

Exceptionalism in International Commercial Arbitration

Wednesday,
April 24, 2024
FH 900, 245
Sullivan St.,
New York

Arbitrability, Arbitration Clauses in Adhesion Contracts, Competence-Competence, Constitutional Review of Arbitral Awards, Deference to Decisions Annulling an Award, Deference to Decisions Upholding an Award, Duty of Disclosure, Extension of Arbitration Agreements to Non-Signatories, Resort to the forum non conveniens doctrine at the Enforcement Stage, and Pre-Arbitration Requirements

4.30 pm – 8:00 pm NY

This in-person conference will focus on issues which characterize certain arbitration regimes and distinguish them from other ones, thus rendering them "exceptional". The issues to be addressed include, but are not limited to, the ones listed above.

MODERATOR **Franco Ferrari**

BIOS

SPEAKERS

Rafael Alves is a Partner at Souto Correa Advogados, Professor at FGV São Paulo Law School (FGV DIREITO SP). He is also a Board Member of the CPR Institute and Officer of the Brazilian Arbitration Committee (CBAr). He holds a Ph.D, Master of Laws, and Bachelor of Laws from University of São Paulo (USP) and also an LL.M. from New York University (NYU), where he was an Arthur T. Vanderbilt Scholar. He regularly sits as arbitrator.

Jessica Beess und Chrostin is a Partner in the International Disputes group of King & Spalding LLP based in New York. Jessica's practice focuses on complex international dispute resolution, with particular expertise in high-stakes commercial and investor-state disputes, and global award enforcement. She regularly represents clients in disputes in the infrastructure, oil and gas, mining, and renewable energy sectors, and has significant experience in real estate, construction, and telecommunications disputes. Jessica is a prolific author and often speaks on topics relating to international dispute resolution and has been recognized, inter alia, by IFLR Americas as a Rising Star in Commercial Arbitration, and by WWL as a Future Leader in International Arbitration.

Caroline Kleiner is Professor of Law at Université Paris Cité (ex Paris Descartes), specialising in international commercial arbitration law, private international law and international banking and finance law. She is the scientific director of the Banking and Financial Law Encyclopedia Jurisclasseur. Caroline's research focuses on international commercial arbitration, crypto-currencies and central bank digital currencies, and the impact of international sanctions on international contracts and litigation. Caroline, a prolific author, is a member of various expert groups on topics relating to international finance, and two expert groups of the HCJP (Haut Comité Juridique de la Place financière de Paris) on the legal nature of money and on crypto-assets and conflict of laws.

Pedro J. Martinez-Fraga is a Partner with the law firm of Bryan Cave Leighton Paisner LLP and a global co-leader of the Firm's International Arbitration Practice. He has served as lead counsel to 9 sovereign States, and also represented numerous Fortune 500 corporations in international arbitration proceedings. In December 2015 President Barack Obama appointed Mr. Martinez-Fraga to the International Centre for Settlement of Investment Disputes Panel of Conciliators (World Bank). Mr. Martinez-Fraga has published 9 books and has published over 60 either peer reviewed or academically reviewed articles on international arbitration. He has served on the Adjunct Faculty of New York University School of Law for 13 years and accepted the position of Distinguished Visiting Practitioner of International Law.

Francesca Ragno is Full Professor of International Law at the Department of Political and Social Sciences of the University of Bologna and NYU Global Professor of International Arbitration (Paris Program). She graduated in Law (J.D.) with honors at the University of Bologna and obtained her PhD from the University of Verona. Throughout her career, she has researched and lectured in Italy and in several Universities abroad, such as the University of Heidelberg, Paris Nanterre and the University of Pittsburgh (as a Fulbright Distinguished Chair). Her teaching and scholarship span public international law, EU law, international trade and business law, transnational litigation, conflict of laws and international commercial arbitration. She is a qualified attorney in Italy.

Julio Rivera Jr. is a partner in the complex litigation and arbitration department of Marval O'Farrell Mairal in Buenos Aires. Julio's practice focuses on complex cross-border disputes, international arbitration and insolvency law. Julio has represented clients in a wide array of complex international commercial arbitrations under ICC, UNCITRAL and ICSID Rules, involving the oil & gas industry, M&A transactions, construction disputes and electricity-related matters. He has been recognized by Chambers & Partners Latin America as a leading lawyer in Dispute Resolution in Argentina. Julio is also a Professor at the University of San Andres and a Global Adjunct Professor at NYU. He is the author of several books and articles on international arbitration

Friedrich Rosenfeld is a Partner at Hanefeld, a dispute resolution boutique with offices in Hamburg and Paris. He acts as counsel in international arbitrations with a focus on construction, post-M&A, commercial and investment disputes. In addition, he has been arbitrator in cases involving a range of applicable substantive laws and seats (e.g. Austria, Denmark, England, France, Germany, Greece, Israel, Northern Macedonia, Switzerland, and the United States). His expertise is recognized in international rankings. Friedrich is also Global Adjunct Professor of Law at NYU Paris, Lecturer at Bucerius Law School in Hamburg as well as Honorary Professor at the International Hellenic University in Thessaloniki. He has authored various books on international arbitration, which have been published in English, French, Spanish and Portuguese. Friedrich holds a PhD in international law (summa cum laude).

Daniel Schimmel leads the International Litigation & Arbitration practice of Foley Hoag's New York office. Daniel has served as Chair, Sole Arbitrator, Co-Arbitrator, Emergency Arbitrator, Appellate Arbitrator, and counsel in over 70 arbitrations arising from a broad range of contracts and transactions. He has served as Chair and emergency arbitrator in a number of disputes in excess of \$350 million and as sole arbitrator in many expedited arbitrations. Daniel also represents clients, including the Republic of France, Ministère des Armées, and French and European companies in litigation in the United States. Daniel has been ranked by Chambers and Partners or Chambers USA since 2017. He is a Board member and the Vice-President of the Chartered Institute of Arbitrators, NY Branch, a Board member of NYIAC, and a member of the National Academy of Distinguished Neutrals.

Linda Silberman is the Clarence D. Ashley Professor of Law Emerita at New York University School of Law and the Co-Director of the NYU Center on Transnational Litigation, Arbitration, and Commercial Law. During her 52 years on the NYU faculty, Linda has taught and written in the areas of Civil Procedure, Conflict of Laws, Comparative Procedure, Transnational Litigation, and International Arbitration. In summer 2021, she delivered the general course on Private International Law at the Hague Academy of International Law. Professor Silberman is, inter alia, a member of both the Arbitration Committee and the International Commercial Disputes Committee of the NY City Bar, and a member of the U.S. State Department Advisory Committee on Private International Law. She was an Adviser on the recent ALI Restatement of US Law on International Commercial and Investor-State Arbitration and also the co-Reporter on the ALI project on the Recognition and Enforcement of Foreign Judgments. She presently serves as an Adviser on two other projects of the Institute.

Juan Ignacio Stampalija holds a LL.M. in International Legal Studies from New York University. He is a professor of law at Austral University from Buenos Aires, Argentina, where he is the Deputy Director of the LL.M. International Arbitration, Litigation and Contracts. At Austral University, he also lectures on private international law and arbitration. He translated into Spanish and added Latin American developments to the book Recognition and Enforcement of Foreign Arbitral Awards, written by Professors Ferrari and Rosenfeld, which was recently published by Marcial Pons.

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