

13th Annual Conference of the ATLANTA INTERNATIONAL ARBITRATION SOCIETY



ATLAS
ATLANTA INTERNATIONAL
ARBITRATION SOCIETY

OCTOBER 7-9, 2024

ICC YAAF / AtIAS YPG / AtIAS CONFERENCE / AtIAS FORUM

McGuireWoods LLP, 1075 Peachtree St NE, 35th Floor, Atlanta, GA 30309

11:50am **Check In**

12:20pm **Welcome and Introductory Remarks**

Shelby Guilbert (McGuireWoods LLP – Atlanta)

Christopher Smith (Smith, Gambrell & Russell, LLP – Atlanta)

12:30pm **Panel 1: Written Advocacy in International Arbitration Proceedings**

This panel will provide practical instruction on effective written advocacy in international arbitration proceedings. The topics to be covered include the nuts-and-bolts of legal writing, the different submission types in arbitration proceedings, writing for a multicultural audience, and the differences between writing for a court and writing for an arbitral tribunal.

Moderator: **Wheaton Webb** (Smith, Gambrell & Russell, LLP – Atlanta)

Speakers: **Abbey Hawthorne** (ICC – New York)

Carson Bennett (King & Spalding LLP – Atlanta)

Tom Villalón (Three Crowns LLP – Washington, D.C.)

Angélica María Perdomo Luna (Zulegal – Bogota)

1:45pm **Coffee & Networking Break**

2:00pm **Panel 2: Cross-Examination in International Arbitration Proceedings**

This panel will explore effective cross-examination techniques and strategies for international arbitration proceedings. Topics of discussion will include developing a cross-examination strategy for a particular audience, preparing for a cross-examination, and practical guidance for what makes a cross-examination effective.

Moderator: **Thomas Grantham** (Alston & Bird LLP – Atlanta)

Speakers: **Erin Collins** (DLA Piper (US) LLP – New York)

James Coleman (Goldman Ismail Tomaselli Brennan & Baum LLP – Chicago)

Dmitry Epstein (Bradley Arant Boult Cummings LLP – Atlanta)

3:15pm **Coffee & Networking Break**

McGuireWoods LLP, 1075 Peachtree St NE, 35th Floor, Atlanta, GA 30309

3:15pm Check In

3:30pm **Welcome and Introductory Remarks**
Shelby Grubbs (JAMS – Atlanta)

3:40pm **Tertulia Panel 1A: Getting an Arbitration Started**

During this tertulia session, participants will discuss the early stages of an arbitration proceeding, from initiation of the arbitration to the preliminary conference. Topics addressed will include, for example, arbitrator selection and disclosures, the agenda for the preliminary conference, and negotiations between counsel on various issues to be addressed at the conference, the seat of arbitration, and drafting the arbitration agreement.

Facilitators: **Rikki Stern**, International Arbitration Practitioner – Atlanta (Session Chair)
Kristen Bromberek, Alston & Bird LLP – Atlanta
Sebastian Feiler, BODENHEIMER – Cologne
Natasha Richardson, CPR Dispute Resolution – Atlanta

3:40pm **Tertulia Panel 1B: The Evidentiary Hearing in an Arbitration**

Participants in this tertulia session will discuss the main evidentiary hearing in an arbitration. Topics will include, for example, the final status conference prior to the hearing, presentation of witnesses and exhibits at the hearing, and best practices in oral advocacy in responding to arbitrator questions, making opening and closing submissions, and examining witnesses.

Facilitators: **Laughlin Allen**, McGuireWoods LLP – Atlanta (Session Chair)
Christof Siefarth, BODENHEIMER – Cologne
Henry Chalmers, Arnall Golden Gregory LLP – Atlanta

4:50pm **Tertulia Panel 2A: Getting to the Evidentiary Hearing in an Arbitration**

Participants in this tertulia session will discuss the arbitral process from the preliminary hearing up to the main evidentiary hearing. Topics addressed will include, for example, preparation of the case schedule, document production and information exchange procedures, motion practice, and obtaining testimony from non-party witnesses.

Facilitators: **Christopher Smith**, Smith, Gambrell & Russell, LLP – Atlanta (Session Chair)
Jennifer Grippa, Miles Mediation & Arbitration – Jacksonville
Brent Clinkscale, Clinkscale Global – Greenville

4:50pm **Tertulia Panel 2B: The Arbitral Award and Post-Award Issues**

Participants in this tertulia session will discuss the arbitral award and post-award issues. Topics addressed will include, for example, whether an arbitrator should ever do independent research when preparing an award, awarding attorney's fees and other costs, and issues related to enforcement and vacatur of arbitral awards.

Facilitators: **Victoria Alvarez**, Troutman Pepper Hamilton Sanders LLP – Charlotte (Session Chair)
Henry Parr, Wyche, P.A. – Greenville
Ben Herzberg, BODENHEIMER – Berlin
Tom Childs, King & Spalding LLP – New York

AtIAS Speakers' Dinner

(Speakers, Moderators, and Conference Organizers Only)

6:30 – 9:30pm, The Peachtree Club, 999 Peachtree Street NE, Atlanta, Georgia

Troutman Pepper Hamilton Sanders LLP, 600 Peachtree Street NE, Suite 300, Atlanta, GA 30308

9:00am **Welcome Coffee and Registration**

9:30am **Opening Remarks**

Victoria Alvarez, Troutman Pepper Hamilton Sanders LLP – Charlotte
Usher Winslett, ADR Office of Usher Winslett – New York, Charleston;
Winslett Studnicki McCormick & Bomser LLP – New York

9:40am **Panel 1: Top 10 Developments in International Arbitration in 2024**

Building on the success of last year's "Top Ten Developments" panel, this year's panel will highlight ten developments that impact international arbitration practice, including recent court decisions, legislative activity, emerging issues like climate change, updates from UNCITRAL Working Group III, and new technologies.

Moderator: **Richard Deutsch**, Pillsbury Winthrop Shaw Pittman LLP – Houston
Speakers: **Glenn Hendrix**, Arnall Golden Gregory LLP – Atlanta
Alan Anderson, Anderson Law Firm LLC – Minneapolis
Mark Kantor, Independent Arbitrator – Washington, D.C.

10:55am **Coffee & Networking Break**

11:10am **Introduction of Keynote Speaker**

Anna Parks Muecke, Troutman Pepper Hamilton Sanders LLP – Atlanta

11:15am **Keynote Address**

Siegfried Elsing, Orrick, Herrington & Sutcliffe LLP – Dusseldorf

11:45am **Panel 2: Industry-Specific Arbitrator Panels – Considerations from Various Industries**

This panel will explore industry-specific arbitral institutions and procedural rules including those related to intellectual property, insurance, and sports. The discussion will educate attendees on the risks and benefits of industry-specific arbitration, emerging industries that may require their own specialized forms of arbitration, and the challenges of balancing expertise with impartiality.

Moderator: **Flip Petillion**, PETILLION – Brussels
Speakers: **Justine Ferland**, WIPO – Geneva
Rouven Bodenheimer, BODENHEIMER – Cologne
Shelby Guilbert, McGuireWoods – Atlanta
Thomas Ventrone, AAA-ICDR – New York

1:00pm **Networking Lunch**

Troutman Pepper Hamilton Sanders LLP, 600 Peachtree Street NE, Suite 300, Atlanta, GA 30308

2:00pm Introduction of Peter “Bo” Rutledge

Christof Siefarth, BODENHEIMER – Cologne

2:05pm Fireside Chat

Speaker: **Peter “Bo” Rutledge**, Dean of the University of Georgia School of Law – Athens;
Morris, Manning & Martin LLP – Atlanta

Facilitator: **Christof Siefarth**, BODENHEIMER – Cologne

2:35pm Panel 3: Revisions to the IBA Guidelines on Conflicts of Interest in International Arbitration and Considerations on Arbitrator Disclosures

This panel will discuss the International Bar Association’s recent revisions to the IBA Guidelines on Conflicts of Interest in International Arbitration. The panel also will address issues related to arbitrator disclosures, and comment on ethical guidelines from other organizations, including the American Arbitration Association’s Code of Ethics for Arbitrators in Commercial Disputes and the International Institute for Conflict Prevention and Resolution’s newly released Guidelines for Arbitrator Disclosure.

Moderator: **Kathleen Paisley**, AMBOS NBGO – Brussels, Miami

Speakers: **Isabel Fernandez de la Cuesta**, Independent Arbitrator – New York
Danielle Morris, WilmerHale – Washington, D.C.
Ryan Reetz, Bryan Cave Leighton Paisner LLP – Miami
Shelby Grubbs, JAMS – Atlanta

3:50pm Coffee & Networking Break

4:20pm Panel 4: Awarding Costs in Arbitration

This panel will discuss recent trends in awarding costs in arbitration proceedings. Particular attention will be given to the New York City Bar Association’s recent publication, Awards of Costs in International Arbitration in New York: Current Approaches and Best Practices. In light of New York’s status as an international arbitration hub, this report is likely to prove influential, with significant implications for arbitrators and practitioners. The panel also will consider other issues related to the costs of arbitration, including controlling fees and expenses and relevant decisions concerning arbitral costs.

Moderator: **Usher Winslett**, ADR Office of Usher Winslett – New York, Charleston;
Winslett Studnicki McCormick & Bomser LLP – New York

Speakers: **Joseph Neuhaus**, Sullivan & Cromwell – New York
Mark Morril, MorrilADR – New York
Katie Gonzalez, Cleary Gottlieb Steen & Hamilton LLP – New York
Lawrence Schaner, Schaner Dispute Resolution LLC – Chicago

5:35pm Closing Remarks

Usher Winslett, ADR Office of Usher Winslett – New York, Charleston;
Winslett Studnicki McCormick & Bomser LLP – New York

**5:45 -
6:45pm Cocktail Reception**

Womble Bond Dickinson (US) LLP, 1331 Spring St. NW, Suite 1400, Atlanta, GA 30309

9:00am **Welcome Coffee and Registration**

9:30am **Opening Remarks**

Michael Sullivan, Womble Bond Dickenson (US) LLP – Atlanta

Wheaton Webb, Smith, Gambrell & Russell, LLP – Atlanta

9:40am **Panel 1: The Force Majeure Defense Today: Considerations for the Construction Sector and Other Industries**

This panel will explore the development of the force majeure defense and its implications for the construction industry as well as other sectors. The topics to be covered include the origin of the force majeure defense, drafting effective force majeure clauses, and examples of force majeure events. The panel also will discuss treatment of force majeure issues in jurisdictions outside the United States.

Moderator: **Tamika Newson**, Energizer Holdings – Atlanta

Speakers: **Rebecca Velez**, HKA – Washington, D.C.

James Derrick, Womble Bond Dickenson (US) LLP – Charlotte

Jessica Sabbath, McDermott Will & Emery LLP – Atlanta

Peter J. Pettibone, Pettibone International ADR – New York

10:55am **Coffee & Networking Break**

11:10am **Panel 2: Regulatory Changes Mid-Stream: What's a Business to Do?**

This panel will discuss issues that arise when regulatory changes adversely affect a project mid-stream, and strategies for businesses to respond to such changes. Topics to be covered include the types of legal changes that may arise during a project, potential implications for dispute resolution, availability of remedies, and relevant distinctions between civil law and common law systems when addressing these issues. The panel also will discuss the impact of recent developments, such as the emergence of ESG considerations and lessons learned from COVID-19.

Moderator: **David Gallo**, Parker, Hudson, Rainer & Dobbs LLP – Atlanta

Speakers: **Scott Cahalan**, Smith, Gambrell & Russell, LLP – Atlanta

Florian Mohs, Pestalozzi – Zurich

Lance Lee, Arnall Golden Gregory LLP – Atlanta

James Boykin, Hughes Hubbard & Reed LLP – Washington, D.C.

12:25 -
1:25pm **Networking Luncheon**

12:50pm **Closing Remarks**

Christof Siefarth, BODENHEIMER – Cologne

Conference Chairs

Usher Winslett, ADR Office of Usher Winslett;
Winslett Studnicky McCormick & Bomser LLP

Christopher Smith, Smith, Gambrell & Russell, LLP

Wheaton Webb, Smith, Gambrell & Russell, LLP

Conference Planning Committee

Christof Siefarth, BODENHEIMER

Chris Campbell, Baker Hughes Corporation

Glenn Hendrix, Arnall Golden Gregory LLP

Shelby Grubbs, JAMS

Conference Advisory Committee

Tamika Newson, Energizer Holdings; Miles
Mediation & Arbitration

Rikki Stern, International Arbitration Practitioner

Laughlin Allen, McGuireWoods LLP

Natasha Richardson, CPR Dispute Resolution

Luis Martinez, International Centre for Dispute
Resolution

Brent Clinkscale, Clinkscale Global

David Gallo, Parker, Hudson, Rainer & Dobbs LLP

AtIAS Tertulia Sessions Chair

Shelby Grubbs, JAMS

ICC YAAF / AtIAS YPG Chair

Christopher Smith, Smith, Gambrell & Russell, LLP

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