

# iLaw 2025 Conference

## AAA-ICDR® International Arbitration Track

February 07, 2025 | JW Marriott Marquis Hotel, Miami, FL

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### MORNING SESSIONS

10:00-11:00

#### Hot Topics in International Arbitration

This panel discussion will delve into the most pressing and emerging issues in the field of international arbitration. Renowned experts will share their insights and experiences on a range of topics, providing attendees with a comprehensive understanding of the current international arbitration landscape and future trends.

**Moderator:**

**Ana Lombardia**, Director, AAA-ICDR; New York

#### Meet the Fourth Party: AI and the Future of International Dispute Resolution

The on-line dispute resolution (ODR) field has largely eschewed the language of AI to describe the roles technology can play in a dispute resolution process, instead opting for the concept of the "fourth party." The primary question becomes how to optimize the partnership to achieve our shared objective, which is finding a fair resolution to the dispute at hand. The impact of AI and technology is reshaping the arbitration process, from document review to decision-making. This session will cover the potential benefits and challenges of incorporating technology into international dispute resolution.

**Speaker:**

**Colin Rule**, President & CEO, ODR.com; San Jose

#### Conflicts of Interest, Disclosure Obligations, and Corruption Issues

Conflicts of interest, disclosure obligations, and the specter of corruption can significantly impact the integrity and fairness of proceedings. The speaker will delve into the intricate interplay of these issues, exploring best practices, emerging trends, and potential pitfalls.

**Speaker:**

**Katie Gonzalez**, Cleary Gottlieb Steen & Hamilton LLP; New York

#### Enforcing Arbitration Awards against Russian Parties and Presumed Arbitrator Bias

The presentation will focus on the complex issues surrounding the enforcement of awards against Russian parties, considering the potential for arbitrator bias and the latest legal developments and strategies while considering related challenges.

**Speaker:**

**Gene Burd**, Pierson Ferdinand LLP; Miami

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11:15-12:15

### Investment Arbitration Reports and Updates

This session will feature a report from ICSID's Secretary General with recent developments and an overview of ICSID's investment arbitration initiatives. The session will also feature an investment arbitration report from the U.S. Department of State. The panel will also discuss developments in U.S. law relating to the enforcement of investor state awards, including the recent D.C. Circuit decision in *NextEra v. Spain* relating to the enforcement of "intra-EU" investment awards and the Supreme Court's grant of certiorari in *Devas v. Antrix* regarding when federal courts may assert personal jurisdiction over foreign states under the Foreign Sovereign Immunities Act.

**Moderator:**

**James Hosking**, AAA-ICDR Arbitrator, Chaffetz Lindsey LLP; New York

**Speakers:**

**Martina Polasek**, Secretary-General, ICSID; Washington, D.C.

**John D. Daley**, Deputy Assistant Legal Adviser for International Claims and Investment Disputes, U.S. Department of State; Washington, D.C.

**Carlos Ramos-Mrosovsky**, BakerHostetler LLP; New York

## AFTERNOON SESSIONS

2:00-3:00

### International Energy Arbitration

This session will discuss the eighth issue of Jus Mundi's Industry Insights Report series which explores Energy Arbitration in 2023 including both the oil & gas and electricity & renewables sub-sectors. This is a unique overview of the international energy arbitration field, key actors involved, and exclusive statistics based on the data collected on Jus Mundi's and Jus Connect's platforms. The panel will also delve into the critical issues and emerging trends shaping the landscape of international energy arbitration including the impact of climate change on energy projects, the role of state-owned enterprises, and cross-border investments in the energy sector.

**Moderator:**

**Laura Zimmerman**, Baker & McKenzie LLP; New York

**Speakers:**

**Ulyana Bardyn**, AAA-ICDR Arbitrator, Eversheds Sutherland LLP; New York

**Annie Lespérance**, Jus Mundi; New York

**Veronica Lavista**, YPF S.A., Buenos Aires

**Diana Paraguacuto-Maheo**, Foley Hoag LLP; Paris

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3:15-4:25

### **International Construction Arbitration: Infrastructure Projects with Sovereigns**

This session will discuss key issues regarding international construction arbitration and other conflict management options for infrastructure projects with states or state-related entities. Attendees will learn, among other things, dispute resolution options available for international infrastructure projects and will explore the various issues and challenges when those dispute resolution processes involve a sovereign party. The panel will discuss the cultural impact on the arbitration and mediation processes of the interplay between the common law and civil law traditions. The panel also will speak on the potential limitations on the exchange of information arising from parties from civil law jurisdictions, where “discovery” is not common, consistent with international arbitration practice and the ICDR’s International Arbitration Rules. Other areas where the international construction arbitration parties’ expectations may differ include specific clause provisions, witness examination, experts, written submissions, privilege concerns, emergency relief, early disposition, the use of technology and the allocation of costs. Challenges may also arise when dealing with language and logistical issues, climate change issues, and ADR options to consider to always keep the project moving forward.

#### **Moderator:**

**Luis M. Martinez**, Vice President, AAA-ICDR; New York

#### **Speakers:**

**Al Lindsay**, AAA-ICDR Arbitrator, Hogan Lovells LLP; Miami

**Érica Franzetti**, AAA-ICDR Arbitrator, King and Spalding LLP; Miami

**Alex de Gramont**, AAA-ICDR Arbitrator, Womble Bond Dickinson LLP; Washington, D.C.

**Jerry P. Brodsky**, Peckar & Abramson, P.C.; New York