, TDM and Thomson Reuters. Their reach and imprimatur means a great deal to us.

I end with a positive message to sustain you for the next few months in the words of the world's most impressive wordsmith:

*"From women's eyes this doctrine I derive:
They sparkle still the right Promethean fire;
They are the books, the arts, the academes,
That show, contain, and nourish all the world."
—Berowne in Love's Labour's Lost, Shakespeare*

Rashda Rana SC



Rashda Rana SC, Essex Chambers, AW President

ARBITRALWOMEN CELEBRATES LAUNCH OF YAWP

7 April 2016, Zurich

Earlier this month, ArbitralWomen marked the launch of the first young group for female dispute resolution practitioners and held its first conference on how to advance in international arbitration.

On 7 April, ArbitralWomen unveiled Young ArbitralWomen Practitioners (YAWP), a support group and networking platform for women under 40. The launch, which was held at the Zurich office of Homburger, comes three months after the creation of the group.

The launch event opened with an introductory speech by **Gabrielle Nater-Bass**, partner at Homburger in Zurich, vice president of ArbitralWomen and chair of the new group.

"YAWP began when ArbitralWomen's board thought of organising some activities aimed specifically at younger female practitioners," she explained. "When we asked around about whether there was the need for such a group, the answer we got was a resounding yes!"

According to Nater-Bass, YAWP is different from other under-40 groups because it will address issues affecting young female practitioners such as gender diversity, work-life balance and the under-representation of women in the higher echelons of dispute resolution.

YAWP will also address issues that are no longer a concern for more established female practitioners.

The keynote speech was delivered by **Paula Hodges QC**, partner and head of international arbitration at Herbert Smith Freehills, who is based in London.

Hodges said that women should not blindly follow the path trodden by the men before them and advised young women to distinguish themselves from their male counterparts. *"It is better to be a first rate version of yourself, rather than a second rate version of someone else,"* she said. She exhorted young female practitioners to combine their legal skills with their quintessential feminine flair: *"I for one, can never cross-examine without my stilettos,"* she added with a smile.



Paula Hodges QC delivering her keynote speech.

Closing remarks were made by **Rashda Rana SC**, a member of 39 Essex Chambers in London and president of ArbitralWomen. Rashda reiterated ArbitralWomen's pledge that it would do everything it could to promote the cause of women in dispute resolution around the world.

YAWP's new executive committee is geographically diverse: its members are **Kate Brown de Vejar**, partner at Curtis, Mallet-Prevost, Colt & Mosle in Mexico City, **Yoko Maeda**, special counsel at City-Yuwa Partners in Tokyo, **Melissa Magliana**, counsel at Homburger in Zurich, **Annabelle Möckesch**, associate at Hanefeld Rechtsanwälte in Hamburg, **Claire Morel de Westgaver**, associate at Bryan Cave in London, **Ema Vidak Gojkovic**, associate at Baker & McKenzie in Vienna and **Katie Hyman**, associate at Akin Gump Strauss Hauer & Feld in Washington, DC.

Among its future events, the committee plans to organise mentoring programmes and skill-building seminars.



Members of the YAWP Executive Committee (back row, from L to R) Melissa Magliana, Ema Vidak Gojkovic, Annabelle Möckesch, Yoko Maeda and Claire Morel de Westgaver pose with Paula Hodges QC, Rashda Rana SC and Gabrielle Nater-Bass (front row, from L to R)

The day after the launch, YAWP held its inaugural conference at the Dolder Grand Hotel in Zurich.

The event, which looked at how to build a career in international arbitration, was open to men and women. Although the majority of the 60-strong crowd was female, the male participants were welcomed, with **Gabrielle Nater-Bass** emphasising that ArbitralWomen is in no way “anti-men” and that the sexes need to collaborate to address and rectify gender imbalance in dispute resolution.

The first panel, moderated by **Isabelle Michou**, partner at Herbert Smith Freehills in Paris, and composed of **Sabrina Aïnouz** of Curtis, Mallet-Prevost, Colt and Mosle in Paris, **Lorraine de Germiny** of Lalive in Geneva, and **Claire Morel de Westgaver** of Bryan Cave in London, provided tips on what it takes to be effective counsel in international arbitration.

The panel highlighted the importance of credibility, flexibility and teamwork, and of being useful to the tribunal. “You also have to learn to sleep in uncomfortable places such as airport lounges,” said one speaker.

The second session tackled the critical question of how young practitioners can move from counsel to arbitrator. Moderated by **Francesca Mazza**, secretary general at the German Arbitration Institution, panel members **Sandra de Vito Bieri** of Bratschi Wiederkehr &

Buob in Zurich, **Melissa Magliana** of Homburger in Zurich and **Marieke van Hooijdonk** of Allen & Overy in Amsterdam shared their own personal experiences and advised young practitioners on “how to get your foot in the door and keep it there.”

Delegates were roused from their post-lunch somnolence by a thought-provoking Oxford style debate on whether the role of administrative secretaries in international arbitration should be limited to performing purely administrative tasks. Arguing on behalf of the motion were **Yoko Maeda**, special counsel at City-Yuwa Partners in Tokyo and **Ema Vidak Gojkovic**, associate at Baker & McKenzie in Vienna, while **Anna Kozmenko**, senior associate at Schellenberg Wittmer in Zurich, and **Annabelle Möckesch**, associate at Hanefeld Rechtsanwälte in Hamburg argued against it.

After tough questioning and deliberations, a mock tribunal consisting of Belgian arbitrator **Vera Van Houtte**, **Paula Hodges QC**, and **Inka Hanefeld**, partner at Hanefeld Rechtsanwälte in Hamburg, came down against the motion, a decision supported by the audience.

The day closed with a cocktail party, a perfect opportunity for the young YAWP members to mingle and meet more senior female practitioners, furthering ArbitralWomen’s aim of bringing the two generations closer together.

Dilber Devitre, foreign associate, Homburger, Zurich



Moderators and speakers at the YAWP Conference on 8 April, 2016 (from L to R): Melissa Magliana, Lorraine de Germiny, Ema Vidak Gojkovic, Annabelle Möckesch, Paula Hodges QC, Gabrielle Nater-Bass, Sandra de Vito Bieri, Marieke van Hooijdonk, Inka Hanefeld, Vera Van Houtte, Isabelle Michou, Claire Morel de Westgaver, Yoko Maeda and Anna Kozmenko.

Keynote Speech by Paula Hodges QC

I am delighted, honoured and flattered to address you at the launch of YAWP. ArbitralWomen has achieved great success in connecting female arbitration practitioners across the world and this has proved an invaluable factor in supporting the inclusion and inexorable rise of women in international arbitration. It is therefore only appropriate to extend the network to younger practitioners. Also, the timing is impeccable as I think there has been no better time for young arbitral women to seize the moment and achieve a successful career in international arbitration.

There is no doubt that when you look back at the history of international arbitration, the early days were dominated by men. One of the first recognised arbitrators was King Solomon. You will recall the biblical tale of two women claiming to be the mother of a baby boy. In a bid to identify the true mother, King Solomon threatened to "cut the baby in half" with a sword, whereupon the real mother of the boy suggested that King Solomon give the baby to the other woman. A drastic procedural technique, but, ironically, the phrase "cutting the baby in half" has remained associated with arbitration ever since.

Arbitration also featured in Greek mythology. The Royal Shepherd, Paris, acted as arbitrator when judging a beauty contest between Juno, Athena and Venus on Mount Ida in Greece. So in ancient times, women were featuring in arbitration, but as parties rather than as counsel or arbitrator. Indeed, male practitioners continued to dominate arbitration for centuries or even millennia to come.

Two main strands nevertheless began to emerge from which one sees the origins of modern commercial arbitration and arbitrations involving states.

First, kings and other prominent figures were called upon to arbitrate disputes between states. This was a very male dominated process on the whole, but I have discovered records of Queen Victoria being appointed as arbitrator in a boundary dispute between Chile and Argentina. Queen Elizabeth II also acted as arbitrator in a similar boundary dispute in the 1960s. However, it is fair to say that they both had help from their male advisers in concluding the awards!

The second emerging strand of arbitration involved commodity trading, stemming from the desert caravan camps in Marco Polo's time to the trading houses in the City of London in the late nineteenth century – another male bastion of arbitration.

It is hardly surprising, therefore, that not many women featured in the early days of arbitration as the odds were stacked against them. Men dominated the halls of power and the world of business, whereas women were expected to stay at home to look after the family and further education was not encouraged. Also, arbitration often involved parties from different countries, so travel was an essential part of the job and it was not easy for women to match the independence of men in historical times.

So what changed? WWI and WWII undoubtedly heralded more equality and women were gradually admitted into universities and the workplace in greater numbers. Arbitration also began to expand alongside the growth of foreign investment in countries around the world (for example, the arbitrations in the oil industry in the twentieth century, such as, *BP v Libya*).

A combination of wide-scale agreement on the Model Law and the growth of globalisation in the 1990s then triggered an explosion in the number of international disputes being resolved by arbitration towards the end of the twentieth century. This in turn coincided with a much higher number of women studying law and entering the legal profession with the result that more female lawyers were available and willing to practise arbitration. (For instance, Herbert Smith Freehills has been recruiting 50 – 60% women since the 1990s.)

There is no doubt that challenges remain, but vastly improved technology and ease of travel have also facilitated communication and the ability to work internationally whilst still balancing personal responsibilities, further assisting the advance of women practitioners.

I hope that you will indulge me while I share a few personal reflections. I qualified at Herbert Smith (as was) in 1989 as an associate in the litigation department. I became involved in arbitration after a few years and was encouraged by my boss and great mentor, **Charles Plant**, to specialise in arbitration when the firm was fortunate to recruit the world renowned **Julian Lew QC** to lead the arbitration practice.

Initially, I had doubts about specialising full time in arbitration, but as my practice began to focus on the energy and technology sectors, I realised that my clients wanted to use international arbitration to resolve their disputes more and more.

I became a partner in 1996 and by 2000 had a choice to make – stay as a litigator, or follow my clients and specialise in international arbitration. I chose the latter route and have never regretted it.

Even in the early 2000s, female practitioners were few and far between in arbitration circles, which was frustrating and even embarrassing at times. On one occasion, I was introduced to a famous Swiss arbitrator at an IBA event in New York and he immediately assumed that I was a secretary who had been called to fix his computer!

Nonetheless, prominent female role models were beginning to emerge. To name but a few – the late **Judith Kaye** in the US, **Vera van Houtte** in Europe, followed by **Carolyn Lamm**, **Lucy Reed**, **Gabrielle Kaufmann-Kohler**, **Dominique Brown-Berset**, **Judith Gill** and **Teresa Cheng** in Hong Kong.

The pace has quickened in more recent times. Looking at Switzerland alone, there is a wonderful array of female practitioners, including **Teresa Giovannini**, **Nathalie Voser**, **Gabrielle Nater-Bass**, **Anne Véronique Schlaepfer** and **Domitille Baizeau**.

Similarly in London, a number of prominent female practitioners have emerged in addition to **Judith Gill**, including **Hilary Heilbron QC**, **Karyl Nairn QC**, and **Juliet Blanch**.

Many of the leading arbitral institutions also have females at the helm. For instance, **Jacomijn van Haersolte-van Hof** and **Judith Gill** at the LCIA, **Chiann Bao** at the HKIAC, **Annette Magnusson** at the SCC, **Francesca Mazza** at DIS and **Ndanga Kamau** at MIAC. Of course the ICC previously had **Anne-Marie Whitesell** as the Secretary-General and we will know that women practitioners have finally reached the upper echelons of international arbitration when the ICC has a female president!

Importantly, moves are afoot to promote female practitioners as arbitrators. I was very lucky to be mentored by a number of prominent male practitioners and it is essential that the arbitration community as a whole promotes diversity in terms of gender, but also ethnicity and race. The work undertaken by Freshfields to promote the diversity pledge amongst practitioners and institutions around the world is to be applauded. It is not just political correctness. Studies have shown time and time again that a more diverse group produces a richer, more balanced outcome. What could be more desirable for international arbitration?

And it should not be necessary for anyone, any woman, to change into a stereotypical male to succeed in arbitration. As Judy Garland of "Wizard of Oz" fame said: *"Always be a first-rate version of yourself, instead of a second-rate version of somebody else."*

A recent article in *"Demand Media"* focused on the key qualities of a successful arbitrator and demonstrated how well suited female practitioners are to international arbitration. Leaving aside competence (an area where we always beat the men hands down!), the other skills highlighted were: communication skills, flexibility, sound judgment and discretion. Taking each in turn, women are of course known for their skills in conversation, but we are also very good listeners. That cannot be said for all of our male colleagues, some of whom often just wait to speak....

Women are pragmatic, used to multi-tasking and very open to working with others. Women are also often less political than their male counterparts so that they are prepared to be more flexible when determining disputes. I think it is fair to say that female lawyers are also excellent at weighing all of the evidence and reaching a fair result in an even-handed manner, which is more likely to encourage observance of awards.

Lastly, recognising the private and confidential nature of international arbitration, females are less likely to shout about their cases from the roof-tops and more likely to demonstrate sensitivity and empathy towards the parties, reinforcing the importance of party autonomy in the arbitral process.

I would also add one more skill to the mix – flair and a certain amount of glamour. We don't all have to wear grey suits and blue shirts. Indeed, I simply cannot cross-examine without my stilettos!

On that note, I would like to finish with a quote from Coco Chanel: *"The most courageous act is still to think for yourself. Aloud."*

I wish YAWP every success. Onwards and upwards!!!

Paula Hodges QC

Panel 1 : what it takes to be an effective counsel in international arbitration

The day started with presentations followed by a discussion with the audience on “*Skills That Make a Difference*”. The first panel, moderated by **Isabelle Michou**, partner at Herbert Smith Freehills in Paris, and composed of **Sabrina Aïnouz** of Curtis, Mallet-Prevost, Colt and Mosle in Paris, **Lorraine de Germiny** of Lalive in Geneva, and **Claire Morel de Westgaver** of Bryan Cave in London, shared their thoughts and practical advice on what it takes to be effective counsel in international arbitration.

After a brief introduction by **Isabelle Michou**, **Lorraine de Germiny** explained what she considers to be the main skills that make counsel effective – which she noted is not only about doing a good job but also is about getting the best result for the client. She discussed hard skills, the main one being knowledge of the law, and soft skills which include being a good advocate, being a team player and gaining and keeping clients’ trust.

In relation to knowledge of the substantive law in one’s home jurisdiction and international arbitration law, Lorraine advised to stay abreast of recent legal developments and to aim at becoming the go-to person for one specific industry, area of law or type of “problem”. She also recognised that the scope of the law is of course “huge” and one can’t know everything so an important quality to have is to know your limits and be humble, as there will be occasions where asking for assistance will be in the client’s best interest. Lorraine also provided practical tips on written and oral advocacy. According to her, written advocacy is a long-life-practice skill which represents 95% of what arbitration lawyers do. While oral advocacy may represent only 5% of one’s practice, she said that this aspect of the role of counsel which involves skills such as credibility and flexibility is certainly the one that is the most fun!

Lorraine touched upon being a team player and how someone who does not have these skills may be useless to a team regardless of how brilliant this person may otherwise be. In this regard, she mentioned the need to respect deadlines and have good organisation skills. Behaving well with colleagues, opponents and arbitrators and having good karma are also important in the field of international arbitration where roles could be reversed in the next case. Karma, Lorraine said, will also assist counsel with managing clients. Here again, flexibility was noted as being a good skill to have to adapt to client demands and expectations. Lorraine finished with a few further skills that one is likely to need

in a career in the field. These include pacing oneself, keeping calm even in the most stressful situations and - perhaps not so jokingly - being able to sleep on the plane and keeping one’s passport up-to-date!

Claire Morel de Westgaver addressed the audience about skills that make a difference through the question of how one can be helpful to the arbitral tribunal. Claire explained why in her experience being helpful to the tribunal assists with being an effective counsel and winning cases. According to her, cases are becoming increasingly complex and the amount of materials that parties submit to the tribunal by way of submissions and evidence is more and more voluminous. So there is an opportunity for counsel to help the tribunal understand the dispute and navigate the huge amount of documents. By doing so, counsel can have the tribunal understand the facts and the law from the perspective of its client’s arguments and can thereby enhance the likelihood of the tribunal finding in favour of its client.

Ways in which counsel may be helpful to the tribunal include preparing and using tools to present a case. These tools may not only be useful to understand the case but in her experience if they like them, arbitrators tend to stick with them and use them in their deliberations and even awards. Typical tools include roadmaps, timelines and lists of issues but Claire encouraged the audience to be creative and find what suits their case and the style of the tribunal. Another way to be helpful to the tribunal is to strictly stick to what is relevant and digest the facts and the law for the tribunal. In this regard, muddying the water is generally not a good tactic, and it is generally advisable to address all the issues that are material to the case in a transparent way.

Before giving the floor to Sabrina, Claire finished with skills that should be focussed on to help the tribunal. In her view, these include being flexible, thorough and a good listener. To be able to provide the tribunal with the help that it requires, one needs to be able to listen to what the tribunal would like to see and anticipate what the tribunal might find helpful and adapt to the tribunal’s needs and style. Counsel should also have grit and courage to leave out what is not essential. By being anxious to forget something counsel too often repeat themselves (with the risk of contradiction) and produce evidence that is not strictly relevant.

Sabrina Aïnouz’s presentation was themed around effective presentation of evidence. Sabrina explained how having an in-depth command of the evidence is absolutely key to be able to present such evidence in

an effective manner. Further, being thorough and having a commanding knowledge of the facts could really give counsel the upper hand in the proceedings and in particular in hearings. Sabrina first addressed factual evidence including witness statements, documents and demonstratives. She emphasised thoroughness again. According to her, a careful review and consideration of all the documents is essential. Harmful documents are easily produced by mistake and if such documents are relevant to the issues in the case inadvertent production could well have serious consequences.

Sabrina also talked about demonstratives and how these can be effective to present evidence to the tribunal, in particular technical evidence. She shared her experience on how well demonstratives had been received by tribunals and used at a later stage by arbitrators. To ensure that demonstratives remain effective, she recommended that one keeps them sober and to the point and use them only when they are needed. Gabrielle Nater-Bass, in the audience, endorsed that view from the perspective of an arbitrator and agreed that demonstratives can be very helpful.

With respect to expert evidence, one of the main skills that Sabrina recognised as crucial was credibility. In her view, choosing the right expert and giving appropriate instructions to the expert will be determinative of how the evidence will be presented and ultimately received by the tribunal. She also mentioned flexibility which she said should dictate counsel's choice when it comes to the manner in which counsel may want to present evidence. By way of an example, if the tribunal is very experienced in quantum issues and the calculation of damages, one should ensure that the expert does not come across as 'teaching its grandmother to suck eggs'. Sabrina also discussed why counsel should tackle expert preparation in a cautious way to ensure that the expert does not come across as being -overly prepared which is likely to impact her or his credibility.

To conclude, **Isabelle Michou** asked the audience and the panellists to think about a skill that they consider being the most important one to make a difference in international arbitration. One delegate mentioned being ethical as a skill that should not be overlooked. Another expressed the view that being in a constructive mode may be more effective and powerful than having a 'show off' attitude. Generally a consensus appeared to be reached on 'the must have' skill as being credibility... and of course a bit of flair!

Claire Morel de Westgaver

Associate, Bryan Cave, London

Panel 2 : moving from counsel to arbitrator : getting your foot in the door and keeping it there

The second panel was dedicated to arbitral appointments, focusing on the topic of "*Moving from counsel to arbitrator: getting your foot in the door and keeping it there*".

The panel, composed of **Sandra de Vito Bieri** (Bratschi Wiederkehr & Buob, Zurich), **Melissa Magliana** (Homburger, Zurich) and **Marieke van Hooijdonk** (Allen & Overy, Amsterdam) was moderated by **Francesca Mazza** of the German Institution of Arbitration (DIS).

After preliminary remarks on the topic by **Francesca Mazza**, the panellists introduced themselves and shared the details of their first arbitral appointment with the audience, including how and when in their careers they received it and the type of case that it was.

Melissa Magliana then shared her thoughts on what young arbitration practitioners interested in acting as an arbitrator could do in order to heighten their chances of receiving a first (and subsequent) appointment. Pointing out that there was no established career path to becoming an arbitrator and that many factors likely played a role, Melissa focused on three points, namely (1) gaining experience, (2) establishing a profile, and (3) making that profile visible to those likely to be making appointments.

Sandra de Vito Bieri then addressed the appointment process in greater detail, differentiating between appointments as a sole arbitrator, co-arbitrator and chair as well as between those made by arbitral institutions on the one hand and the parties on the other. She also questioned the role that gender played in the appointment process and the possible reasons for the relatively low number of women that are appointed to arbitral tribunals, particularly when such appointments are made by the parties directly.

Finally, **Marieke van Hooijdonk** addressed the desirability of arbitral appointments per se and considered when the ideal time for a first appointment might be, thereby questioning the assumption, implicit in the panel's title, that arbitral appointments were inherently desirable at an early stage and that they necessarily represented a progression in a typical arbitration career path.

A lively discussion with the audience moderated by **Francesca Mazza** followed. The discussion focused both on the points raised by the speakers, including in particular the role of gender and what women can do to promote the career paths of other women, as well as on a number of other issues, such as how to move beyond a first appointment and whether the appointment process as it currently exists is per se flawed.

Melissa Magliana, counsel, Homburger, Zurich

Oxford-style debate: should the role of tribunal secretaries be limited to purely administrative tasks?

The **final session** of the conference ended with an Oxford style mock-debate on the role of tribunal secretaries: *Should the role of tribunal secretaries be limited to purely administrative tasks?* **Yoko Maeda** and **Ema Vidak-Gojkovic** as claimants argued that tribunal secretaries should conduct only administrative tasks, while **Anna Kozmenko** and **Annabelle Möckesch** as respondents argued against the motion, claiming that tribunal secretaries should also conduct tasks which are more than purely administrative. The mock tribunal comprised **Vera van Houtte** as the Chairwoman, and **Paula Hodges** and **Inka Hanefeld** as Members of the Tribunal.

Ema and **Yoko** delineated the debate by defining purely administrative tasks as tasks which fall outside the tribunal's decision-making process. If a task includes discretion and determination, or constitutes a step in the tribunal's "thinking process", tribunal secretaries should not be doing it. Accordingly, tribunal secretaries should neither evaluate the evidence, prepare a case summary (including a summary of evidence), nor draft any portions of the award. Tribunal secretaries may conduct work of a purely organizational and administrative nature, such as organizing and maintaining the file and documents, taking notes, organizing hearings, and proofreading and cite-checking awards.

The fundamental reason for claimant's argument is that parties have chosen arbitrators based on their personal (non-transferable) qualification and expertise, so they may not be replaced by someone else, even if only in part. It is of paramount importance to allow for an uninterrupted decision-making process, which facilitates the expression of such expertise and credentials. If the tasks which form part of the psychological process of thinking (and rethinking) are transferred to someone else, the decision-making process is interrupted, and it is no longer clear who the decision-maker is.

Ema and **Yoko** reiterated that neuroscience and psychology show that the thinking process is not a one-stop shop: one reconsiders even as one writes. Testimony of many arbitrators reveals that sometimes while writing the award, they would change their minds, or see facts differently. Because of that, tasks such as writing an award or even summarizing the evidence (because it is a writing/evaluating process) must not be transferred to tribunal secretaries, and must remain with the tribunal members themselves.

Anna and **Annabelle** argued that the role of tribunal secretaries should not be limited to

purely administrative tasks. While they were of the view that the tribunal secretary should indeed not become the "fourth arbitrator", they argued that her role should also not be reduced to performing purely administrative tasks such as the tasks mentioned by claimants.

Anna and **Annabelle** considered the decisive argument against the motion to be efficiency. In their view, the performance by tribunal secretaries of tasks that go beyond purely administrative tasks may save time, reduce costs and hugely facilitate the life of arbitrators.

In addition, they pointed to arbitration surveys that revealed that in practice the tasks of tribunal secretaries are not limited to purely administrative tasks.

Furthermore, **Anna** and **Annabelle** argued that vast majority of legal frameworks support the proposition that tribunal secretaries should perform tasks that go beyond purely administrative ones. In this regard, they referred to several institutions such as the ICC, the LCIA, the HKIAC, the SIAC, and JAMS International that recently issued notes or guidelines that either explicitly permit tribunal secretaries to perform tasks that go beyond purely administrative tasks, though to different extents, or do not prohibit the performance of such tasks.

Upon a question of the tribunal, **Ema** and **Yoko** noted that the arbitration community is not uniform in its recommendations - and in fact claimants' position is, for example, supported by the ICC Note on Arbitral Secretaries, which does not allow tribunal secretaries to conduct non-administrative work. The Note stipulates that "under no circumstances may the Arbitral Tribunal delegate decision-making functions". The LCIA rules provide almost the same principle.

The Tribunal asked claimants to comment on Young ICCA's issuance of the Guide on Arbitral Secretaries, which allows tribunal secretaries to conduct non-administrative tasks. **Ema** and **Yoko** noted that it should not be forgotten that this Guideline is issued by Young ICCA - an institution deeply sympathetic to the viewpoint of young practitioners, the majority of whom are candidates for tribunal secretaries. Consequently, they are more prone to argue in favour of above-administrative scope, as they themselves wish to conduct more substantial work as secretaries.

Moreover, the fact that one institution has taken a position in a debate does not mean that the debate is over - and for that reason, claimants did not think the issuance of Guidelines marks the end of this conversation.

Anna and **Annabelle** furthered the discussion by comparing the tasks of tribunal secretaries with those of clerks at state courts and international courts and tribunals such as the

International Court of Justice and the Iran-U.S. Claims Tribunal. In their view, clerks at state courts in jurisdictions such as Germany regularly perform tasks that go beyond purely administrative tasks including drafting entire judgments.

Respondents also noted the importance of training: the scope of tasks that can be delegated to tribunal secretaries has a positive effect on the education of young arbitration lawyers, and should not be overlooked.

In response to Yoko and Ema's argument that an indispensable part of the decision-making process is the actual process of writing the award, Anna and Annabelle argued that in case of a three- or five-member arbitral tribunal, the tribunal takes decisions and discusses the underlying reasoning during deliberations and thus prior to drafting the award.

In any case, they believed that none of claimant's arguments overshadows the efficiency argument, which they consider the decisive argument against the motion. They reiterated that the body of evidence in international arbitration is often too voluminous for the tribunal to digest, so the secretaries should be used to at least summarize/review evidence.

Ema and Yoko rebutted that efficiency cannot be a reason for allowing use of tribunal secretaries in non-administrative tasks. They conceded that in real life, the evidence body is sometimes too vast for the tribunal to digest. However, that problem could be better resolved through case management on the side of the counsel and the tribunal at the outset (or if need be during) the arbitration; and not by a prohibited

transmission of decision-making powers to third persons. Anyway what is to say that the body of evidence is not too vast for a secretary? Or are we talking about the appointment of three, five secretaries (arg. ad absurdum)? The line is clear: unless explicitly allowed, this is too much.

Ema and Yoko reiterated that arbitrators, differently from national court judges, have the liberty to decline their appointment if they are too busy. Declining further appointments when one's capacity is limited would in fact open doors to younger, perhaps less overburdened arbitrators. In the long run, this would improve diversity in international arbitration tremendously.

As the debate approached its end, both sides converged on the importance of the decision-making process, which should stay in the hands of the appointed arbitrators.

Anna and Annabelle reiterated that it is not problematic if tribunal secretaries perform non-administrative tasks, as long as the arbitrators do their job - which includes making sure that the *true* decision-making process stays in their own hands. In their view, this

requires that they have a sufficient understanding of the case file, provide detailed guidance to the secretary, and carefully scrutinise any draft prepared by the tribunal secretary. If the arbitrators are properly fulfilling their mandate, the scope of the tribunal secretary's tasks is not much of an issue.

Yoko and Ema believed the waters to be too murky, and concluded that unless we can draw a clear line from the outset, the danger of overstepping it is too great. They warned of the potentially numerous annulment actions, which could paralyse the system and damage the reputation of international arbitration.

After an energetic deliberation with generous contributions from the audience, the Tribunal decided against the motion - believing that while a tribunal secretary should definitely not be the "tribunal", it should indeed be more than just a "secretary".

*Yoko Maeda, special counsel,
City-Yuwa Partners, Tokyo*

*Annabelle Möckesch, associate,
Hanefeld Rechtsanwälte, Hamburg*

*Ema Vidak-Gojkovic, associate,
Baker & McKenzie, Vienna*

YAWP Panel Members



Gabrielle Nater-Bass is a partner at Homburger in Zurich. Her practice focuses on domestic and international arbitration and litigation. She is a founding member of ArbitralWomen and currently serves as ArbitralWomen's Vice President and Chair of the YAWP Executive Committee.



Katie Hyman is Counsel at Akin Gump Strauss Hauer & Feld LLP, Washington D.C. and a member of the international arbitration and commercial litigation practice. She is admitted to the Law Society of England and Wales as well as to the New York bar.



Annabelle Möckesch is an associate at Hanefeld Rechtsanwälte, a dispute resolution boutique firm based in Hamburg. She is admitted to the bar in Germany.



As Partner in the Mexico- City of Curtis-Mallet Prevost, Colt & Mosle, **Kate Brown de Vejar** is specialised in international commercial and investment arbitration. She is admitted to practice in New York and Australia.



Claire Morel de Westgaver is an associate at Bryan Cave in London and practices in the field of international arbitration and commercial litigation. A lawyer with a mixed civil law common law background, she is admitted to practice law in England and Wales and in the U.S. (New York).



Yoko Maeda is Special Counsel at City-Yuwa Partners in Tokyo, Japan and focused on international dispute resolution. Yoko is a qualified lawyer in Japan and New York.



Ema Vidak Gojkovic works as an associate with Baker & McKenzie LLP, Vienna. Her practice focuses on alternative dispute resolution, in particular international arbitration and mediation. She holds an LL.M. degree from Harvard Law School, as well as a Master's Degree in Law from the University of Zagreb. She is a qualified lawyer in New York.



Melissa Magliana is Counsel for international arbitration at Homburger in Zürich. She has legal degrees in US and Swiss law and is admitted to the New York bar.

VIS MOOTS

(East and Vienna)

At the Vis East 13 Moot, in a close decision on Sunday 13 March, the **Chinese University of Hong Kong** took home the David Hunter Award, edging out **Singapore Management University** in the final oral argument. ArbitralWoman **Lucy Reed** (USA) chaired the tribunal, with **Glenn Haley** (Australia) and **Nikolaus Pitkowitz** (Austria) as co-arbitrators.

The Eric Bergsten award for best Claimant Memorandum went to **Ludwig Maximilian University of Munich** with **Heidelberg University** and **Monash Law School** as runners up.

In an impressive double win, **Munich** also won the Fali Nariman award for best Respondent Memorandum, followed up by **Albert-Ludwigs-Universität Freiburg** and **University of Amsterdam**.

Naomi Ahsan of **American University Washington College of Law** won the Neil Kaplan Award for Best Oralist with **Jeremy Butcher** of **Bond University** as the Runner up and **Loh Tian Kai** of **National University of Singapore** as Second Runner up.

The two Pan Asian finalists were **Handong International Law School** and **National Law School of India**. The winner was **National Law School of India**. The Pan-Asian award was created five years ago to promote and encourage Asian teams. With seven of eight quarter-finalists and all four semi-finalists from Asia, the Award and the Vis East have achieved their purpose and the Asian award will be discontinued for future years.

The renamed **Colin J Wall Spirit of the Moot Award** went to **Tamil Nadu National Law School** the team nominated by the student participants as having overcome the most obstacles (such as having no coach and no financial support) to attend the Vis East.

This year, ArbitralWomen and other generous sponsors paid the registration fees for several Moot teams, each of which had at least 50% women members. Like last year's edition, ArbitralWomen determined that each sponsor's donation should generally carry the donor's title as the Award. ArbitralWomen is grateful to the donors (Ashurst sponsored two teams for the second time) and allocated funds to the following teams:

Three Vis East Moot teams:

Diplomatic Academy of Vietnam sponsored by ArbitralWomen member **Lara Pair**

National Law School of India in Bangalore sponsored by **Ashurst**

Kyoto University II sponsored by **FTI Consulting**

Four Vienna Moot teams:

University of Costa Rica sponsored by **Perkins Coie**

Kyoto University I sponsored by **Ashurst**

The **Arthur Marriot Award** sponsored by **Perkins Coie** went to Washington University School of Law and **ArbitralWomen President's Award** was granted to Gujarat National Law University.



L to R: Ingeborg Schwenzer and Louise Barrington.



The David Hunter Award winners : Chinese University of Hong Kong with AW members Louise Barrington and Lucy Reed (L), Nikolaus Pitkowitz and coach Peter Rhodes (R).

At the Willem C Vis 23 Moot in Vienna, the **University of Buenos Aires** prevailed in tough arguments against **Singapore Management University**, heard by a tribunal comprising ArbitralWoman **Dr Alice Fremuth-Wolf** (Austria), **Professor Gary Born** (USA) and **Professor Harry Flechtner** (USA).

Lucerne won the Pieter Sanders Award for best Memorandum for Claimant and **Freiburg** won the Werner Melis Award for the best Memorandum for Respondent. The joint winners of the Award for Best Oralists were **Karmijn Krooshof** (Amsterdam), **Rebecca Lennard** (Nôtre Dame (Sydney)) and **Dimitri Peteves** (Florida).

There were several all-female hearings, including in the afternoon of 21 March. A tribunal chaired by ArbitralWoman **Rabab Yasseen** (Switzerland), with co-arbitrators **dr. Anett Szelezsán** (Hungary) and **Gillian Carmichael Lemaire** (France and UK, also an ArbitralWoman) heard arguments from Claimant **Higher School of Economics Moscow** represented by **Valeriya Grebenkova** and **Alexandra Skiba**, against Respondent **University of Wisconsin-Madison** represented by **Julia Wells** and **Casaundra Lucille**.

Gillian Carmichael Lemaire
ArbitralWomen Newsletter Director,

Marisa Khemapukpong, Vis East 13 Intern



Teams and tribunal on 21 March in Vienna.

REPORTS ON OTHER EVENTS

As our last Newsletter was a special edition dedicated to the ArbitralWomen/CI Arb International Conference held at UNESCO House in Paris on 16 March 2016, we catch up below on various events that have taken place from December 2015 to date.

Meet the Arbitrator: Speed Networking for Greater Diversity – New York, December 2015

The Arbitration Committee of the New York City Bar Association organised an arbitrator diversity event on 8 December 2015 at the City Bar entitled “Meet the Arbitrator: Speed Networking for Greater Diversity.”

The programme included approximately 25 diverse arbitrators and 25 “interviewers” who were either corporate counsel or outside counsel. The event opened with remarks by **Edna Sussman** about the continuing need to work towards greater diversity in arbitration, followed by five rounds of speed networking and capped off with a networking reception.



Speed networking in action at the New York Bar Association.

The event's success is due to the hard work of the Organizing Committee comprised of four women: **Erin Gleason Alvarez** (of AIG), **Alexandra Dosman** (Executive Director of the New York International Arbitration Center), **Stephanie Cohen** (an independent arbitrator), and **Dana MacGrath** (of Sidley Austin LLP and Chair of the Arbitration Committee of the New York City Bar).



L to R: Dana MacGrath, Stephanie Cohen, Erin Gleason Alvarez and Alexandra Dosman

The diversity event was co-sponsored by several arbitral institutions, including the AAA, CPR and JAMS, who provided the diverse arbitrators to participate in the event. The event was also co-sponsored by the New York International Arbitration Center (NYIAC) and EPIQ Systems, as well as several City Bar committees.

Dana MacGrath, Counsel at Sidley Austin LLP in New York

Unconscious Bias in International Arbitration – Miami, January 2016

ArbitralWomen held a successful breakfast panel at the **International Centre for Dispute Resolution (ICDR)** Conference on International Arbitration in Miami on 29 January 2016 focusing on the issue of unconscious bias.

The panel was chaired by **Lucy Greenwood**, author of *Getting a Better Balance on International Arbitration Tribunals*, Arbitration International 2012, vol 28 and *Is the Balance Getting Better? An Update on the issue of Gender Diversity in International Arbitration*, Arbitration International 2015, vol 31, and was well attended, with around 90 delegates making an early start after a lively dinner the night before.

In this hour long session the panel discussed what constitutes unconscious bias and the effect it has in the practice of international disputes. The first part of the discussion focused on the unwitting impact unconscious bias has on the (lack of) diversity of both counsel and arbitrators, with particular emphasis on the lack of gender diversity in the field. The second part of the discussion addressed the effect of unconscious bias on decision making by international arbitrators, considering how heuristics, including hindsight blinders, anchoring and framing blinders and attitudinal blinders can and do affect the way in which arbitrators decide cases.



L to R: Lucy Greenwood, Nigel Blackaby, Diana Droulers, Edna Sussman and Eleonor Coelho

The panel comprised **Nigel Blackaby**, **Diana Droulers**, **Edna Sussman** and **Eleonora Coelho**.

Lucy Greenwood began the discussion by asking the audience to visualise pairs of occupations and attribute a gender to each one. This exercise emphasised the effect of gender stereotyping on each of us and sensitised the audience to the fact that unconscious bias is intrinsic. Lucy also reminded the audience of the classic example of unconscious bias, describing the change that was made to the way in which professional orchestras recruited new players over forty years ago. Once a screen was placed in front of the auditioning candidate, women were three times more likely to be selected for the orchestra than without a screen.

Lucy noted that studies have shown that once individuals are aware of their implicit biases, they are easily able to act to counter them. In the first half of the session, **Diana Droulers**, President, International Federation of Commercial Arbitration Institutions, showed a compelling video clip demonstrating the ways in which the genders are treated differently by society. She also contrasted the media perceptions of identical comments made by **Hillary Clinton** and **Joe Biden**.

Nigel Blackaby, partner at Freshfields International Arbitration Group, described a recent initiative undertaken at his firm to address the issue of “pipeline leak”, namely the increased rate at which women leave the profession. He explained that high performing female middle associates were identified early and placed into a mentoring system to address the reasons why they might be considering leaving the firm.

Eleonora Coelho, General Secretary of the Brazilian Arbitration Chamber, noted that lack of gender diversity is a reality in the corporate world and is also present in the specific area of arbitration, be it in law firms with areas devoted to this practice or the composition of arbitral tribunals. Eleonora reported that she had carried out a study involving analysis of the lists of arbitrators announced by the sites of the main arbitral institutions in Brazil, to discover the percentage of women, at three points in time: March 2013, March 2014 and December 2015. The results are shown in the table below.

LIST OF ARBITRATORS OF BRAZILIAN ARBITRAL CHAMBERS			
Arbitral Institutions	Percentage of women in March 2013	Percentage of women in March 2014	Percentage of women in December 2015
CAM-CCBC	11.2%	8.9%	11.9%
CAMARB	13.6%	15.38%	13.48%
CAM - BM&FBOVESPA	7.5%	8.16%	9.1%
CAM - CIESP/FIESP	16%	14.4%	15.4%
FGV	9.5%	10.1%	11.5%
CAE	26.47%	17.54%	18.3%

Eleonora said that it can be seen that the percentages are very small in the period analysed, and furthermore, virtually no improvement occurred. Indeed, the participation of women in some institutions actually declined. Eleonora went on to note that gender diversity has been shown to be an important element in the corporate world, as it resulted in:

- (a) Greater creativity/reduction of “groupthink”: people’s experiences influence the way they see and resolve problems. Therefore, the more diversified a team is (be it lawyers or the arbitral panel), the more ideas will be presented and the greater the chance will be of obtaining the best possible result;

- (b) Improved transparency/corporate governance;
- (c) Increased performance, including financial;
- (d) Greater retention of talents, which is especially important for law firms.

She quoted a study by Forbes in 2011 entitled “Global Diversity and Inclusion” (Available at: http://www.forbes.com/forbesinsights/innovation_diversity/, consulted on January 27, 2016): “A diverse and inclusive workforce is necessary to drive innovation, foster creativity, and guide business strategies. Multiple voices lead to new ideas, new services, and new products, and encourage out-of-the-box thinking. Today, companies no longer view diversity and inclusion efforts as separate from their other business practices, and recognize that a diverse workforce can differentiate them from their competitors by attracting top talent and capturing new clients.”

The panel then moved on to discuss the effect of implicit bias on arbitral decision making. **Edna Sussman**, independent arbitrator and author of *Arbitrator Decision-Making: Unconscious Psychological Influences and What You Can Do About Them*, 24. AM. REV. INT’L ARB. 487 (2013), then educated the audience on how decision makers can be influenced by subconscious cues and heuristics, including techniques such as anchoring. Edna noted that she preferred the less loaded term of “blindness” rather than bias. In her article, Edna lists a series of practical measures that can minimise the effect of blindness, such as:

- Write the award considering the opposite side, assuming each to be correct;
- Identify why you may be wrong;
- Consult your co-arbitrators and review all aspects of the facts and law and conclusions with them;
- Create a checklist with legal claims and the elements of each claim and review how and whether they have been met, looking at it from each side’s perspective;
- Reduce your reliance on memory;
- Replay how you reached your conclusion;
- Estimate the odds of being wrong. If you conclude they are too high, rethink the case until you are more certain of your conclusion;

- Try to identify any significant evidence that would be inadmissible or unreliable that may have influenced you and consider the outcome without that evidence;
- Focus especially on the blinders that have been shown to affect judicial decision-makers, such as the anchoring and hindsight blinders, and affirmatively and consciously consider whether you may have been influenced by them;
- Don’t take too many cases. Make sure you leave enough time to think through all of the issues, both factual and legal;
- Leave time to sleep on the award so that you can continue to think about it and then go back and review it with fresh eyes;
- Consider what evidence you would have needed presented to you in order to come to the opposite conclusion, and consider whether in fact such evidence was presented;
- Ask yourself what the losing party would feel that you overlooked in your analysis;
- Consider if somebody were to have concluded the other way, how would he or she write the award and where and how would it differ;
- Stay informed as the study of arbitral decision-making and psychology develops to learn more about blinders and improve your practices.

Lucy concluded the session by reiterating the fact that awareness of these blinders is the most important factor in any discussion of these issues. After the event, one participant commented “I thought it was an excellent panel and hit all the key issues surrounding this topic, and some I maybe had not thought about. I particularly liked the little test up front (figure skater, arbitrator) because it points out that we all have biases – the trick is to recognize, accept, and work on them – I think it can also set male minds at ease (this is not another rant against them), and therefore get their attention rather than have them tuning out. It can’t be done without them”.

Similar panels on this topic will be held in Dubai (April), Vienna (May), Hong Kong (June) and New York (September). Further details will be provided on our website.

Lucy Greenwood, Norton Rose Fulbright US LLP, ArbitralWomen Board Member

Observer Status to UNCITRAL Working Group II, Arbitration and Conciliation – New York, February 2016



Photo from

https://www.google.fr/search?hl=en&q=uncitral+vienna&rlz=117ADFA_frFR470&qws_rd=cr,ssl&ei=j0upVuT1CILEapfpmoAB#hl=en&q=photos+of+uncitral+vienna

ArbitralWomen was included last year on the list of non-governmental organisations with an observer status to participate in the sessions of UNCITRAL Working Group II on Arbitration and Conciliation. ArbitralWomen was represented at the sixty-fourth session of the Working Group (New York, 1-5 February 2016) by Board member, Ileana Smeureanu.

The provisional agenda and related materials for each working session are available at: http://www.uncitral.org/uncitral/en/commission/working_groups/2Arbitration.html. ArbitralWomen did not participate in the decision-making, but had the opportunity of being invited to take the floor to represent the views of the organisation on matters where it has expertise or international experience so as to facilitate the deliberations.

ArbitralWomen has established an active voice in dispute resolution because its members, collectively or individually, actively contribute to international law in various parts of the world. While our organisation focuses on women, the breadth of our activities are geared towards promoting their knowledge, access and involvement in the field of international dispute resolution.

As we embark on this new project of contributing to the work of UNCITRAL, we are taking our engagement to the promotion of international law one step higher and are very excited that our organisation has received this recognition.



Ileana Smeureanu in New York

www.arbitralwomen.org

AW SpeedNet – Hong Kong, March 2016

ArbitalWomen, together with the support of Herbert Smith Freehills, Ladies in Litigation and Arbitration (LILA) and CIARB East Asia Branch, organised an ArbitalWomen SpeedNet in Hong Kong on 11 March 2016. The event was attended by women engaged in dispute resolution, including counsel, arbitrators, experts, mediators, administrators and scholars, giving them an opportunity to meet their peers and exchange experiences. Independent arbitrator and mediator, and AW Co-Founder **Louise Barrington**, when asked about the event, summed up: "There's nothing else to say. 40 women. Great food."



Networking at the Hong Kong event

Breakfast panel – Sydney, March 2016

On 15 March 2016 on a sunny morning in Sydney, approximately 25 ArbitalWomen and their guests gathered for a panel discussion on how to build a practice as a Sydney-based female arbitrator. The discussion was hosted by the Australian Disputes Centre and supported by CIARB Australia.

The panel discussion was led by four keen arbitration specialists and arbitrators, **Julie Soars**, Arbitrator and Barrister, 7 Wentworth Selborne; **Erika Williams**, Arbitrator in training and Associate from Baker & McKenzie; **Jo Delaney**, Arbitrator and Special Counsel from Baker & McKenzie; and **Daisy Mallett**, Arbitrator and Senior Associate, King & Wood Mallesons.

Julie Soars led off the discussion by reviewing the current statistics in terms of women's participation in the legal profession (noting that women were still not well represented at the upper end of the profession) and participation in arbitration in New South Wales and Australia. Julie noted that currently women make up 12% of fellows and arbitral panellists of the Australian Centre for International Commercial Arbitration (ACICA), and that this number is steadily rising as more women complete their arbitration training.

Julie reviewed recent ICC statistics which reflected the low but gradually rising number of women arbitrators



L to R: Vanina Sucharitkul, Lucy Reed and Ingeborg Schwenzer.



L to R: Susan Wintermuth with several young practitioners and Amani Chamieh on the right

being appointed and shared statistics that had been made available informally by the Secretary General of ACICA which revealed that there was a problem in that parties were not appointing women arbitrators, although ACICA itself was appointing some women arbitrators when it got the chance. Julie also looked at recent links to do with unconscious bias and networking.

Erika Williams then led the discussion on networking and mentioned the practitioner groups that one could join, mentoring programmes that were available, where to try to have articles published and where to make blog posts.

Jo Delaney emphasised that experience may be gained in any type of arbitration, no matter the size of the claim. Referrals from colleagues are important, particularly as most arbitrators are appointed by the parties. Jo said that the first few appointments are likely to be made by institutions.

Daisy Mallett said that in her view the first priority should be to gain as much international arbitration experience as counsel as possible, and to excel at that. However, in order to obtain appointments, it is also crucial to understand how institutions make appointments (particularly given that institutions are more likely to appoint women than parties), and that many have panels of "junior" arbitrators for smaller disputes (such as HKIAC and SIAC), which are a great training ground. She also discussed actively engaging with peers working in the international arbitration community through young arbitrator forums.

Amanda Lees from Simmons & Simmons made a "virtual" contribution by pre-recorded video and made a number of great suggestions, including gaining experience as an arbitral secretary, getting appointments at an early stage in your career by getting on reserve panels such as that maintained by the Singapore International Arbitration Centre and attending networking events and making sure that when you do that you keep up to date with recent developments so that you always have something interesting to say.

A special mention is made of **Malcolm Holmes QC** Arbitrator and Barrister who attended the event and made lots of helpful suggestions as to how to build a practice, including a recommendation that women try to get published in the arbitration field.



L to R: Erika Williams, Julie Soars, Daisy Mallett, Jo Delaney and Malcolm Holmes QC.

The meeting kept a note of action points to be taken by individuals and by the group to make it easier for women arbitrators to get more appointments and to build their practice.

The agreed action points

- Join everything including arbitration discussion groups (young arbitrator where appropriate) and arbitral panels (including reserve panels).
- Seek out a mentor (overseas practitioner is a great option) and a sponsor / champion.
- Publish – journals/reviews, presentations (show what you can do / are willing to do).
- Put yourself forward – market, speak, travel, volunteer to assist with the Vis Moot, get to know those at the arbitral institutions.
- Arbitral secretary roles – seek out opportunities and make busy arbitrators aware of your interest.
- Industry bodies – educate business about international dispute resolution and particularly international arbitration.
- Steering / organizing committees – promote the availability of female arbitrator candidates to Law Society / Law Council.
- Ask Arbitral Institutions to publish the gender of appointments – ACICA, ICC Australia etc.
- Monitor speaking roles for women at conferences and request increased participation.
- Maintain a list of women arbitrators and arbitrators in training.
- Request transparency of their arbitral selection panels from arbitral institutions.
- Hold 2-3 ArbitralWomen functions / discussions per year.

A list of women arbitrators seeking appointments was prepared from those who attended as well as a list of women arbitrators "in training".

The group agreed to meet again soon to discuss practice building and arbitration related topics.



Julie Soars, Barrister, Mediator, Arbitrator FACICA FCI Arb, 7 Wentworth Selborne Chambers.

Unconscious Bias in International Arbitration – Dubai, April 2016

Following the success of the first event on "Unconscious Bias in International Arbitration" organised by **Mirèze Philippe** in Miami on 3 November 2015, it was decided to replicate this type of panel to raise awareness in as many jurisdictions as possible and enable participants from various backgrounds to join the debate. The panel in Dubai was the second one jointly co-organised by ArbitralWomen and the International Court of Arbitration of the International Chamber of Commerce (ICC) on this fashionable topic. It took place on 12 April 2016 in the Park Hyatt in Dubai on the occasion of the 4th ICC Mena Conference.

Like all ArbitralWomen breakfast events, it began with an early start to the day when **Sami Huerbi**, Director of the ICC Eastern Mediterranean, Middle East & Africa ICC Dispute Resolution Services, Dubai/Tunis, welcomed attendees at 7.40am. He has campaigned for letting women act when systems need to change and shared Tunisia's example. Women have peacefully demonstrated in Tunisia to defend their fundamental rights, freedom of expression and access to equal treatment, and showed their disagreement with the

very conservative Islamic party. The Tunisian government resigned and Tunisia ended up having the most liberal constitution.

The panel discussion that followed, chaired by **Mirèze Philippe**, Special Counsel, ICC International Court of Arbitration, Paris, started with an ice-breaking session during which Mirèze asked the participants to say spontaneously what came to mind when she mentioned a number of professions, and whether they associated them instinctively with a man, a woman, or both. The audience of some 60 men and women included women from Sudan, Ethiopia, Saudi Arabia, Egypt, Dubai, Qatar, Abu Dhabi, Pakistan and Lebanon.

Mirèze then introduced the subject of unconscious bias in international arbitration and how it may impact our thinking and our decision-making. She indicated that unconscious bias became an issue of concern mainly in recent years when practitioners started to raise this issue and dared to discuss it publicly. Sometimes bias is present in the way of thinking or the behaviour, in a conscious way but often in an unconscious way, because we would be naïve to think that bias does not exist in any decision-making process, whether in our private or professional life, considering that every human being has natural inclinations generated by the environment, background and personal experience, she added.

People may deny that they may be acting in a biased way, but some words used may sometimes reflect biased thinking, although people try to remain politically correct, and biased attitudes become visible at certain points; a person cannot perceive herself or himself as being biased, but those who watch the person or listen to the person may consider that he or she is biased. Why could bias be unconscious? Because we may be lacking awareness and honestly believe that we are neutral, and because we may be influenced without being conscious about such influence. Edna Sussman in her article about arbitrators' decision-making cited Lord Goff who said that "*The simple fact that bias is such an insidious thing, that even though a person may in good faith believe that s/he was acting impartially, his/her mind may unconsciously be affected by bias*" (*Arbitrator Decision-Making: Unconscious Psychological Influences and What You Can Do About Them*, 24 AM. REV. INT'L ARB. 487 (2013)).

The biased person is the person having a preference or an inclination, especially one that inhibits impartial judgment, and typically influencing an unfair decision.

So being aware of situations of unconscious bias and willing to be more attentive to them may help modify our own process of thinking, said Mirèze.

Mirèze then indicated that this panel would focus on gender and culture.

Nagla Nassar, Partner, Nassar law, Egypt, first reminded the audience that unconscious bias is something ingrained within us and not something we are born with. She indicated that she wanted to have an all-female firm, but unfortunately she ended up have only one woman lawyer due to biases women have against themselves. Women in Egypt grow up with a concept of becoming a housewife and a mother first; so they either take a 9-to-5 job or they drop out when they become mothers, as they were raised with the concept that they cannot have both. This cultural conception creates biases in a more overt way in the legal profession. In 1932, the first Egyptian constitution said that men and women are equal before the law, but this was not translated into giving women the right to vote until 1956. In 1952 when a female applied to become a judge at the constitutional court her application was rejected. The decision rendered following her challenging the denial expressly said that customs and the culture did not allow her application to be accepted. Local cultures themselves promote discrimination against a certain gender or class in the society. Change does not come from the top down, it must come via several levels. It helps to have laws and governmental programmes, but even more to have changes in the educational system so as to raise generations with different culture conceptions.

Nassib G. Ziadé, Chief Executive Officer, Bahrain Chamber for Dispute Resolution (BCDR-AAA), Bahrain,

addressed concerns related to the international arbitration system and indicated that such system requires substantial revamping. He said that the system faces serious issues of conflict of interest, as the same individuals tend to be appointed regularly and to regularly appoint each other. The excessive appointments of the same individuals (i) lead to challenges which have expanded exponentially, (ii) prevent the widening of the pool of qualified arbitrators, and (iii) cause delays in the proceedings because such individuals are over-committed. He pointed out that there are three areas in international arbitration that need improvement or reform: the representation of nationals from emerging countries, the representation of women and the adoption of stricter ethical rules; the three are inter-related and require that everyone be a reformer of the system.

Cultures and languages may be potential biases and barriers said **Rabab Yasseen**, Partner, Mentha & Associés, Switzerland. The knowledge of languages is the first means of communicating with individuals and translations never translate emotions. A person may know a language but not the culture of a country speaking that language. She mentioned that in one arbitration she faced the problem of a witness who could say neither 'no' nor 'yes' and kept saying 'inchallah' because his culture did not allow him to say otherwise. Cultural backgrounds are also important among members of a tribunal because they think differently. The notion of time is another cultural factor and delivering a submission on time may play an important role. Also, some countries may have a different understanding of how long documents need to be kept. Impartiality and independence are likewise perceived differently

according to the cultures. She concluded that we must be aware of the hidden dimensions in all these issues which may not be apparent.

Finally, **Dima Al Sharif**, Legal Consultant at the Law Firm of Majed M. Garoub, Saudi Arabia, presented the arbitration conditions in Saudi Arabia and the positive impact that the new law of 2012 will bring to the Saudi legal community especially to females. She indicated that Saudi Arabia is considered to be the most rapidly growing country in terms of its economy but that it faces difficulties because of the lack of an effective dispute resolution system. The lack of female practitioners in Saudi Arabia is due to traditional factors, but surprisingly these factors have not prevented female lawyers and arbitrators from practising arbitration, locally and internationally. Many Saudi female arbitrators are joining arbitration centres around the world and we are improving ourselves as an upcoming force for female arbitrators around the world. It is too early to assess, but we are growing very fast, she added. Last year I joined this conference as a student because a free seat was offered to the Majed Garoub law firm and this year I am sitting on this panel with famous arbitration practitioners from around the world.

The panel shared the view that quotas are the worst thing because women want to be nominated for their qualifications not because they are women.

Like all panels on this fashionable topic, the debate was interactive and very interesting. It mainly highlighted concerns in the region which, in general, were very well addressed by the panellists.

Mirèze Philippe, Special Counsel, ICC International Court of Arbitration, ArbitalWomen Co-Founder, Membership and Website Director



L to R: Nassib Ziadé, Rabab Yasseen, Mirèze Philippe, Dima Alsharif, Nagla Nassar, Sami Huerbi.



The conference participants.

Official Launch of the Equal Representation in Arbitration (ERA) Pledge – London, May 2016

On 18 May 2016, GAR Live witnessed the official launch of the Equal Representation in Arbitration (ERA) Pledge at the London office of Freshfields Bruckhaus Deringer. The event was a huge success, with nearly 200 people in attendance. The launch of the Pledge is a (first) culmination point of a movement that was set in motion one year ago by **Sylvia Noury**, a London based partner of Freshfields.

Despite some progress in recent years, underrepresentation of women in arbitration is still a major issue. Statistics from 2015 show that in the cases administered by arbitral institutions, women arbitrators make up a mere eight to sixteen percent of arbitrator appointments (LCIA: 16%; ICSID: 8.3%; HKIAC: 10%; ICDR: 16%; ICC: 10.4%; DIS: 12%; VIAC: 15.8 %) and only two women made it to the Chambers and Partners' 2015 list of the 37 "Most in Demand Arbitrators".

This is why, in April 2015, a dinner was organised in London to discuss possible solutions to overcome the lack of (gender) diversity in arbitration among a group of stakeholders. This initial dinner was followed by several more that were hosted in various arbitration communities all around the globe in Vienna, Berlin, Amsterdam, Rome,

Paris, Geneva, Dubai, Singapore, Hong Kong and New York. The ERA Pledge is the result of these fruitful discussions. It sets out specific and actionable steps that the arbitration and wider business community can adopt (i) to improve the portrayal and representation of women in arbitration, and (ii) to help appoint more women as arbitrators on an equal opportunity basis.

The concrete recommendations include ensuring that:

- committees, governing bodies and conference panels in the field of arbitration include a fair representation of women;
- lists of potential arbitrators or tribunal chairs provided to or considered by the parties, counsel, in-house counsel or otherwise include a fair representation of female candidates;
- states, arbitral institutions and national committees include a fair representation of female candidates on rosters and lists of potential arbitrator appointees, where maintained by them;
- where they have the power to do so, counsel, arbitration representatives of corporates, states and arbitral institutions appoint a fair representation of female arbitrators;
- gender statistics for appointments (split by party and other appointment) are collated and made publicly available; and
- senior and experienced arbitration practitioners support, mentor/sponsor and encourage women to pursue arbitrator appointments and otherwise enhance their profiles and practice.

The pledge has already been signed by more than 800 individuals and approximately 70 organizations, including ArbitralWomen (who were the first to make the Pledge), the ICC, the LCIA, VIAC, and many other institutions, as well as numerous law firms and companies.

Eliane Fischer, Attorney at Law (Switzerland), Freshfields, Vienna

Sign the Pledge now!

www.arbitrationpledge.com



Lady Justice Gloster, Mirèze Philippe, Rashda Rana SC and Lucy Greenwood at the Launch.

AW/VIAC event – Vienna, June 2016

On Thursday, 2 June 2016, around 45 participants (men and women!) responded to ArbitalWomen's invitation to its "Unconscious Bias" workshop in Vienna. The workshop was co-organised by VIAC (Vienna International Arbitral Centre) and generously sponsored by Freshfields. This workshop was part of the Unconscious Bias series that was launched by ArbitalWomen to increase awareness of unconscious bias in arbitration and promote diversity. The event was also connected to the launch of the ERA (Equal Representation in Arbitration) Pledge and supported by the organisers.

The event started with a thought-provoking keynote speech by **Rashda Rana** SC, barrister and arbitrator at 39 Essex Chambers, London and the President of ArbitalWomen. Rashda led the participants into considering the topic of '*Unconscious Bias: Recognised and Managed?*' Rashda laid out the foundations for what constitutes unconscious bias: how your background, personal experiences, societal stereotypes and cultural context can have an impact on your decisions and actions without you realising. Implicit or unconscious bias happens by our brains making incredibly quick judgments and assessments of people and situations without us realising. We may not even be aware of these views and opinions, or be aware of their full impact and implications. She then followed up with the importance of becoming aware of one's biases, being alert to how we respond intuitively to others. Awareness of unconscious bias enables better management or control of our actions. Recognition leads to management. Management of biases means a greater opportunity of achieving diversity.

The keynote was followed by a workshop session conducted by **Ema Vidak-Gojkovic**, associate at Baker & McKenzie Vienna, and member of the Executive Committee of YAWP. Ema focused on "cognitive blind spots", and explained how they happen through unconscious and automatic communication between different parts of the brain. Ema identified the most frequently occurring biases (affinity bias, loss aversion, halo effect, confirmation bias, and implicit stereotypes) and connected them to the current diversity concerns in the practice of international arbitration.

She offered practical advice on how to self-manage the cognitive weaknesses, and implement this knowledge to create better work-places, and improve the quality of our work.

After a short networking coffee-break, a panel moderated by **Alice Fremuth-Wolf**, Deputy Secretary General of VIAC, and consisting of **Eliane Fischer**, principal associate at Freshfields, **Jeffrey Sullivan**, partner at Allen & Overy, and **Alexander Petsche**, partner at Baker & McKenzie, took on the task of discussing what can be done in practice to eliminate or minimize the effects of unconscious bias. Alice led the panellists through three provocative questions relating to practitioners coming from countries other than our own country or community, from older generations of practitioners as compared to younger generations. The panel also discussed how to engage men in the pursuit for greater diversity and the fight against unconscious bias. Under Alice's lead, the panel interacted not only amongst themselves to debate controversial ideas but also encouraged active participation from the audience. After substantial discussion, a few practical tips emerged. One accepted solution was that what might seem a tiny step, and is in fact the first truly important step, is to take on a personal battle to change one's perception. Once we change the way we think, we will naturally encourage changing the setting that surrounds us, and diversity will be a natural consequence.

After this lively discussion, **Claudia Winkler**, negotiation coach and the CDRC director, together with **Charlie LaFond**, negotiation coach, took us on a journey to improve our negotiation skills by combatting personal biases. They brought the conversation to life with great examples, practical tests and exercises that showed us common mistakes in assessing risks. The coaches also explained the strategies to counteract unconscious bias, namely: (1) identifying your personal blind spots; (2) examining your decisions systematically, (3) shaping your environment, and (4) broadening your decision-making platforms.

This excellent mix of unconscious-bias-related topics was followed by a cocktail reception sponsored by Freshfields, where participants continued to discuss biases and ways to fight them in a relaxed setting.

All in all, the event proved to be a true success in intellectual inspiration and brought with it vibrant and energetic motivational impetus. Due to popular demand, it will most definitely be replicated in the future. Thank you all for coming and making this event such a great success!

As a final take-home from the event:

1) Take the implicit bias test! The very act of taking the test will make the unconscious bias conscious, which as we know, is the first and most important step to creating

diverse, high-quality workplaces:
<https://implicit.harvard.edu/implicit>.

2) Act now to show your support for equality and sign the Pledge!
<http://www.arbitrationpledge.com>.

Eliane Fischer, Alice Fremuth-Wolf, Rashda Rana SC and Ema Vidak-Gojkovic



Rashda Rana SC kicks off the event



Ema Vidak-Gojkovic (standing) conducts her workshop on Cognitive Blind Spots; Alice Fremuth-Wolf (seated)



Claudia Winkler addresses negotiation skills

WOMEN LEADERS OF ARBITRATION INSTITUTIONS

Interview with Dr. Alice Fremuth-Wolf, Deputy- Secretary General of the Vienna International Arbitral Centre (VIAC)



Alice Fremuth-Wolf is one of the rare women leaders in the Austrian arbitration market. She is the Deputy-Secretary General of the Vienna International Arbitral Centre (VIAC), a role she took on after building an impressively diverse professional experience.

In this interview, Alice tells us about the challenges she faced as she was trying to change the traditional ways of doing things, and replace them with better ones. She shares her views as to the future of international arbitration and the challenges young women practitioners will face.

Alice calls on women to be courageous, and not to succumb to that traitorous little voice that calls us underqualified or not good enough. She notes that in her experience, hearing such a voice seems to be a typical women's trait, which should be actively shut down. It is a must-do step before we can all become the brave bringers of peace to the world, which is what she sees as the true role of international arbitration leaders.

1. Alice, thank you for talking to ArbitralWomen! Can you tell our readers a bit about your work as the Deputy Secretary General of Vienna International Arbitral Centre (VIAC), a position you have held since January 2012. What is the career path that led you to this post?

My first encounter with arbitration was in 1994. I was a summer intern at Wolf Theiss and was asked to assist in an arbitration between an Italian and a Czech party concerning the delivery of tractors. Until then I had never heard of arbitration (and also knew very little about tractors!). I was fascinated by the international environment, the site visits, the exciting hearing days, and so I continued to work on the case until the award was rendered - in our favour! From then on it was clear that I want to pursue this path.

After working for a while as an assistant at the Institute of Civil Procedural Law of Vienna University, I did an LL.M. at the London School of Economics. I took a course in International Arbitration at the School of International Arbitration, and my interest only deepened. When I returned from London, I started as an associate at Wolf Theiss, doing arbitration and telecommunication (it was the time for unbundling, interconnection agreements, number portability ...). I took the bar exam in May 2001, finalized my doctoral thesis on "*Arbitration Agreements and Cessation*" in 2003, and re-started as an associate with Baker McKenzie in Vienna. I soon chose to open my own small boutique law firm.

In 2005, 2007 and 2010 my three kids were born and during this period I concentrated mainly on teaching at the Vienna University, coaching the Viennese Vis Moot for the Willem C. Vis International Moot, and co-authoring a commentary on Austrian Arbitration Law.

In 2011, it so happened that VIAC was looking for a Deputy Secretary General (which is a position for a fixed five-year term), and I decided to take my chances and apply. I was thrilled to be chosen. I started in January 2012, and have not regretted my decision.

2. You have had a very rich experience prior to joining VIAC: work at the court, work in Austrian and international law firms (including establishing your own law firm), and work in

Austrian and international law firms (including establishing your own law firm), and work in academia. Which of those previous posts do you think influenced your professional development the most?

I honestly could not pick one of my previous jobs as more important than the other. I think it is exactly the mixture of academia and my work as a lawyer and an arbitrator that formed a big mosaic. It is often like that in one's career - you collect pieces on your way, and in the end you are rewarded with a wonderful picture. I would not want to miss any of these experiences.

3. Can you tell us a bit more about VIAC, your dispute resolution centre? Do you have domestic and international arbitrations? What is the scope of the services you provide?

VIAC is a small international arbitral institution, but with a long-standing tradition. It was established by the Austrian Federal Economic Chamber (AFEC) in 1975, and celebrated its 40th birthday in 2015. Initially, its main purpose was to facilitate trade between the former Eastern bloc and the West, as a neutral forum for the settlement of disputes arising out of East-West trade. Since then it has a steadily-increasing caseload from a diverse range of parties -- not only from the CEE-region, but from all over Europe, the Americas and Asia.

VIAC is a truly international arbitration institution because it only administers arbitrations (1) where at least one of the contracting parties has its usual residence or place of business outside Austria, or (2) concerning disputes of an "international character" between parties having their usual residence or place business in Austria. Due to this requirement, more than 75% of the parties of VIAC's arbitrations are non-Austrian. In the future, we would like to spread more to include also purely national (Austrian) cases. Such cases are currently administered by the Permanent Arbitration Courts of the Regional Economic Chambers. We think VIAC could handle these cases very efficiently.

Administration at VIAC comprises a lot: in addition to "classic" arbitral institutions services, such as appointment and confirmation of nominated arbitrators, decisions on challenge or revocation of arbitrators, consolidation of arbitration proceedings, booking of hearing venues and court

reporters, final determination of arbitration costs and payment of (outstanding) amounts to arbitrators, we also provide services which other institutions are lacking, such as calculation and collection of the advance on costs plus the VAT for the arbitrators. We also pay attention to lending an ear for the needs of parties and arbitrators during ongoing proceedings, every step of the way until the final award with a recognizable VIAC special seal is issued.

4. Do you have specific goals that you would like to achieve during your five-year term of office?

Well, I had three goals that I have already achieved, which are the revision of the arbitration rules in 2013, the revision of the mediation rules in 2015 (these rules entered into force on 1 January 2016), each accompanied by a Handbook (a practitioner's guide), plus a publication of 60 abstracts of arbitral awards in 2015 where VIAC for the first time truly "opened its doors" and provided an insight into its cases. I am very proud of these achievements.

My next goal is to get the national cases that I have mentioned under the auspices of VIAC, which will be a challenging task because it involves dealing with the Regional Economic Chambers. This is a mainly political process, even though the arguments are on the table and speak for themselves. I think with the administration of purely national cases, VIAC's caseload could grow substantially, improving VIAC's position on the market.

Additionally, I would like to give some more thought to defining a new brand for VIAC, something unique and outstanding that would distinguish it further from the other CEE institutions.

5. What was/is your most satisfying achievement since arriving at VIAC?

The revision of the Vienna Rules and the Vienna Mediation Rules paired with a brush-up of the image and the new corporate design for VIAC. The new CD comprised the development of a new modern logo, website, newsletter format and layout for our mailings, marketing brochures, our rules and the books we publish. In addition, you can now find VIAC on LinkedIn!

6. What were the main challenges you faced when you arrived at VIAC in 2012?

As always and everywhere, it was about breaking up the old structures and convincing people that "because it has always been handled in a certain way in the past" does not mean that it cannot be done better in the future. In other words, it was about generating a new vision and giving VIAC a more modern corporate design.

7. Is there any specific challenge you as a woman faced in your role as the co-head of VIAC?

I believe that co-heading an organisation is not about being male or female since the challenges are very often the same for both. My personal challenge was to convince the VIAC Board and the AFEC that I can manage to do this difficult work also part-time - which allows me to have time for my three children. It matters to me that I can combine both, my professional ambitions and my role of a mother.

8. What is the percentage of women in your opinion acting as arbitrators, mediators, lawyers or other dispute resolution professionals in your environment or your country?

My estimate is that we are at around 25-40%.

9. How does VIAC appoint experts, mediators and arbitrators?

It is one of the jobs of the VIAC Board, which convenes every six weeks in Vienna, to deliberate on appointments of arbitrators (and as of 1 January 2016 also of mediators and other neutrals). Prior to the meeting, the Secretariat prepares a case summary for each case, containing a note about the criteria that a potential candidate should fulfil or is requested to fulfil by the parties. Based on this, each Board member may propose persons for the case, which leads to a short list of candidates. The Board members then take a vote.

This task is taken very seriously, and there are lengthy discussions in the Board meetings weighing pros and cons for each proposal. Although VIAC does have a list of practitioners on its website for reference purpose, it is important to stress that the Board is not bound in its appointment to choose candidates displayed on that list.

I also emphasize that for each appointment, there is a goal to have short-listed both male and female candidates. In general, VIAC tries to support young arbitrators in that it appoints (almost exclusively) young arbitrators for smaller amounts in dispute in order to give young practitioners a chance to build up their career and gain experience.

10. I am glad you have mentioned that. As you know, advancing women is an important goal for AW. Does VIAC have a policy on advancing women or a practice to address the issue of increasing the number of women on panels or in programmes?

It is VIAC's policy to have female speakers at all seminars and conferences organised by VIAC. When appointing arbitrators, we make sure that the short list contains male and female candidates, with the final decision depending on objective criteria as to who is best fitted for the specific case. Also at the entry level, when selecting interns, VIAC tries to support young female graduates to give them a chance to make their way into the arbitration world.

11. As a lead officer of VIAC, are there any steps you have initiated or have personally been taking to promote gender mainstreaming in arbitration, particularly with a view to the Austrian market?

We really start from bottom-up. When selecting interns, I personally always look out for female candidates -- but then even after they leave VIAC, I try to remain a mentor by offering them support in their career paths.

But even more importantly, whenever I personally meet women practitioners -- no matter the age -- I encourage them to hand in their CV and fill in the VIAC questionnaire in order to be listed on the informal Practitioners' List for Arbitrators.

This might seem minor, but I really think it makes a huge difference to have someone actively encourage women to simply apply. You would not believe how many women feel underqualified, even though in reality, they are amazing candidates! So I take it upon myself to provide active encouragement, and seek out the new arbitration leaders. Sometimes just a little push is all it takes.

12. Do you have any advice for women practitioners who seek their first appointment as arbitrators?

Make yourself visible! Apply for the list of practitioners at VIAC so that users (and the institution) may see your profile; become a member of AW and put your CV and references in their database, so that people can find you! Be proactive and don't hide your light under a bushel.

In general, it is a good idea to be present on the market, attend conferences, seek speaking opportunities so that decision-makers for appointments become aware of you. Network a lot, publish on a specific topic. And again: don't be shy!

I want to add that a first appointment is usually realistic after you have gained some experience as party representative, and/or a secretary of a tribunal. An internship or even post in an arbitral institution often helps in getting to know more people and seeing files, POs and arbitral awards. VIAC each year offers four internship positions – so we encourage everyone to apply and obtain some more experience!

13. In your opinion, how "young" is too young for seeking one's first arbitral appointment?

One is never too young, rather too shy!

One of the minimum criteria VIAC applies is that anybody appointed by VIAC must either be admitted to a bar or be an academic (an equal of a law professor), and have at least been present at a few arbitral proceedings, be it as a secretary to the tribunal, party representative, or within an arbitration counsel-team. It is difficult to give a number, but probably below 25 is too young since this minimum experience will not be gathered by then.

14. Have you noticed more reluctance of young female arbitrators to pursue their first appointments, compared to their male colleagues of comparable seniority? How have you addressed this issue? Have you taken any steps to encourage higher female participation?

Yes, absolutely. When I see female and male candidates with equal qualifications, the female candidate would rather downsize her abilities while the male candidate would rather increase existing or even non-existing features he possesses. When I realise such imbalance I try to

balance it out and take up the cudgels for the woman. Whenever I come across a female that I consider apt for an appointment, I personally ask her to hand in a CV and fill in the VIAC questionnaire so that I can put her on our list of practitioners. In addition I try to match women I know with each other in order to make the female arbitration community bigger and make females aware of each other.

15. From your own experience, do you have any other general advice for women seeking to further their careers in dispute resolution?

Again and again: don't be shy! Be brave! Approach other women for support and mentoring. Don't focus too much on the procedural issues but try to obtain a good and broad knowledge of the law in various fields, and then try to specialize in a few areas, be it construction, post M&A disputes, distribution, energy, or other.

16. Do you think a woman practitioner could benefit from the AW network to advance her career? What do you think is the most valuable contribution of AW to the world of international arbitration?

Definitely use the mentor-mentee programme! I think it is an excellent feature to learn from a more experienced female practitioner, be promoted and get to ask those questions you might not dare ask elsewhere. It is especially useful to seek a role as a tribunal secretary, or a shadow mediator. This will be a win-win for both sides, since a fresh new mind always helps and may even outdo the experience.

I think AW has done a tremendous job raising awareness among women that we are out there; we = great amazing females that are equal to our male colleagues, and should not hide but join forces. This network was badly needed because there are so many male-driven networks but none to promote women. Within AW, what I like best are:

- the database
- the mentoring programme
- the continuing effort to ensure that female speakers are represented in arbitration conferences
- the speed-net dating (which we recently had in Vienna!)

17. You have been involved in international arbitration for 15 years. How has the field changed during that span of time?

My first arbitration was in 1994, so more than 20 years ago! Back then, it was clearly dominated by men with grey hair that were the masters of this game. It was a closed circle difficult to enter for younger professionals and was deliberately kept that way. When the young guys and increasingly also the girls no longer wanted to play by the rules of this grey-hair-gang, they started to found young arbitration practitioner groups all around the world – I was personally one of the co-founders of the Young Austrian Arbitration Practitioners. Those young groups (e.g., YAAP) promoted each other in Europe and worldwide through the co-chairs-circle (<http://www.co-chairs-circle.com>) because they knew each other and were tired of waiting for appointments from older colleagues. This worked pretty well. Soon these young guys became more senior and in a position to select arbitrators, be appointed as such and working for arbitral institutions. So a truly young second generation was created. But still, the percentage of women is small.

18. What do you see as the future of international dispute resolution?

I sense that increasingly parties want to have a choice of which dispute resolution method they use for different disputes. And more often than before they will opt for mediation, conciliation or other means that involve self-determination instead of lawyers telling them what is best for them. This is not to say that lawyers' advice is unnecessary or obsolete -- but sometimes it is simply impossible or even irrelevant to say what went wrong and whose fault it was. Lengthy proceedings with loads of experts will sometimes not shed light on certain matters.

There will always be room for all -- court proceedings, arbitral proceedings and other forms of ADR-proceedings, because of the different circumstances of each individual case. We should aim at making the cake bigger, and allowing the system parts to co-exist peacefully.

19. One of the trends has certainly been a users' demand for an even faster and cheaper mechanism for solving disputes. Many institutions have responded to this by offering a mediation facilitation service, in addition to arbitration.

Can you tell us a bit more about VIAC's standing on this front?

You know the old story of the New York shoemaker that advertises "*cheap, fast, good – choose any two*". It is almost impossible to have all three features combined. Definitely, mediation seems to be thriving to that end, because it is (almost) always faster and thus cheaper than arbitration or litigation and if you select a well-trained mediator you will also have your quality ("good"), provided however the mediation ends successfully.

VIAC is convinced that mediation is an ideal supplement to arbitration, albeit not always a substitute. Whether one or the other (or a combination) is the best possible option depends on the dispute, on the parties and on whether there is an ongoing business relationship. VIAC with its new mediation rules wants to offer parties a one-stop-shop solution where they may, within the framework of one institution, choose what best suits their particular dispute.

**Good + Fast = Expensive*

Good + Cheap = Slow

Fast + Cheap = Inferior in Quality

20. What are the best features of VIAC mediation that distinguish it from other available dispute resolution options?

The governing principle of the new mediation rules is "party autonomy"; the rules only provide a procedural "safety-net" defining minimal procedural standards for the (unlikely) case that the parties fail to jointly determine the cornerstones for the conduct of their proceedings. The motto is "everything is possible" as long as it is not forbidden by mandatory law, e.g., a mediator may subsequently act as arbitrator provided (s)he may do so under his or her rules of professional conduct. Likewise, if at the end of a successful mediation parties wish to have the result recorded in an arbitral award, this is also possible under the Vienna Rules by appointing an arbitrator for that purpose. By deducting administrative fees from subsequent proceedings between the same parties involving the same subject matter (in case a mediation is followed by an arbitration or vice versa), VIAC gives an additional incentive to remain within the VIAC framework.

21. Do you have relations or programmes in common with other dispute resolution centres in your region? If not, do you think it would be valuable to have a sort of a regional meeting from time to time to share experiences and help develop the field in dispute resolution in this region?

We are working on an informal basis with many other dispute resolution centres, the DIS, the Swiss Chambers, the SCC, the CAM, the CEPANI, the Club de Español de Arbitraje, not to forget the ICC of course, and the arbitration centres in the former CEE-states as well as Russia and Ukraine with which we have a long-standing tradition and co-operation agreements stemming back from the time of the Iron Curtain. Recently, we have also extended our co-operation agreements to Asia where we have been received very warmly.

One of the things I would love to do is institutionalise a regional meeting for, say, the German speaking countries, the European region or on a substantive level, e.g., for energy arbitration, competition law, environmental law, etc. This would let us join forces against the cold wind that blew against arbitration in the aftermath of the TTIP / ISDS negotiations. I firmly believe that only when joining forces, can we convince our users that arbitration is still the only option for certain international disputes. But we should also be open to criticism and take up the needs of the market.

We have also started co-operating with mediation centres in order to build up our mediation knowledge and ensure that we select the best mediation candidates for a particular case.

In order to help promote mediation and educate young (law and economics) students, VIAC together with the IBA Mediation Committee and the ELSA set up the "CDRC Mediation and Negotiation Competition" in Vienna last June (2015). The director of this Mediation Moot is Dr. Claudia Winkler, a truly dedicated and super-committed person who managed, with our support, to create a really superb event with 16 teams from all around the world. It was so well-received that this year the number of teams will amount to 30, so almost double. I am convinced that it is important to plant the mediation seed already into young students so that it can grow during their education and come to full blossom when they all enter business life and make use of it.

22. As a closing remark, what is the message you would like to send to our readers?

The world is changing massively at the moment, and probably nothing will remain as it used to be. For me, any form of alternative dispute resolution apart from using weapons and arms against each other, must be enhanced in order to prevent escalations of conflicts, foster trade which is essential for our common well-being, and ensure peace on a wider scale.

It is the task and duty of dispute resolution centres to offer such services, create trust in resolving disputes -- that inevitably arise -- in a civilised way, and in that to contribute to a better world for all of us. And on that note, I say again: be brave!

*Alice Fremuth-Wolf was interviewed by
Ema Vidak Gojković*

MEMBERS ON THE MOVE AND DISTINCTIONS

Nathalie Allen Prince



London-based **Nathalie Allen Prince** was promoted to counsel at Boies, Schiller & Flexner in February 2016. Nathalie is a British/French dual national, an Oxford graduate and speaks French, Spanish and Italian.

Kate Brown de Vejar



Curtis, Mallet-Prevost, Colt & Mosle LLP has promoted **Kate Brown de Vejar** to Partner in its Mexico City office, effective January 1, 2016. This coincides with her nomination to the YAWP Executive Committee. Kate is originally from Brisbane, Australia.

Gillian Carmichael Lemaire



Gillian Carmichael Lemaire, independent practitioner, is moving her international disputes practice from Paris to London in September. Gillian will remain a member of the Paris Bar and is also a solicitor (Scotland).

Jean Kalicki



Jean Kalicki has left Arnold & Porter to practise as a full time independent arbitrator operating out of New York and Washington, D.C. She has also taken office as a new member of the governing board of ICCA and has been appointed as one of the vice-presidents of the LCIA.

Laurence Kiffer



Laurence Kiffer, partner at Teynier Pic in Paris, was appointed as a member of the governing council of the Paris Bar (Conseil de l'Ordre du Barreau de Paris) on 15 December 2015.

Penny Madden QC



Gibson Dunn London partner **Penny Madden** was appointed as Queen's Counsel (QC) in February 2016.

Dana C. MacGrath



Dana C. MacGrath, counsel at Sidley Austin LLP, has been the Chair of CPR's Young Attorneys in Dispute Resolution (Y-ADR) for several years and has been announced as continuing in that role. The Y-ADR programme promotes international alternative dispute resolution mechanisms with the younger generation of lawyers.

Melissa Magliana



Melissa Magliana is the first female winner of the Swiss Arbitration Association's advocacy prize, which she was awarded in January 2016. Melissa is a US, Swiss and Italian national and is Counsel at Homburger in Zurich. As mentioned above, she is a member of YAWP's Executive Committee.

Wendy Miles QC



Wendy Miles QC, partner at Boies Schiller, will chair an ICSID panel hearing an Energy Charter Treaty case in which the Claimant is Energo-Pro (a Czech energy company) against Respondent Bulgaria. The co-arbitrators are **Francisco Orrego Vicuña** (Chile) and **Alain Pellet** (France).

Sherina Petit



Sherina Petit, partner and head of India practice at Norton Rose, became a member of the board of directors of the LCIA in December 2015.

Lucy Reed



Lucy Reed retired at the end of April as a partner with Freshfields, where she was global co-head of international arbitration and public international law. She will become the Director of the Singapore Centre for International Law and a Professor on the law faculty of the National University of Singapore in July. Lucy will also sit as arbitrator in commercial and treaty cases.

Prof. Dr. Nathalie Voser



Nathalie Voser, a partner at Schellenberg Wittmer in Zurich, has been appointed as one of five new court members of the LCIA Court of Arbitration.

Carolina O. Soto-Hernández



Carolina Soto-Hernández was promoted to partner in the Santo Domingo office of Squire Patton Boggs in March 2016. Carolina is qualified in the Dominican Republic and Spain.

Rabab Yasseen



Rabab Yasseen (Iraq/Switzerland), a partner at Mentha Advocats in Geneva and a Deputy Judge with the Geneva Civil Courts, has been appointed to a gender-equal 12 arbitrator CAS ad hoc division at the Rio Olympics. She was selected by the International Council of Arbitration for Sport (ICAS), which is the governing body of the Court of Arbitration for Sport (CAS) in Lausanne.

AW KLUWER ARBITRATION BLOG

We report below in summary about the papers published between November 2015 and June 2016 by ArbitralWomen members in the Kluwer Arbitration Blog: [kluwerarbitrationblog.com](http://www.arbitralwomen.org). The full papers may be found either on our dedicated web page <http://www.arbitralwomen.org/Media/Kluwer-Arbitration-Blog> or by clicking on the hyperlink for each title below.

[Mooties Making A Difference: Reaching Out To Build In Cambodia](#)

By Louise Barrington

Posting of 27 November 2015

A small team of educators gathered in Phnom Penh for the second Vis East Moot Foundation Capacity Building Programme (VEMF-CBP) for Cambodian law students. What made this programme different from other occasional, one-off forays into Cambodia by dozens of NGO's and law firms is that this year's local organisers were all alumni of the 2014 CBP, with students organizing everything from classrooms to catering, registration, accounting, attendance, printing – even the end-of-course party. A couple went further, delivering a 3-hour CISG research workshop, impressing both peers and professors. The project proved a success and convinced Louise Barrington to share her experience on role of Vis Moots as a catalyst for change in a country where arbitration is in its infancy – Cambodia.

[Growing Appreciation for Arbitration for Trade and Investment disputes in Latin America. \(Moving towards English Common Law\)](#)

By Monica Feria-Tinta

Posting of 11 December 2015

The legal landscape in Latin America is rapidly changing. Not only has Latin America more bilateral Trade Agreements than any other region in the world, but it is also a region experiencing a growth in importance for international commerce in all areas. In this context, Monica Feria-Tinta questions whether arbitration can become the legal lingua franca, the legal trade mechanism, to enable the region to have a common meeting ground with the multiple actors that intend to engage in business there. The author furthers inquires whether English Common Law can play any role in Arbitration in Latin America. After looking at certain developments in the region, the author concludes that,

depending on the extent to which Latin America may adapt to the rapid changes that are currently taking place, we will be witnessing a diversification of routes in dispute resolution regimes. English common law could undoubtedly play an important role and London as a seat of arbitration may become popular, in light of new actors and the strengths of the system and what it can offer.

[The EU Proposal Regarding Investment Protection: The End of Investment Arbitration as We Know It?](#)

By Athina Fouchard Papaefstratiou

Posting of 29 December 2015

On 12 November 2015, the European Commission rendered public and put on the negotiation table with the United States a proposal regarding the investment chapter of the draft Transatlantic Trade and Investment Partnership between the EU and the US (TTIP). The text contains tentative remedies for major current criticisms against investment arbitration: the restriction of States' general regulatory power, the expansion of frivolous claims, the lack of transparency, the existence of conflicting awards and the appointment of arbitrators who are in conflict of interest situations. The remedy for the two latter criticisms is the establishment of a permanent court to hear investment disputes. This post points to the main innovative features of the EU Proposal's investment chapter concerning investment protection and dispute resolution.

[Istanbul Arbitration Centre](#)

By Ayça Aydın

Posting of 4 March 2016

A new arbitration institution has opened its doors and has already started to register its cases in Istanbul. The Istanbul Arbitration Centre (ISTAC) has become operational in the third quarter of 2015, offering to its users a set of arbitration and mediation rules, along with emergency arbitrator and Fast Track Arbitration procedures. In this article, the author presents the main features of the arbitration rules and points to the linguistic, financial, logistical and geographical advantages of this new centre.

[Fit for purpose? The EU's Investment Court System](#)

By Louise Woods

Posting of 23 March 2016

On 12 November 2015, in the context of its negotiations for the Transatlantic Trade and Investment Partnership and in a bid to address growing criticism of investment treaty arbitration, the European Commission made a

formal proposal for a reformed approach to investment protection and an apparently more transparent system for the resolution of investment disputes. To that end, the Commission suggested, amongst other things, the establishment of a permanent court to hear investment disputes, aimed to safeguard states' right to regulate and create a court-like system with an appeal mechanism based on clearly defined rules, with qualified judges and transparent proceedings. This post examines in more detail the proposed Investment Court system and considers its potential strengths and weaknesses, particularly in light of the recent inclusion of the Investment Court system in the EU-Vietnam FTA and CETA and the EU's commitment to seek to include such a system in all future negotiations with its trading partners.

[Equal Representation in Arbitration \(ERA\) Pledge: A Turning Point in the Arbitration History for Gender Equality](#)

By Mirèze Philippe

Posting of 2 June 2016

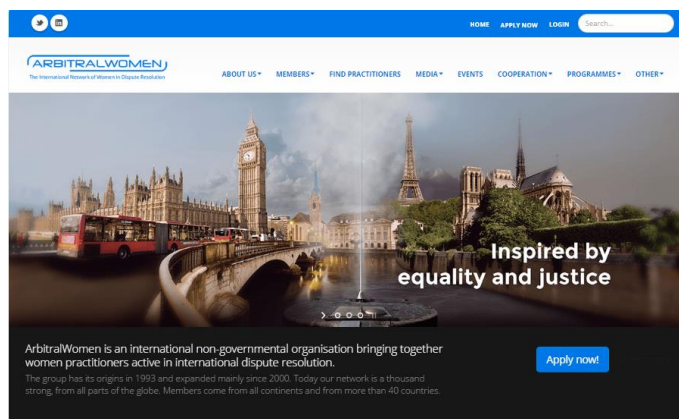
The launch of the Equal Representation in Arbitration (ERA) Pledge on 18 May 2016 in London marks a historic moment in international arbitration. The Pledge is a call to the international dispute resolution community to commit to increase the number of female arbitrators on an equal opportunity basis. In her new blog, Mirèze Philippe recounts the various developments which led to the adoption of the Pledge and explains its significance and impact for the arbitral community. Having been endorsed already by over five hundred individuals and around 70 organisations, the Pledge is open for signature by all ArbitralWomen members. This blog encourages all of you to do so and contribute to this crucial moment in the history of international arbitration.

Call for contributions

ArbitalWomen members who wish to contribute to the Kluwer Arbitration Blog may contact Ileana Smeureanu and indicate the subject and the date on which they commit to send us their contributions.

AW'S REVAMPED WEBSITE

ArbitalWomen's Revamped Website: An Unrivalled Hub for searching for Female Dispute Resolution Profiles



We continue to advance the interests of **yuvn** in dispute resolution.

ArbitalWomen is delighted to publicise its new and long-promised website. Constant changes in technology require us to adapt as much as possible, but revamping websites can be costly. Our former ten-year-old website was outdated and the new website was made possible by sponsors who supported us and granted us the necessary funds for such a significant project.

ArbitalWomen is grateful to the law firms whose generous funding allowed us to undertake such an ambitious project: **Allen & Overy, Andrews Kurth, Brick Court Chambers, Clifford Chance, Debevoise & Plimpton, Freshfields Bruckhaus Deringer, Hogan Lovells, King & Spalding, Norton Rose Fulbright, Skadden Arps Slate Meagher & Flom, White & Case, Wilmer Cutler Pickering Hale & Dorr, and the Thomas Wälde Memorial Gift** granted by his widow Charlotte Wälde.

The funding was raised on the occasion of the ArbitralWomen Gala Dinner organised by **Dominique Brown-Berset, Melanie Willems and Mirèze Philippe** on 9 September 2014 in London to celebrate the 20th anniversary of ArbitralWomen. Special thanks go to Dominique and Melanie who were instrumental in rallying the sponsors to finance the project.

Users will appreciate the new features that the revamped website offers: first and foremost the "Find Practitioners" feature offers an **unrivalled hub** to search

for female dispute resolution profiles and provides detailed information, including, for example, a hyperlinked list of members' publications. This unrivalled feature enables visitors to find practitioners and locate arbitrators, mediators, experts, adjudicators, marine surveyors, facilitators, ombudswomen, forensic consultants, neutrals, lawyers and practitioners in various jurisdictions and/or fields of business. The multi-search criteria permit the search to be refined to a number of criteria, such as the type of practitioner, nationality, country of residence, languages spoken, and expertise in chosen legal systems and practice areas. Key word searches may also be made.

The membership section has been modernised entirely. Information about members is more clearly presented and user-friendly. For example, the main sections of information are more visible and the languages spoken are immediately visible.

The news section will offer news about ArbitalWomen activities and events on a frequent basis, in addition to information about surveys, projects and other dispute resolution information. Articles may be printed individually. ArbitalWomen's Newsletter will also be published regularly and will consolidate the news items published individually on the website. In the Newsletter we will continue publishing interviews with women leaders in dispute resolution, as well as other topics.

ArbitalWomen's Cooperation Programme, which started slowly three years ago, can now finally be developed, as the new website is indispensable for the promotion of the Programme and mutual cross-referencing with partners, namely dispute resolution institutions, hearing centres, dispute resolution media, and dispute resolution education programmes. Visitors will be able to link to partners' websites and view their activities and events, and partners will similarly cross-reference to our website.

We hope you will enjoy the new website, its features and the information it offers. Much information has yet to be imported or added. If you wish to share comments on our revamped website please write to contact@arbitalwomen.com.

Mirèze Philippe, Special Counsel, ICC International Court of Arbitration, ArbitalWomen Co-Founder, Membership and Website Director

AW PARTNERS



**GLOBAL POUND
CONFERENCE SERIES
2016-17**
GLOBAL PARTNER

As indicated above, ArbitalWomen mainly cooperates with dispute resolution organisations, hearing centres, media dedicated to dispute resolution, dispute resolution education programmes and other bodies involved in dispute resolution. The partners promote one another on their respective websites, including references to selected events. To date ArbitalWomen has partnered with GAR (<http://globalarbitrationreview.com/>), the ICC (<http://www.iccwbo.org/>), CIArb (<http://www.ciarb.org/>), Practical Law (<http://uk.practicallaw.com/>) and TDM/OGEMID (<https://www.transnational-dispute-management.com/>) (<https://www.transnational-dispute-management.com/ogemid/>). Most recently, ArbitalWomen has partnered with the Global Pound Conference Series. [http://www.globalpoundconference.org/supporters-\(2\)/global-partners#.V3DZLvI96Uk](http://www.globalpoundconference.org/supporters-(2)/global-partners#.V3DZLvI96Uk)

Jeremy Lack, GPC Series Coordinator, describes the Global Pound Conference (GPC) Series as an unprecedented attempt to collect actionable data from all stakeholders involved in commercial dispute resolution: parties, their advisors, providers of services (both adjudicative and non-adjudicative) and other influencers (e.g., government officials, policy makers, academics, etc.). The Series started in March 2016 and will take place in approximately 40 cities in 31 countries until July 2017. It seeks to generate a global dialogue about how to shape the future of dispute resolution and improve access to justice in the 21st Century, using state of the art information technology and voting systems.

The Series opened in Singapore in March 2016. The next event will be held in Lagos on 30 June 2016 and the Series will culminate in London on 6 July 2017.

The website for the Series encourages actors in the dispute resolution world to participate by attending an event: "The GPC Series is a unique event that is designed to enable all users' voices to be heard, and for the supply side of the dispute resolution market to ensure that the needs and wishes of disputants will be taken into account."

Gillian Carmichael Lemaire, member of the Paris GPC committee

(The Paris GPC event will take place on 26-27 April 2017)
ArbitalWomen Newsletter Director

MARK YOUR AGENDAS

The following events will be held in various locations worldwide. Save the dates and follow us on our website for further information on such events and others that we regularly add.

Date	Venue	Event
28-30 June 2016	Hong Kong	2nd ICC Asia conference
29 June 2016	Hong Kong	AW-ICC Panel Discussion “Unconscious Bias in International Arbitration”
30 June 2016	Hong Kong	YAWP event, SpeedNet and panel discussion
30 June 2016	Hong Kong	Let's talk about costs!: Presentation ICC Report: Decisions on Costs in International Arbitration
30 June 2016	Lagos, Nigeria	Global Pound Conference Series*
4-22 July 2016	Paris, France	Arbitration Academy 2016
7-9 July 2016	Johannesburg, South Africa	5th SIEL Biennial Global Conference - International Economic Law in a Diverse World
15-16 July 2016	Athens, Greece	ICC YAF 3 rd Europe Chapter Regional Conference
18-23 July 2016	Madrid, Spain	International Arbitration Summer Course Madrid (IASC-Madrid)
25 August 2016	Mexico City	Global Pound Conference Series
8 September 2016	Zurich, Switzerland	ICC YAF Zurich Conference
8-9 September 2016	Stockholm, Sweden	The Swedish Arbitration Days 2016
12 September 2016	New York, USA	Global Pound Conference Series
14 September 2016	New York, USA	11th ICC New York Conference on International Arbitration
18-23 September 2016	Washington DC, USA	IBA Annual Conference Washington 2016
26 September 2016	Tokyo, Japan	ICC Japan Arbitration Week
29 September 2016	Geneva, Switzerland	Global Pound Conference Series
7 October 2016	Istanbul, Turkey	Global Pound Conference Series
15 October 2016	Toronto, Canada	Global Pound Conference Series
19 October 2016	Paris, France	7th ICC International Mediation Conference
20-21 October 2016	Madrid, Spain	Global Pound Conference Series
8 November 2016	Dubai, UAE	Global Pound Conference Series
17 November 2016	Cluj-Napoca, Romania	Global Pound Conference Series
25 November 2016	São Paulo, Brazil	Global Pound Conference Series

* The Global Pound Conference Series will continue until July 2017. The above table includes only the 2016 dates programmed so far.

ArbitralWomen Activities

Newsletter

The ArbitralWomen Newsletter is a quarterly publication presenting information about international dispute resolution and women practitioners in this field.

Newsletter Director: Gillian Carmichael Lemaire; **Newsletter Committee for this Edition:** Mirèze Philippe, Rashda Rana, Natasha Mellersh; **Executive Editor:** Karen Mills.

Find a Practitioner

Find appropriate and qualified dispute resolution practitioners through the [multi-search tool](#).

Become a Member

Women practitioners in dispute resolution who wish to join the group may submit an application with a CV and a photo directly on the website. "[Become a Member](#)".

Events and Sponsorship

Firms and organisations who would like to co-organise events with ArbitralWomen or have their events supported by ArbitralWomen may post a message under "[Contact us](#)".

Cross-References and Cooperation

Firms and organisation who wish to cross-reference with ArbitralWomen on their website and cooperate with ArbitralWomen may post a message under "[Contact us](#)".

Mentorship Programme

[Click here](#) for the application form to be completed, to be a mentor or mentee.

Vis Moot Support

[Click here](#) for the application form to be completed by moot competition teams consisting of at least 50% women, to submit a request for financial assistance for the Vis Moot or Vis East.

Training and Competitions

ArbitralWomen publishes information about dispute resolution programmes, scholarships, training etc. To promote such programmes you may post a message under "[Contact us](#)".

Job offers

ArbitralWomen publishes job offers. You may communicate any offer in the dispute resolution field and legal field in general by posting a message under "[Contact us](#)".

Copyright and reference

If you use any information from our Newsletters including bibliographies communicated for information, we request that you refer to ArbitralWomen or the relevant Newsletter(s).

Questions?

For any question, information, proposal, you may post a message under "[Contact us](#)".

New ArbitralWomen Board for 2016 – 2018 takes up its functions on 1 July 2016

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Kluwer Arbitration Blog

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