

**Minutes**  
**Atlanta International Arbitration Society, Inc.**  
**Plenary Meeting**  
**February 10, 2022 – Hybrid**

A plenary meeting of the society took place on February 10, 2022, with President Brent Clinkscale calling the meeting to order at 11:00 AM. The meeting was hosted by Parker Hudson Rainer & Dobbs and employed a hybrid format with some persons attending in person and some attending virtually. A list of persons attending is attached as Exhibit A.

**Desk Book**

Shelby Grubbs noted the on-line publication of the fifth edition of the AtlAS Desk Book, summarized its contents and pointed out the relevant link.

**Interview – Hon. Hugh Fraser/Nancy Baughan**

The principal program took the form of an interview of Justice Hugh Fraser (Retired) by Nancy Baughan of Parker Hudson. Ms. Baughan noted that Justice Fraser served as a justice on the Ontario (Canada) Court of Justice from 1993 until 2018. He was on the Canadian team for the 1976 Olympic Games. He serves as a JAMS neutral and as an arbitrator for the Lausanne, Switzerland-based Court of Arbitration in Sport (“CAS”) and from 1988 until 1990 chaired the Sports Experts Panel for the Dubin Commission of Inquiry into the Use of Drugs and Banned Practices.

Ms. Baughan asked Justice Fraser about federal and provincial courts in Canada. He said that judges were appointed and served until age 65 when they were required to retire. He noted that there are few jury trials in Canada and limited discovery. He advised that Canadian procedures are similar to those in England, but litigants are entitled to trial in English or French.

Asked about his path to arbitration, Justice Fraser recalled that it began when he represented a former Olympic teammate who felt unjustly excluded from the 1984 Canadian team. Other sports related work came to him as a practicing lawyer. Ultimately, he was invited to become a panelist for the CAS. Much of the CAS docket concerns soccer disputes. Lesser-known matters have included cases about whether specific outcomes qualified as world’s records. At the Atlanta Olympics, Justice Fraser served on a tribunal charged with making quick decisions about participation, e.g., a determination whether an individual could compete as a swimmer. This hearing, he noted, started at 8:00 PM and finished at 2:00 PM, and the individual involved won the gold medal. He mentioned that much of CAS’s docket concerns sponsorships and the rights of federations and other groups to hold events.

As for his present work at JAMS, Justice Fraser is handling commercial disputes of various types, plus Title 9 claims as well as employment disputes. He noted that trials are more formal and less flexible and in arbitration rules of evidenced are relaxed.

## **US Supreme Court Update**

Glenn Hendrix reported briefly on cases currently before SCOTUS including two consolidated cases concerning whether 28 USC §1782 should apply to international commercial arbitration and investor state arbitration: (*ZF Automotive et al v. Luxshare and Alix Partners et al v. Fund for Protection of Investors' Rights*). Oral argument is set for March 23, 2022. It is hoped that the Supreme Court will, at last, resolve a circuit split.

## **Adjournment**

Mr. Clinkscale adjourned the meeting at 12:05 PM, noting that the society will meet again on March 10 in plenary session for a discussion with Cecilia Flores Rueda of Flores Rueda Abogados about US – Mexico arbitrations, and then on April 14 for a discussion with Adriana Uson of the Singapore International Arbitration Centre and Kabir Duggal of Arnold & Porter for a discussion on Greener Arbitration. The March meeting will be hosted by Seyfarth Shaw, the April meeting by Womble Bond Dickinson.

This 28<sup>th</sup> day of February 2022.

/s/ Shelby R. Grubbs, Secretary