

George Bermann, Reporter of the International Commercial Arbitration Restatement Project, Speaks in Atlanta and New York

By Life Member Dorothy Toth Beasley

On the morning of Friday, February 26, Professor George A. Bermann of Columbia Law School walked from his hotel to the sparkling new building of Georgia State University College of Law in Atlanta. Waiting for him was a group of some 42 people who had assembled for breakfast to hear his presentation on the current Restatement of the Law, The U.S. Law of International Commercial Arbitration.

The event was jointly sponsored by The American Law Institute, the Atlanta International Arbitration Society, the Atlanta Center for International Arbitration and Mediation, and the State Bar of Georgia Sections on Dispute Resolution and International Law as well as its Standing Committee on Judicial Procedure and Administration/Uniform Rules. The venue was sponsored by the Jones Day law firm. Thanks to ALI President Roberta Cooper Ramo and ALI Deputy Director Stephanie A. Middleton, the ALI generously sponsored Professor Bermann. Each sponsoring organization was represented on the event committee; the ALI members were Dorothy Toth Beasley, Chair, James Cecil Nobles, Jr., Stephanie E. Parker, and Richard Blum Herzog, Jr. Other members were State Bar representatives Foy R. Devine, Adam Sutton, and Gregg Notte. Assisting in organizing and carrying out the event were Derrick Stanley (State Bar); Shelby R. Grubbs, Magaly Cobian, and Grace Ha (ACIAM and AtlAS); Ben Greer (AtlAS); and Beth Goldstein and Jane E. Giacinto (ALI).

The presentation began with an introduction to the Restatement, including the reasons for its being commissioned, its coverage, its architecture, and its time line. Professor



ALI members George A. Bermann, Dorothy Toth Beasley, and event organizer Charles R.A. Morse at the NYC event held on April 14

Bermann pointed out that a particularly interesting aspect of the project is its attempt to achieve a balance between fidelity to basic existing principles and strategic elements of innovation.

As described by Professor Bermann, the Restatement (composed of black letter, Comments, and Reporters' Notes, which were sent in advance to registrants) consists of five Chapters dealing with definitions, enforcement of the arbitration agreement, judicial assistance to the arbitral proceedings, post-award relief—notably set aside, recognition, and enforcement—and investor-State arbitration.

The focus across the Chapters, Professor Bermann said, is the role of U.S. courts in all circumstances in which they are confronted with international arbitration agreements, proceedings, and awards, that is, the judicial role in the international arbitration life-cycle.

Given the magnitude of the project and the exceptionally large number of matters covered in it, Professor Bermann focused on two sets of issues: (1) those that generated considerable debate and on occasion controversy, and (2) those on which the Restatement position deviates to some extent from prevailing law.

Questions were raised from the floor, and afterwards a number of people discussed the project further with Professor Bermann before he was given a tour of the new Center, which is housed at the law school. He then also visited Emory University School of Law before returning to New York.

Thereafter, Stephanie Parker, a partner at Jones Day in Atlanta and Practice Leader in Business and Tort Litigation, proposed that the program be repeated for the benefit of ALI members and others interested in the field in New York. Her suggestion was received with

enthusiasm by Stephanie Middleton. So, with the gracious acceptance of Professor Bermann and led by New York Jones Day partner Charles R.A. Morse, a member of ALI, the program was held at Jones Day's offices on the late afternoon of April 14. Mr. Morse was assisted by Jones Day business development and communications coordinator William Sleight IV. Jane Giacinto of ALI provided written ALI materials for distribution, as in Atlanta. Other organizations involved were the New York International Arbitration Center, the International Arbitration Club of New York, the Columbia Law School's Center for International Commercial and Investment Arbitration, and NYU School of Law's Center for Transnational Litigation, Arbitration, and Commercial Law.

About 100 reservations were made and, although some folks had to cancel, 65 attended, including both domestic and foreign practitioners, academics, judges, and law students.

Professor Bermann, who had just returned from consulting in Bangkok, again presented a lively, clear and concise, thought-provoking picture of the Restatement project, as evidenced by the attentiveness of the audience and questions and comments afterwards. He focused on certain portions of the Restatement that were particularly controversial or of special significance.

Since Stephanie Parker was in Tennessee to receive a Distinguished Alumna Award from Vanderbilt Law School, I was thrilled to have the honor of representing the ALI at the event. It was a joy to introduce Professor Bermann and to first set the stage by describing the ALI's mission, the scope of its work, and some of its current projects.

THE NEXT PROJECT MEETING FOR RESTATEMENT OF THE LAW THE U.S. LAW OF INTERNATIONAL COMMERCIAL ARBITRATION, WILL BE HELD ON OCTOBER 26, 2016.

Visit www.ali.org/projects to access drafts and comments or to join the project's Members Consultative Group.

ALI Spring Events – Thank You.

The American Law Institute recently held members receptions in Dallas, Miami, Tampa, Burlington, Boston, and San Francisco to give our members an opportunity to connect with their members in their regions and to hear remarks from each of the judges who have been involved with ALI's work in the past year.

These receptions are terrific events that combine socializing, networking, and good food and drink with a substantive discussion about ALI's work and the exciting new projects launched this year.

ALI President Roberta Cooper Lianou and Director Richard L. Revesz attended the receptions and appreciate the opportunity to meet and talk with members around the country. AS Director Pawez shared, "ALI is extremely grateful for the generosity of our members and their firms for hosting these gatherings and engaging such wonderful speakers. At each reception, I had the opportunity to participate in thoughtful discussions about the Institute's work and was deeply impressed with the commitment of our members to our mission."

THE INSTITUTE WISHES TO THANK EVERYONE WHO HELPED TO MAKE THESE IMPORTANT EVENTS A SUCCESS, PARTICULARLY THE HOSTS AND SPEAKERS:

K&L Gates LLP in Dallas, especially partner **Kim J. Askew**, and our speaker **Judge David C. Godbey** of the U.S. District Court, Northern District of Texas.

Astigarraga Davis in Miami, especially partner **José I. Astigarraga** and our speakers **Judge Kathleen M. Williams** of the U.S. District Court, Southern District of Florida, and **Judge Adalberto J. Jordan** of the U.S. Court of Appeals, Eleventh Circuit.

Carlton Fields Jordan Burt, P.A. in Tampa, especially partner **Gary L. Sasso**, and our speakers **Judge James S. Moody, Jr.** of the U.S. District Court, Middle District of Florida, and **Judge Nelly N. Khouzam** of the Florida Second District Court of Appeal.

University of Vermont in Burlington, especially President **E. Thomas Sullivan**, and our speaker ALI Director **Richard L. Revesz** of NYU School of Law.

Choate, Hall & Stewart LLP in Boston, especially chairman **John A. Nadas**, and speakers **Judge Patti B. Saris** of the U.S. District Court, District of Massachusetts, and **Chief Justice Ralph D. Gants** of the Massachusetts Supreme Judicial Court.

JAMS in San Francisco, especially **Steven A. Brick** (Ret. Judge), and speakers **Justice Leandra R. Kruger** and **Justice Goodwin Liu**, both of the Supreme Court of California.

IF YOU ARE INTERESTED IN HOSTING A RECEPTION OR LUNCHEON, PLEASE CONTACT MEMBERSHIP DIRECTOR BETH GOLDSTEIN AT MEMBERSHIP@ALI.ORG.