

Fifth Annual Fordham Law Conference on
INTERNATIONAL ARBITRATION AND MEDIATION
June 14–15, 2010

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In cooperation with the ABA Section of Dispute Resolution

MONDAY, JUNE 14, 2010

8:30 a.m. Registration

9:00 a.m. Welcome/Opening Remarks

ARTHUR W. ROVINE,
Fordham Law School, Conference Director

9:15 a.m. Investor-State Arbitration

MAURICE MENDELSON QC (Moderator)
Blackstone Chambers Barristers;
Emeritus Professor of International Law in the
University of London

CHARLES N. BROWER
Judge, Iran-United States Claims Tribunal, and
Member, 20 Essex Street Chambers London
*The Unsound 'Plama Principle' and other Errors In
Application of the Vienna Convention on the Law
of Treaties*

MAURICE MENDELSON QC
Issues Relating to the Identity of the Investor

BRIGITTE STERN
Emeritus Professor of International Law at the
University of Paris I, Panthéon-Sorbonne
*The Scope of Investor Protection under the ICSID/
BIT Mechanism: Recent Trends*

CHRISTOPH SCHREUER
Wolf Theiss
Vienna
*The Role of Domestic Courts in
Investment Arbitration*

11:00 a.m. Break

11:15 a.m. Mediation

TONY WILLIS (Moderator)
Barrister Mediator, Brick Court Chambers London
*Mediation in the UK and Elsewhere in
Western Europe*

MARIA THERESA TROFAIER
Solicitor (England & Wales) and accredited
Mediator (Ministry of Justice-Austria);
CMS Reich-Rohrwig Hainz
Vienna

*Recent Developments in Mediation of Commercial
Disputes in Austria, Central and Eastern Europe*

SIMEON BAUM, ESQ.
President, Resolve Mediation Services, Inc.
New York
Lessons from Russian Mediators

SUZANNE ULICNY
ICC International Court of Arbitration,
Deputy Director, Arbitration & ADR North America
New York
*ICC ADR: Rules and Approaches for Reaching an
Amicable Solution*

PETER WOLRICH
Partner, Curtis, Mallet-Prevost, Colt & Mosle
Paris
Resolution of Disputes by ICC Dispute Boards

1:00 p.m. Lunch break

2:15 p.m. Key Issues in the U.S. Law of International Arbitration

GEORGE BERMANN (Moderator)
Jean Monnet Professor of European Union Law and
Walter Gellhorn Professor of Law Director,
European Legal Studies Center Columbia
University School of Law
*Enforceability of the Arbitration Agreement:
Who Decides and Under Whose Law?*

CATHERINE ROGERS
Professor of Law, Penn State University Law
School, Pennsylvania, and Bocconi University,
Milan
*The Expansion of International Arbitration into
Public Realms*

TOM STIPANOWICH
William H. Webster Chair in Dispute Resolution;
Professor of Law; Academic Director, Straus
Institute for Dispute Resolution; Pepperdine
University School of Law
Malibu, California
*Recent U.S. Legal Developments That Might
Affect International Arbitration in the
United States*

BEN SHEPPARD
Distinguished Lecturer and Director, A.A. White
Dispute Resolution Center University of Houston
Law Center
Houston
*"Article III Escape Hatches," Involving Refusal of
U.S. Courts to Recognize/Enforce Foreign Awards
under the NY Convention for Lack of Jurisdiction
or on Forum non Conveniens Grounds*

4:00 p.m. Break

**4:15 p.m. Dispute Resolution by the World Trade
Organization**

GIORGIO SACERDOTI (Moderator)
Professor of International Law, Bocconi University
Milan; Former member and Chairman,
WTO Appellate Body

GREG TEREPOSKY
Partner, Borden Ladner Gervais LLP
Ottawa
*The Relevance of WTO Law and Principles in
Investor-State Arbitration*

ANDREW SHOYER
Partner, Sidley Austin LLP
Washington, D.C.
*The Use of Arbitration in Securing Compliance
with WTO Dispute Resolution Decisions*

GIORGIO SACERDOTI
*The Role of the Appellate Body in the Dispute
Settlement System of the WTO*

RICHARD CUNNINGHAM
Partner, Steptoe & Johnson
Washington, D.C.
The Future of WTO Dispute Settlement

6:00 p.m. Reception

TUESDAY, JUNE 15, 2010

9:15 a.m. Mediation

JOHN BARKETT (Moderator)
Partner, Shook, Hardy & Bacon LLP
Miami
*Arbitration Cost Avoidance: Is International
Mediation the Solution?*

TIM MARTIN
Principal, adr.governance.inc
Calgary, Alberta
*Is International Mediation Used and is it Useful?
The User's Perspective*

DAVID H. BURT
Corporate Counsel, E. I. du Pont de Nemours
and Company
Delaware
*Inside Counsel as Sophisticated Users of the
Mediation Process*

TAI-HENG CHENG
Associate Professor & Associate Director,
Center for International Law, New York Law
School & Senior Legal Advisor, Hoguet Newman
Regal & Kenney, LLP
New York
*Form and Function in International
Commercial Mediation*

LUIS MARTINEZ
Vice-President, ICDR, New York
The ICDR's International Mediation Experience

11:00 a.m. Break

**11:15 a.m. How Major Corporations View International
Arbitration**

LOUKAS MISTELIS (Moderator)
Queen Mary School of Law, University of London
*Key Numbers and Perceptions: What Surveys
Tell us About Corporate Attitudes Towards
International Arbitration*

TONI HENNIKE
Coordinator, International Investments &
Arbitration
Exxon Mobil Corporation
Houston
International Arbitration: A Vexing Solution

STEPHEN E. SMITH
Vice President and General Counsel
Lockheed Martin Space Systems Company
Bethesda, Maryland
*Hot Issues in International Arbitration—
A Corporate Perspective*

ROLAND SCHROEDER
Senior Counsel, Litigation and Legal Policy,
General Electric Company

MICHAEL MCILWRATH
Senior Counsel Litigation,
General Electric Company Oil & Gas
Florence, Italy
*Transparency in International Arbitration:
What Are Arbitrators and Institutions Afraid Of?*

SIEGFRIED H. ELSING
Partner, Orrick Hölters & Elsing
Düsseldorf
*On Babies And Bathwater: Keeping The Good
(And Getting Rid Of The Bad) From the Company's
Perspective*