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attracts the top  
arbitration lawyers  
in the world every  
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at one's peril."*

—2006 Participant

18<sup>th</sup> Annual ITA Workshop

# Insider Insights

## COMPLEX ENERGY DISPUTES

THE WESTIN CITY CENTER • DALLAS, TEXAS



June 21, 2007

*Featuring*

**Luncheon Speaker**

**JAMES A. BAKER, III**

Baker Botts L.L.P.  
Houston, Texas

*Former U.S. Secretary of State*

*Former U.S. Secretary  
of the Treasury*

*Honorary Chairman,  
James A. Baker III  
Institute for Public Policy  
at Rice University*

*Highlights:*

- ▶ Featuring mock scenes and commentaries involving a complex web of disputes generated by a single liquified natural gas (LNG) project.

- ▶ **2ND ANNUAL DALLAS ROUNDTABLE:  
A Meeting for Young  
International Arbitrators**  
June 20, 2007 • 6:00 p.m. - 9:30 p.m.  
**Free for registrants under 40**  
*See inside for details*

- ▶ **Become an ITA  
Member today and  
attend the Annual  
ITA Advisory Board  
Dinner on June 21  
and the Friday  
Discussion Forum  
on June 22**  
*(separate member  
registration required)*
- ▶ **6.75 hours of  
MCLE Credit**

This year's Workshop involves a complex web of disputes generated by a single liquefied natural gas (LNG) project. In addition to an ICC dispute board followed by a mock arbitration conducted under the AAA's international rules, the workshop features scenes and commentaries about critical decisions often made behind closed doors. The faculty includes a rich cross-section of experts drawn from the ranks of leading arbitrators, practitioners, in-house counsel, and senior administrators of arbitration institutions.

While providing an introduction for non-experts, the Workshop also examines important and challenging aspects of complex energy disputes from the perspectives of corporate decision-makers, in-house counsel, tribunal members, and arbitration institutions.

The mock proceedings depict the efforts of Petrol, an Apollonian company, to perform its drilling, construction, and transport obligations under a Production Sharing Agreement (PSA) with Gasolonia's Ministry of Energy. To finance its performance under the PSA, Petrol enters into a joint venture with two other companies, Fuel and Oil. Further, as contemplated by the PSA, Petrol subcontracts 30% of the construction work to Gasolonia Construction, a local company nominated by and having close relations to the host government. A dispute about missed construction milestones disrupts these interlocking relationships and triggers a complex web of dispute settlement processes.

Among other things, the mock explores strategic decisions involving the initiation and sequencing of dispute settlement processes, selection of outside counsel, and the organization of preliminary steps like settlement negotiations and dispute resolution boards. Once underway, the arbitration proceedings require the tribunal to consider Petrol's request for an anti-suit injunction and to speculate about (and what to do about) procedural steps not taken, arguments not made, and evidence not submitted by the disputing parties. Later on, AAA administrators have to address requests to consolidate related arbitrations and to remove multiple tribunal members.



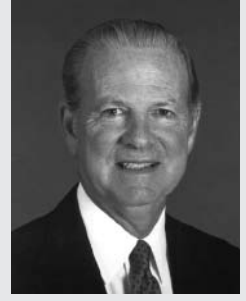
C. Mark Baker



Charles H. Brower, II



Carole Malinvaud



James A. Baker, III

Workshop Co-Chairs

Luncheon Speaker

# 18<sup>TH</sup> ANNUAL ITA WORKSHOP Program

## INSIDER INSIGHTS: COMPLEX ENERGY DISPUTES

8:00 REGISTRATION

9:00 INTRODUCTION TO THE WORKSHOP Prof. David D. Caron, ITA Chair

### ACT I – MANAGING THE OUTSET OF A COMPLEX, POLITICALLY SENSITIVE DISPUTE: STRATEGIC DECISIONS

9:10 INTRODUCTION TO ACT I Carole Malinvaud, Workshop Co-Chair

9:20 ACT I – SCENE I – BOARD DECISIONS

The head of the Gasolonian project has sent a warning to Petrol's general counsel and asked for guidance as to how the dispute should be handled. After digging into the particulars of the project, Petrol's general counsel has called for an extraordinary board meeting. Issues discussed include: opportunity to act against local contractor (applicable dispute resolution clause, timing, potential impact on ongoing works); involvement of JV partners (possibility to have them join voluntarily as claimants); opportunity (financial and strategic) to act against Gasolonian government; and overall assessment of costs involved and human resources needed; prioritizing ongoing litigations.

*General Counsel for Petrol  
Members of Petrol's Board*

**Carla Powers Herron  
David H. Burt  
Alan R. Crain**

9:40 COMMENTARY AND DISCUSSION: BOARD DECISIONS ON LEGAL MATTERS – DIFFERENT IN-HOUSE PERSPECTIVES

9:55 ACT I – SCENE II – SELECTION OF COUNSEL

Petrol traditionally works with a firm with offices close to its headquarters in the Federal Republic of Apollonia, which helped setting up the company 50 years ago and has ever since assisted it in all Apollonian litigations and mergers and acquisitions. *Issue:* whether to retain a counsel which knows the company but has never done arbitration or an outside counsel specializing in arbitration (construction and/or energy) with the assistance of in-house counsel. The decision is taken to resort to a counsel specialized in arbitration and to organize a beauty contest among three firms on the basis of lawyers' profiles and approaches to complex files, the firms' reputations, and the estimate of fees.

*General Counsel for Petrol  
Members of Petrol's Board*

*Lawyer with US background  
Lawyer with English background  
Lawyer with Civil Law background*

**James F. Bullock  
Michelle M. Leetham  
Michael S. Goldberg  
Claudia T. Salomon  
Constantine Partasides  
Jean-Yves Garaud**

10:20 COMMENTARY AND DISCUSSION: SELECTION OF COUNSEL – WHAT REALLY MATTERS

10:35 BREAK

## ACT II – COMMENCEMENT OF PROCEEDINGS

10:50 INTRODUCTION TO ACT II

Carole Malinvaud, Workshop Co-Chair

10:55 ACT II – SCENE I – AMICABLE SETTLEMENT NEGOTIATIONS

Gasolonia Construction has notified Petrol of its intention to resort to a Dispute Resolution Board (DRB) under their contract's dispute resolution clause. Petrol's counsel reminds his client that the dispute resolution clause provides for a preliminary to any submission to a DRB, namely amicable settlement negotiations. He discusses the wording of the clause and the conditions in which it was negotiated with his clients in order to determine whether failure to comply therewith renders any submission to a DRB inadmissible. They further discuss the conditions under which such discussions should take place: Attendants? Without prejudice character of such discussions? Need and opportunity to sign a confidentiality undertaking? Take the initiative of reminding Gasolonia Construction of this first mandatory step or remain silent and later stall the proceedings by raising a plea of inadmissibility?

*General Counsel for Petrol  
Member of Petrol's Board  
Counsels for Petrol*

**Charles A. Beach  
Basil Nichols  
Pierre Bienvenu  
Anne Véronique Schläpfer  
Guido Santiago Tawil**

11:20 COMMENTARY AND DISCUSSION: SETTLEMENT NEGOTIATIONS – EFFICIENCY AND PRUDENCE

11:35 ACT II – SCENE II – THE DISPUTE RESOLUTION BOARDS

Petrol and its outside counsel meet with an ICC representative to learn about Dispute Resolution Boards administered by the ICC. In particular, Petrol is interested in understanding the differences among traditional dispute boards, dispute adjudication boards and combined boards, and the practical effect of their decisions.

Petrol also wishes to gain insight on how a dispute board proceeding unfolds. In its discussions with its counsel and the ICC representative, Petrol leads the conversation towards the expectations it should have of the overall process, especially in light of the fact that the Board is comprised of both lawyers and non-lawyers.

*Counsel for Petrol  
Commercial Client  
ICC Counsel*

**Dushyant Dave  
Harry L. Arkin  
Nancy M. Thevenin**

11:55 COMMENTARY AND DISCUSSION: CHOOSING THE APPROPRIATE DISPUTE RESOLUTION BOARD AND THE EFFECT OF THAT DECISION ON SUBSEQUENT ARBITRATION PROCEEDINGS

12:10 QUESTIONS AND ANSWERS

12:15

### HOSTED LUNCHEON **JAMES A. BAKER, III**

*Baker Botts L.L.P.  
Houston, Texas*

*Former U.S. Secretary of State  
Former U.S. Secretary of the Treasury  
Honorary Chairman, James A. Baker III Institute for Public Policy at Rice University*

The Institute for Transnational Arbitration gratefully acknowledges

**BAKER BOTTS L.L.P.  
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*“The format is great—it is really different from other conferences.”*

—2006 Participant

## ACT III – HEARINGS BEFORE THE ARBITRAL TRIBUNAL

### 1:45 INTRODUCTION TO ACT III

C. Mark Baker, Workshop Co-Chair

### 1:55 ACT III – SCENE I – IMPACT OF LOCAL PROCEEDINGS

Gasolonia Construction has filed a claim before local courts, requesting that they order Petrol to release the sums it had withheld under the lump-sum contract, together with applicable interest, on the basis of the Dispute Resolution Board’s findings. Petrol requests the tribunal to order Gasolonia Construction to withdraw its claim before the local courts (which according to Petrol breaches the arbitration agreement), arguing that the Board lacked authority to issue a binding recommendation, and alternatively that any enforcement of a dispute board resolution should take place in arbitration and not in the local courts. Gasolonia Construction counters that domestic courts enjoy the power under Gasolonian law to enforce binding adjudications from alternative dispute resolution bodies, even where the sums are being disputed. Thus, the tribunal should allow the Gasolonian legal process to take its course.

The Arbitral Tribunal considers whether to issue an order or award, and to what extent each would be enforceable.

*Counsel for Petrol*  
*Counsel for Gasolonia Construction*  
*Local Counsel for Gasolonia Construction*  
*Arbitral Tribunal*

**Dorothy Ufot**  
**Ronald E.M. Goodman**  
**João Afonso da Silveira de Assis**  
**Teresa Giovannini, Chairman**  
**Michael Hwang, Party-appointed Arbitrator**  
**John M. Townsend, Party-appointed Arbitrator**

### 2:20 COMMENTARY AND DISCUSSION: IMPACT OF LOCAL PROCEEDINGS

### 2:35 ACT III – SCENE II – INSIGHT INTO THE ARBITRAL TRIBUNAL’S DELIBERATIONS

The arbitrators begin their deliberations by wondering why Petrol has not initiated proceedings against the Gasolonian government for providing it with erroneous data. The arbitrators also consider whether the transmittal of erroneous data could constitute hardship or unforeseeable circumstances under the contract. The tribunal also notes that a significant number of documents are incomplete or missing from the files the parties have submitted. The arbitrators consider whether they should request production of the missing documents or decide the matter based on the documents actually disclosed by the parties.

In the course of deliberations, it appears to the arbitrators that counsel for Petrol has missed a major legal argument: In light of due process requirements, on the one hand, and the tribunal’s desire to render a correct and just award, the arbitrators consider whether they should re-open the proceedings to invite the parties to address this issue and how to proceed, if they decide to re-open the case.

*Arbitral Tribunal*

**Teresa Giovannini, Chairman**  
**Michael Hwang, Party-appointed Arbitrator**  
**John M. Townsend, Party-appointed Arbitrator**

### 3:00 COMMENTARY AND DISCUSSION: INSIGHT INTO THE ARBITRAL TRIBUNAL’S DELIBERATIONS

### 3:15 BREAK

## ACT IV – INSTITUTIONAL ISSUES

### 3:30 INTRODUCTION TO ACT IV

Charles H. Brower, II, Workshop Co-Chair

### 3:35 ACT IV – SCENE I – CONSOLIDATION OF PARALLEL PROCEEDINGS

*(Fuel and Oil v. Petrol and Petrol v. Gasolonia Construction)*

In the meantime, the Gasolonian government has applied for huge liquidated damages under the PSA, which risk jeopardizing the profitability of the project for all JV partners. Fuel and Oil blame this situation on Petrol's negligence in handling its subcontractor. Therefore, they have initiated a parallel arbitration against Petrol under the ICDR's International Arbitration Rules and, pursuant to Article 37, have requested the appointment of an emergency arbitrator to prevent Petrol from dissipating its assets. Eager to ensure that Fuel and Oil bear their portion of any lump sum awarded to Gasolonia Construction in the first arbitration, Petrol favors consolidation of the two arbitration proceedings. When the other parties reject its proposal, Petrol files a request for consolidation with the ICDR, which through its solutions manager must address the Article 37 request and the request for consolidation.

*Counsel for Fuel and Oil*  
*Counsel for Petrol*  
*Counsel for Gasolonia Construction*  
*ICDR Administrator*

**Sophie Nappert**  
**William H. Taft, IV**  
**Gilberto Giusti**  
**Luis M. Martinez**

### 3:55 COMMENTARY AND DISCUSSION: CONSOLIDATION OF PARALLEL PROCEEDINGS

### 4:10 ACT IV – SCENE II – CHALLENGE OF ARBITRATORS *(Petrol v. Gasolonia Construction)*

On the eve of the arbitrators' meeting to discuss a draft of their final award, Gasolonia Construction has moved to challenge the entire tribunal, complaining about the length of the proceedings, questioning the impartiality of one tribunal member (recently appointed Secretary of State for Gasolonia's archenemy) and the ability of another member to serve for health reasons. Petrol denies that the proceedings have lasted unusually long and claims that Gasolonia Construction's "groundless" challenge reflects its fear of an adverse outcome. The ICDR administrator sets up a conference with counsel of both parties to hear arguments for and against the challenge of each arbitrator. After the conference with the parties, the ICDR administrator meets with all three arbitrators as they have just started their deliberations in a hearing room at the ICDR's offices. While one tribunal member (appointed by Gasolonia Construction) offers to resign, the others decline.

*Counsel for Gasolonia*  
*Counsel for Petrol*  
*Arbitral Tribunal*

*ICDR Administrator*

**Thomas W. Wälde**  
**J. William Rowley, QC**  
**Bernard Hanotiau, Chairman**  
**Sally Harpole, Party-appointed Arbitrator**  
**Eduardo Zuleta, Party-appointed Arbitrator**  
**Steven K. Andersen**

### 4:35 COMMENTARY AND DISCUSSION: CHALLENGE OF ARBITRATORS

### 4:50 QUESTIONS AND ANSWERS

### 5:15 CLOSING REMARKS

Prof. David D. Caron, ITA Chair

## DALLAS ROUNDTABLE

### A Meeting for Young International Arbitrators

June 20, 2007 • 6:00 p.m. - 9:30 p.m. — The Westin City Center • Dallas, Texas

*Presented by*

Institute for Transnational Arbitration  
ICDR Young & International  
LCIA Young International Arbitrators Group  
USCIB Young Arbitrators Forum

The three primary young international arbitration organizations join with ITA this year to present this special program on the eve of the Workshop. The Roundtable will include two substantive panels of young and not-so-young international arbitration specialists and will conclude with a networking reception. The Roundtable is designed for young lawyers under 40 who are practicing or interested in practicing international arbitration. CLE credit of 1.75 or 2.0 hours (depending on your jurisdiction) is available.

**Registration is free**, and includes the meeting materials and the reception.

For more information or to register, go to <http://www.cailaw.org/calendars/CLE/index.html>.

## FACULTY BIOGRAPHIES



**STEVEN K. ANDERSEN** is Vice President of International Development of the International Centre for Dispute Resolution (ICDR), a division of the American Arbitration Association (AAA). He is responsible for development activities and operations of ICDR services in Canada, much of the United States and out of the ICDR's office in Mexico City. He has over eleven years of experience developing ADR legal services throughout the most of the United States, Canada and Mexico for the ICDR and AAA. He has given countless presentations in English and Spanish, written and published numerous articles, and served as a trainer with various ADR curricula. Member of ABA, San Diego County Bar Association, member of the Board of Directors of the San Diego chapter of the J. Rueben Clark Law Society. He received his Juris Doctor from University of San Diego School of Law and his Bachelor of Arts degree from the University of Utah.



**HARRY L. ARKIN** is an international attorney, arbitrator, and mediator. He is a panelist of the American Arbitration Association, The Chartered Institute of Arbitrators (Fellow and Chartered Arbitrator), Fellow of the American College of Commercial Arbitrators, and has acted as a sole arbitrator, panelist and/or advocate in arbitration cases, including those involving CIETAC, LCIA, ICC, CRCICA (Cairo) and CDRS. He was a founding member of the Dispute "Review" (now "Resolution") Board Foundation; and is admitted to the bar of the US Supreme Court, among others. He has also taught and lectured at universities and to professional bodies in the US, England, Scotland, Australia and Austria, and has acted as counsel, consultant or arbitrator outside the U.S. in, e.g., Japan, India, Australia and Bermuda. He authored numerous articles in arbitration and business law journals and holds the highest professional legal rating, "AV" in the Martindale-Hubbell International Law Directory.



**JOÃO AFONSO DA SILVEIRA DE ASSIS** is Senior partner of Xavier, Bernardes, Bragança - Sociedade de Advogados - Post Graduate Degree in Economic Law, Master of Business Administration (MBA) in Finance, Brazilian Stock Market Institute IBMEC, Professor of Business Law, Cândido Mendes University and Catholic University of Rio de Janeiro and Institute of Business and Administration of the Catholic University of Rio de Janeiro - IAG Master. Author of several articles, Electricity Regulations in Brazil, 2003; The New Legal Regime for the Petroleum Industry in Brazil, in Scandinavian Oil-Gas Magazine 27 (Norway 1999) and Stafetta Quotidiana (Italy 1999); The Futures and Derivatives Market in Brazil, in The Futures and Derivatives Law Review (London 1994); member of Brazilian Bar Association, Portuguese Bar Association, American Bar Association; International Bar Association; Board of the Brazilian Institute of Energy Law (IBDE). Practice areas Energy, Gas and Oil, Project Finance, Mergers and Acquisitions, Corporate Law, Taxation, Arbitration and General Litigation. He has been involved in several arbitration process in Brazil and at ICC Paris.



**JAMES A. BAKER, III** has served in senior government positions under three United States Presidents. He served as the nation's 61st Secretary of State from January 1989 through August 1992 under President George Bush. During his tenure at the State Department, Mr. Baker traveled to 90 foreign countries as the United States confronted the unprecedented challenges and opportunities of the post-Cold War era. Mr. Baker served as the 67th Secretary of the Treasury from 1985 to 1988 under President Ronald Reagan. From 1981 to 1985, he served as White House Chief of Staff to President Reagan. Mr. Baker's record of public service began in 1975 as Under Secretary of Commerce to President Gerald Ford. It concluded with his service as White House Chief of Staff and Senior Counselor to President Bush from August 1992 to January 1993. Mr. Baker is presently a senior partner in the law firm of Baker Botts and Honorary Chairman of the James A. Baker III Institute for Public Policy at Rice University. From 1997 to 2004, Mr. Baker served as the Personal Envoy of United Nations Secretary-General Kofi Annan to seek a political solution to the conflict over Western Sahara. In 2003, Mr. Baker was appointed Special Presidential Envoy for President George W. Bush on the issue of Iraqi debt. In 2005, he was co-chair, with former president Jimmy Carter, of the Commission on Federal Election Reform. In 2006, Mr. Baker and former U.S. Congressman Lee H. Hamilton served as the co-chairs of the Iraq Study Group, a bi-partisan blue-ribbon panel on Iraq.



**MARK BAKER** is Co-Head of both the firm's 15 office International Department and its Arbitration and ADR Practice Group. In addition to acting as lead Counsel in cases involving energy contracts, power purchase and sale agreements, construction contracts, project finance and development agreements, joint ventures and complex financial transactions, Mark has chaired, on average, eight international arbitration cases each year since 1998. In 2006 Mark was recognized as one of the "Top 20 International Arbitration Experts" by PLC, and one of the "100 Most Influential Lawyers in America" by the National Law Journal. He is internationally ranked for his arbitration work by Chambers Global, Chambers USA, Global Counsel, LawDragon, The International Who's Who of Commercial Arbitrators, and The Best Lawyers in America.



**CHARLES A. BEACH** is Coordinator, Corporate Litigation for Exxon Mobil Corporation. He has represented clients in arbitrations under the rules of the AAA, the ICC, the Iran-U.S. Claims Tribunal, the CPR, and ICSID. On occasion, he has acted as arbitrator in international disputes. Mr. Beach is a member of the Arbitration Committee of the United States Council for International Business, the Advisory Council of the AAA in Dallas, the Advisory Board of the ITA, and the Cornell Law School Advisory Council. He is admitted to practice in New York (1974) and Texas (1991).



**PIERRE BIENVENU** is a partner of Ogilvy Renault LLP. He practices international arbitration, corporate and commercial litigation and constitutional law. He has acted as counsel in numerous domestic and international arbitrations in the fields of telecommunications, aeronautics, international distribution and joint ventures, mergers and acquisitions and foreign investment, as well as in setting aside and recognition and enforcement proceedings before Canadian courts, including the Supreme Court of Canada in one appeal concerning the arbitrability of copyright disputes and another dealing with enforceability of arbitration clauses in consumer contracts. He has also served as an arbitrator in international cases, as sole arbitrator, as member of the arbitral tribunal and as chairman. He is Senior Vice-Chair of the IBA's Arbitration Committee. A Fellow of the American College of Trial Lawyers, Mr. Bienvenu is a member of the Canadian roster of ICC arbitrators and of NAFTA's 2022 Committee. He is the Managing Partner of the firm and Co-Chair of the firm's International Arbitration practice.



**CHARLES H. BROWER, II** is Croft Associate Professor of International Law and Jessie D. Puckett, Jr. Lecturer-in-Law at the University of Mississippi School of Law, where he has taught Human Rights, International Commercial Arbitration, International Trade, the Law of Armed Conflict, and Public International Law for nearly a decade. Over that time, Brower has published some two dozen works on human rights, investor-state arbitration, jurisdictional immunities, and the law of armed conflict. Among other places, Brower's work has appeared in the American Journal of International Law, Arbitration International, the Columbia Journal of Transnational Law, the Vanderbilt Journal of Transnational Law, and the Virginia Journal of International Law. Brower currently serves on the Executive Council of the American Society of International Law and the Executive Committee of the Institute for Transnational Arbitration (ITA). He also serves as a Corresponding Editor of International Legal Materials and on the ITA Board of Reporters for [kluerarbitration.com](http://kluerarbitration.com). In the past, Brower served as Advocate for the Government of the Republic of Costa Rica in advisory proceedings before the International Court of Justice, Co-Chair of the American Society of International Law's 97th Annual Meeting, and as a Visiting Associate Professor and Scholar-in-Residence at American University in Washington, DC. Brower will spend the 2007-2008 academic year as the American Society of International Law's first Tillar House Sabbatical Fellow and as a Visiting Fellow at Cambridge University's Lauterpacht Research Centre. Brower received his B.A., *summa cum laude*, from the University of Vermont and his J.D. from the University of Virginia, where he served on the Editorial Board of the Virginia Law Review. He also enjoys membership in Phi Beta Kappa, Phi Kappa Phi, and the Order of the Coif.



**JAMES F. BULLOCK** is Senior Vice President – Litigation, Halliburton Company, a position he has occupied since June 2002. In that position, he has responsibility for all litigation, and arbitration and all employment and environmental law matters for Company, which had 2006 revenues of approximately \$24 billion. The cases he has managed have included dozens of international arbitration matters, both administered and ad hoc, involving billions of dollars in dispute on three continents and under the laws of numerous countries. Prior to joining Halliburton, Jim had practiced law for twenty years, almost exclusively in the field of complex litigation, trying cases to juries and judges in state and federal courts and before arbitral panels. He received his undergraduate degree from the University of Notre Dame and his law degree (J.D.) from The University of Tulsa College of Law. He lives with his wife, Ann, in Houston, Texas.



**DAVID H. BURT** presently serves as Corporate Counsel to the DuPont Company. After a Vale Clerkship with the Supreme Court of Delaware in 1984, Mr. Burt practiced privately as a trial attorney. Since joining DuPont in 1995, he has been a member, and then leader, of the company's trial team in the Delaware courts. Since 1999, his practice has centered on commercial litigation, with special emphasis on international arbitration and other forms of alternative dispute resolution. As both "first-chair" trial counsel and collaborator with outside counsel, he has arbitrated in the US, Asia and Europe under the laws of several countries and various rule schemes. Most recently, Mr. Burt has been active in commercial plaintiff recovery actions, and in developing the Promoting Recoveries module of the DuPont Legal Model. He lives in Delaware with his wife Audrey Whiteside and two teenaged sons.



**DAVID D. CARON** is the C. William Maxiener Distinguished Professor of Law at the Boalt School of Law of the University of California at Berkeley. Following his graduation from the Boalt School of Law at the University of California at Berkeley, he served as legal assistant successively to Judges Richard M. Mosk and Charles N. Brower at the Iran-United States Claims Tribunal in The Hague. Professor Caron writes and teaches in the area of international dispute resolution. From 1996 to 2003, he also served as a member of the Precedent (E2) Panel of the United Nations Compensation Commission resolving claims arising out of the Gulf War. Professor Caron currently serves as an arbitrator in several ICSID and NAFTA arbitrations, and is a member of the U.S. Department of State Advisory Committee on Public International Law. In 2006, Oxford University Press published a Commentary on the UNCITRAL Arbitration Rules authored by Professor Caron, Judge Matti Pellonpää of the European Court of Human Rights and Lee Caplan of the U.S. Department of State. Professor Caron is Chair of the Advisory Board of the Institute for Transnational Arbitration.

## FACULTY BIOGRAPHIES



**ALAN R. CRAIN** is S.V.P. & General Counsel of Baker Hughes Inc. (technology & services – USA / operations in 90+ countries). He has been General Counsel of two other multinationals and is a member of the Board of Mariner Energy (NYSE listed). He has more than 25 years experience as an arbitrator in a broad range of cases involving international commercial matters. He has been appointed chair in over 50 tribunals for the A.A.A., I.C.D.R., NYSE, NASD, I.C.C. and for arbitration under the UNCITRAL Rules. He was an adjunct Professor of International Law at the University of Houston for 10 years, Chairman of the Houston World Affairs Council as well as the Houston Committee on Foreign Relations and served on the Executive Board of the Philadelphia Committee on Foreign Relations.



**DUSHYANT DAVE** is a Senior Advocate of the Supreme Court of India at New Delhi. He is one of the leading practitioners in the field of commercial and corporate laws. He also commands a wide practice in the field of Arbitration. He is a member of the National Legal Services Authority, a statutory body created by Parliament. He is a member on the LCIA Court and he is currently the President of the Asia-Pacific User's Council of the LCIA. He is also Secretary of the Mediation Committee of the IBA.



**JEAN-YVES GARAUD** is a partner at Cleary Gottlieb Steen & Hamilton resident in the Paris office. Mr. Garaud specializes in international and domestic commercial arbitration and litigation. He has represented parties in several institutional and ad hoc arbitration conducted in French and English relating in particular to oil and gas disputes, protection of foreign investments and sovereign immunities. He is a member of the Paris and New York Bar.



**TERESA GIOVANNINI** has been a Partner at Lalive (Geneva, CH) since 1992. She is a member of the ITA (Advisory Board), of the CIA (FCIArb) (Examination Board), of the LCIA (Court Member), of the ICC Institute of the World Business Law (Council Member), of the ILA (Swiss Alternate Member). She is the author of various publications and reports in the field of International Arbitration and is a speaker at numerous conferences on international arbitration (in particular with the ICC Institute of Business Law, the CIA, ITA, IBA). She has been involved in over 100 international arbitration proceedings, both ad hoc and institutional; as counsel, sole arbitrator, party appointed arbitrator or chairperson. She is registered with the following panels of arbitrators: ICC, Swiss National Committee; AAA; ICHEIC (London), CRCICA (Cairo).



**GILBERTO GIUSTI** is a partner at Pinheiro Neto - Advogados in São Paulo, Brazil, and heads one of the commercial litigation and arbitration groups of the firm. Mr. Giusti recently chaired the British Chamber of Commerce and Industry in Brazil, and the Council of European Chambers of Commerce in São Paulo - Eurochamber, and participated in the creation of its Mediation and Arbitration Center. He is member of the Board of the American Arbitration Association (AAA), member of the Arbitration Commission of the International Chamber of Commerce in Brazil (ICC Brazil), Vice-President of the Arbitration Committee of the International Bar Association (IBA), and is an arbitrator listed with prominent Brazilian arbitration institutions.



**MICHAEL S. GOLDBERG** is a partner at the international law firm of Baker Botts L.L.P. Mr. Goldberg is Chair of the Firm's International Litigation and Arbitration practice. While based in Houston, his practice for the past twenty-five years has him working at the Firm's offices in Hong Kong, Moscow, London, Washington and New York on a routine basis. As a snapshot, he is currently lead counsel in active arbitrations under the ICC, LCIA, Zurich Chamber of Commerce and AAA, with claims exceeding 15 billion dollars. He is a frequent speaker on the subject of international arbitration.



**RONALD GOODMAN** is a partner at Winston & Strawn, LLP in Washington, D.C., where he heads the office's Arbitration Group and is co-head of the firm's Global International Arbitration Group. His practice focuses on investor-state, energy, commercial, construction and project dispute matters. He has represented many parties in institutional and ad hoc arbitrations and was a member of the legal staff of the Iran-U.S. Claims Tribunal. Ron holds a J.D. from Columbia University and a Ph.D. from Princeton University. He is admitted to the bars of D.C. and New York.



**BERNARD HANOTIAU** is a partner with Hanotiau & van den Berg in Brussels. He is also professor of arbitration law at the University of Louvain. Since 1980, he has been involved in more than 220 arbitration cases as counsel, party-appointed arbitrator, chairman, sole arbitrator or expert, in all parts of the world. He is member of the panel of arbitrators of, or regularly appointed by, numerous institutions, including ICC, LCIA, ICSID, NAI, CEPANI, CIETAC, BAC. He is vice chairman of the ITA, of Cepani, and of the LCIA Court.



**SALLY HARPOLE** - Regarded as a pioneer in the field of Chinese law, Sally Harpole has advised multinationals in all major industry sectors regarding trade, investment and dispute resolution matters in the People's Republic of China for 30 years. She is fluent in Chinese (Mandarin) language, is qualified to practice law in both Hong Kong and California and has extensive experience as an arbitrator in China and Hong Kong, as well as

in Singapore and Europe. Ms. Harpole is Co-Chair of the Arbitration Committee of the International Bar Association and serves on the Governing Council of the Hong Kong International Arbitration Centre. She is a Visiting Professor and Senior Fellow of the Straus Institute of Dispute Resolution.



**CARLA POWERS HERRON** - Before joining Shell in 2000, Carla was a trial lawyer for twenty-two years and an equity partner in Shook, Hardy & Bacon, L.L.P. She specialized in complex commercial and product liability cases, representing such clients as Philip Morris, Inc. (tobacco litigation), Koch Industries (royalty and shareholder litigation), Bristol-Myers Squibb (pharmaceutical and medical device litigation) and the City of Houston Municipal Employees' Pension System (securities litigation). In addition to maintaining a full-time practice, Carla was adjunct professor of law at the University of Houston Law Center for fourteen years, teaching trial advocacy, mass tort litigation and pre-trial procedure. She is currently worldwide head of litigation for the Shell Group, responsible for overseeing the Group's most significant litigation around the world and maintaining systems for litigation/dispute resolution identification, logging, reporting and risk assessment.



**MICHAEL HWANG S.C.** practices as a barrister and international arbitrator based in Singapore. He is Vice Chair of the ICC Court, Vice President of ICCA, Member of LCIA and Trustee of the Dubai International Arbitration Centre. He also serves as Deputy Chief Justice of the Court of the Dubai International Financial Centre and Singapore's Ambassador to Switzerland. Former appointments include being an Acting High Court Judge in Singapore and a United Nations Compensation Commissioner.



**MICHELLE M. LEETHAM** is Principal Counsel and Manager of Litigation for Bechtel Corporation in San Francisco. A graduate of Boalt Hall School of Law in Berkeley and former law clerk for the California Supreme Court, Michelle joined Bechtel in 1993 from Brobeck, Phleger & Harrison, where she litigated commercial, employment and insurance coverage matters. At Bechtel, she manages the litigation department, represents the company in mediations and arbitrations, manages outside counsel on various litigation matters, provides advice and counseling on a wide variety of issues, and represents the company in government audits. Michelle has led the effort in developing Alternative Dispute Resolution Programs for Bechtel, and she is a regular contributor to bar association and other legal group efforts to promote the use of ADR. The department she manages is responsible for Bechtel's global caseload of uninsured lawsuits and arbitrations, including class actions, complex construction disputes, employment and other commercial matters.



**CAROLE MALINVAUD** is a partner at Gide Loyrette Nouel in Paris where she concentrates her practice in international litigation and more particularly arbitration for the last sixteen years. She has represented parties or served as arbitrator in many institutional and ad hoc arbitrations conducted in French, in English or in Spanish and relating in particular to infrastructure projects, protection of foreign investments, mergers, license and distribution contracts and joint venture contracts. She is a member of the ICC Commission on International Arbitration. Carole Malinvaud holds a J.D. and a master degree from the University of Paris II, and a LL.M degree from Harvard law school. She is a member of the Paris and the New York bars.

**LUIS M. MARTINEZ** is the Vice President of the International Centre for Dispute Resolution located in New York. Mr. Martinez serves as an integral part of the ICDR's international strategy team and is responsible for international arbitration and mediation business development for the North-East (from Washington, D.C. to Maine, including New York City) and Central and South America. Luis M. Martinez is also the Vice President of the Inter-American Commercial Arbitration Commission. Mr. Martinez joined the AAA in 1996 as the first attorney hired to staff the newly created ICDR and later served as the ICDR's first director. For the last several years Mr. Martinez worked as the Vice President responsible for the ICDR's international administrative services and prior to that he held the position of a staff attorney for the AAA's Office of the General Counsel before assuming his current position. Mr. Martinez received a Bachelor's Degree from Georgian Court College and a Juris Doctor degree from St. John's University School of Law. He has had several articles published on international arbitration and has appeared as a speaker in numerous programs throughout the world. Mr. Martinez is admitted to practice law in the State of New York and the State of New Jersey. He is fluent in Spanish.



**SOPHIE NAPPERT** is the Head of Denton Wilde Sapte LLP's International Arbitration Group. She is a dual-qualified lawyer in the UK and in Canada, who is trained and has practised in both civil law and common law jurisdictions. She advises on the strategy and management of international disputes, particularly in energy, large projects and disputes involving State parties. Sophie sits on the UNCITRAL Working Group on International Commercial Arbitration, presently carrying out a review of the UNCITRAL Arbitration Rules, as well as on several task forces looking at current arbitration issues, notably with the IBA and the ICC. She is a Committee member of the International Arbitration Club and a member of the Editorial Board of Sweet & Maxwell's International Arbitration Law Review. She holds degrees in both common law and civil law from McGill University's Faculty of Law, a Masters Degree in Law from the University of London and a Diploma in Public International Law from the Institute of International and Comparative Law at Magdalen College, Oxford.

## FACULTY BIOGRAPHIES



**BASIL NICHOLS** is an Associate General Counsel in charge of commercial litigation for El Paso Corporation, and offices at El Paso's Houston, Texas headquarters. In his representation of the company he has managed and participated in several ICC, UNCITRAL, and AAA arbitrations, several of which involved power assets owned by El Paso.



**CONSTANTINE PARTASIDES** is a partner in Freshfields Bruckhaus Deringer's international arbitration group, and is a solicitor of the Supreme Court of England and Wales. For the last eight years, he has been based in Freshfields' Paris office. He has acted as counsel and arbitrator in approximately fifty ad hoc and institutional arbitrations, and in recent years has specialized in arbitrations involving eastern European and CIS parties, arising under contracts and investment treaties, acting for both investors and states.

Constantine is a co-author of a leading treatise on international arbitration, the fourth edition of Redfern & Hunter's "Law and Practice of International Commercial Arbitration", and is the news editor of Sweet & Maxwell's International Arbitration Law Review. He is also a former co-chairman of the LCIA's Young International Arbitration Group, and a former editor of the ICCA Handbook. Constantine was educated at King's College, London and Cambridge University. He speaks English, French and Greek.



**J. WILLIAM ROWLEY, QC** is the Chairman of McMillan Binch Mendelsohn LLP since 1996, where he heads the firm's competition law and international arbitration practices and advises on corporate governance. Since 2002, an arbitrator member of 20 Essex Street, one of England's pre-eminent sets of barrister's chambers, through which he accepts arbitral appointments. Mr. Rowley is described as a "star performer" (Legal Business Arbitration Report 2006) and "one of London's "super arbitrators" (Global Arbitration Review, May 2006) and "one of the elite international arbitrators" who is "putting Canada front and centre in the field of international arbitration" (The New Peacekeepers, 2005). Co-author of Rowley & Baker: International Mergers - the Antitrust Process (3rd edition, Sweet & Maxwell, 2007), he is also General Editor, Arbitration World, The European Lawyer, Reference Series (2nd Edition 2006) and Chairman, Editorial Board, Global Arbitration Review, Law Business Research. Past Chairman, IBA Section on Business Law, and previously, of its Antitrust and Trade Committee. Co-founder and Chairman, Global Forum on Competition and Trade Policy, London and Washington, DC; Chairman, Editorial Advisory Board, Business Law International; Advisory Board, Antitrust and Trade Regulation Report; Antitrust Editor, ABA, Canadian Law Newsletter; Editorial Board, Antitrust Report. Ontario Bar (1970); Special Calls various other Bars; Created QC (1982).



**CLAUDIA T. SALOMON** is co-chair of DLA Piper's International Arbitration Practice and a Partner in the New York office. She has experience handling investor treaty arbitration and international commercial arbitration cases under all of the major rules. Claudia has litigated in connection with arbitration, including enforcing arbitral awards worldwide and obtaining emergency relief, and she regularly advises on the drafting of arbitration agreements. Claudia was selected as "45 under 45" in international arbitration by the Global Arbitration Review, and she is included in the International Who's Who of Commercial Arbitration. She has published numerous articles and delivered many presentations about international arbitration.



**ANNE VÉRONIQUE SCHLÄEPFER** is a partner at Schellenberg Wittmer in Geneva. Her practice focuses on international arbitration. She has acted as counsel in numerous arbitration cases relating, *inter alia*, to joint ventures, post mergers and acquisitions disputes, corporate affairs, building construction and engineering contract, energy (upstream and down stream), sales (building materials, specialized equipment). She also serves as an arbitrator (chairman or member of the arbitral tribunal). Anne Véronique Schlaepfer is a member of the Arbitration Committee of the Geneva Chamber of Commerce. She is a co-founder of ASA Below 40 and of the Young Arbitration Practitioners (YAP).



**WILLIAM H. TAFT, IV** is of counsel in Fried Frank's Washington office. He was a partner in the firm from 1992 until 2001. He served as Legal Advisor to the Department of State from 2001 until 2005. Mr. Taft served previously as U.S. Ambassador to NATO, 1989-1992; Deputy Secretary of Defense, 1984-1989; General Counsel, Department of Defense, 1981-1984; and General Counsel, Department of Health, Education and Welfare, 1976-1977. Mr. Taft concentrates his practice in government contracts, international trade, and international litigation and arbitration. He received his JD from Harvard and his BA from Yale. He is admitted to practice in the District of Columbia.



**GUIDO S. TAWIL** heads the regulatory and arbitration practices at M. & M. Bomchil. Vice-chairman of the IBA's Arbitration Committee and Senior Vice-chairman of its Latin American Forum. Senior Professor of Administrative Law at Argentina's main universities. Author of 5 books. Awarded with the University of Buenos Aires Law School Award for the best doctoral dissertation and with the Shaw Award for the best legal contribution. Member of the ICC Latin American Arbitration Group. Acts as counsel, expert witness or arbitrator under ICC, ICSID and LCIA rules. He holds a J.D., an LL.M and a Ph.D., with the highest academic qualifications from the University of Buenos Aires.



**NANCY M. THEVENIN** is Deputy Director of Arbitration and ADR for North America for the ICC International Court of Arbitration, and in that capacity advises attorneys and companies on all phases of ICC arbitration, ADR, Dispute Boards, Appointing Authority and Expertise Rules. Before joining the ICC, Ms. Thevenin practiced international litigation and arbitration in Miami, Florida. She

currently serves on several committees of the International Law Section of the American Bar Association, as Vice-Chair of the Arbitration Committee for the Inter-American Bar Association, and Co-Chair of the Arbitration and ADR Committee of the International Law and Practice Section of the New York State Bar Association.



**JOHN M. TOWNSEND** is a partner in the Washington, DC office of Hughes Hubbard & Reed LLP and chairs that firm's Arbitration and ADR Group. He is a member of the Board of Directors of the American Arbitration Association and is the Chairman of the AAA's Executive Committee. He served on the committees that drafted the AAA's International Arbitration Rules and the AAA's Supplementary Rules for Class Arbitrations. Mr. Townsend is a Trustee as well as a member of the Arbitration and Competition Law Committees of the U.S. Council for International Business and chairs the U.S. Council's European Privilege Task Force. He is a member of the Arbitration Committee and the Challenge Review Board of CPR, a member of the American Law Institute, and a member and a director of the College of Commercial Arbitrators. He was the 2005-2006 Chair of the Mediation Committee of the International Bar Association. Mr. Townsend is a graduate of Yale University (B.A., 1968) and Yale Law School (J.D., 1971).



**DOROTHY UFOT** is a partner since 1994 of the law firm of Dorothy Ufot & Co. (Lagos, Nigeria). She is a Fellow of the Chartered Institute of Arbitrators and a Chartered Arbitrator. She is vice-chair Arbitration Committee of the IBA and Council Member, IBA Legal Practice Division. Mrs. Ufot is a member of the ICC International Court of Arbitration and the ICC Commission on International Arbitration. She is a member of the following panels of arbitrators: ICDR, Chartered Institute of Arbitrators and the Regional Centre for International Commercial Arbitration, Lagos, Nigeria. She often speaks at numerous International Conferences on Oil and Gas and International Arbitration, particularly the IBA and the Nigerian Bar Association (NBA). She has been involved in various arbitration proceedings as sole arbitrator, party-appointed arbitrator or chairperson in oil and gas, construction and financial services disputes. She is a member of several arbitration institutions including the Swiss Arbitration Association.



**THOMAS W. WÄLDE** - Professor & Jean-Monnet Chair; (until 2001 Executive Director) Centre for Energy, Petroleum & Mineral Law & Policy, University of Dundee, Scotland ([www.cepmplp.org](http://www.cepmplp.org)). Former UN interregional adviser (petroleum, mineral and investment law responsible for legislative reform, contract negotiations and dispute resolution). Since 2002, mediator, arbitrator, expert counsel and expert in international disputes (energy, mining, finance and commercial) ECT, BITs, UNCITRAL, NAFTA and ICSID. Dr. iur (Frankfurt), LL.M. (Harvard); Editor of *W.J. World Inv.*; OGEL ([www.gasandoil.com/ogel](http://www.gasandoil.com/ogel)); TDM ([www.transnational-dispute-management.com](http://www.transnational-dispute-management.com)); Moderator: OGEMID/ENATRES electronic discussion forums; Frankfurt bar; Essex Court Chambers (London). Adviser to most int'l agencies, governments and companies in the oil, gas and energy field (IEA, APEC, OPEC, UN, EC; WB et. al.)



**EDUARDO ZULETA** is a partner of Zuleta & Partners Legal Group, in Bogotá, Colombia. Mr. Zuleta specializes in international dispute resolution through arbitration. Mr. Zuleta has particular experience in matters involving disputes between private parties and with State entities and in matters related to M&A, project finance, construction contracts, and distribution agreements. He has represented private parties in international arbitration and has acted sole arbitrator and chairman in international arbitration. Mr. Zuleta is professor in international arbitration and commercial law, a member of LCIA, member of the advisory board of ITA and ACI Arb. He is the author of several articles on international arbitration and director of the International Journal of Arbitration (Revista Internacional de Arbitraje).

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The Symposium this year will focus on **Brazil: Drilling to the Point – A Practical Guide for Lawyers and Business Leaders**.

Co-chaired by **Jose Luis de Salles Freire** (Tozzini Freire Advogados, Sao Paulo) and **Dr. Anton Maurer** (Hasche Sigle, Stuttgart), featured presenters include **Thomas F. McClarty** (former Chief of Staff to President Clinton and currently with Kissinger McClarty, Washington D.C.) and **Donald Francis Donovan** (Debevoise & Plimpton, LLP, New York).

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The Hague, The Netherlands

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Pepperdine University School of Law  
Malibu, CA

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University of Paris  
Paris, France

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Emory University School of Law  
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Pace University  
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Bergisch-Gldbach, Germany

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The Fletcher School of Law & Diplomacy  
Medford, MA

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College of Commerical Arbitrators  
Hong Kong, China

### Eduardo Silva Romero

Dechert LLP  
Paris, France

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Katholieke Universiteit Leuven  
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# JOIN THE INSTITUTE FOR TRANSNATIONAL ARBITRATION

## INSTITUTE FOR TRANSNATIONAL ARBITRATION OF THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

The Institute for Transnational Arbitration (ITA) provides advanced, continuing education for lawyers, judges and other professionals concerned with transnational arbitration of commercial disputes. Through its programs, scholarly publications and membership activities, ITA has become an important global forum on contemporary issues in the field of transnational arbitration. The Institute's record of educational achievements has been aided by the support of many of the world's leading companies, lawyers and arbitration professionals. Membership in the Institute for Transnational Arbitration is available to corporations, law firms, professional organizations and individuals.

### MISSION

Founded in 1986 as a division of The Center for American and International Law, the Institute was created to promote global adherence to the world's principal arbitration treaties and to educate business executives, government officials and lawyers about arbitration as a means of resolving transnational business disputes.

### WHY BECOME A MEMBER?

Membership dues are more than compensated both financially and professionally by the benefits of membership. Depending on the level of membership, ITA members may designate multiple representatives on the Institute's Advisory Board, each of whom is invited to attend, without charge, the annual ITA Workshop, the annual ITA Advisory Board Dinner Meeting later that evening and the ITA Forum (the following morning) - an informal, invitation-only roundtable discussion on current issues in the field.

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- Member discount at all other ITA programs;
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- The opportunity to participate in the committees, leadership and other activities of the Advisory Board;
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\*Supporting Members may designate *three* Advisory Board Representatives and Sustaining Members may designate *six* Advisory Board Representatives. Please use a separate page for additional delegates.

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Name of person to serve on Advisory Board\* \_\_\_\_\_

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PAYMENT MUST ACCOMPANY REGISTRATION

## GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by June 1, 2007. Email cburkel@cailaw.org. After these dates, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

**HOUSING:** The cost of housing is not included in the course registration fee. However, rooms have been reserved at The Westin City Center, 650 North Pearl Street, Dallas, Texas 75201. Registrants should call 214-979-9000 or 1-800-WESTIN1 and advise them that you are registering for the ITA program or you can reserve a room online by visiting our website, www.cailaw.org, select the CLE web calendar and then 18th Annual ITA Workshop. A reduced room rate of \$179 + 15% occupancy tax is available if you advise the hotel that you are attending this program. The last day to obtain this special rate is May 19, 2007.

**NONDISCRIMINATION POLICY:** The Center for American and International Law does not discriminate on the basis of race, sex, sexual orientation, color, religion, national origin or ancestry, age or handicap educational programs and activities.

**MCLE CREDIT:** This course has been approved by the State Bar of Texas for 6.75 hours, including 0 hours of ethics. Course ID Number: 900021010. Sign-in sheets and/or certificates of attendance will be available for ALL states.

## REGISTRATION

### 18th Annual ITA Workshop

### INSIDER INSIGHTS: COMPLEX ENERGY DISPUTES

June 21, 2007

The Westin City Center • Dallas, Texas

**Registration includes the Workshop, luncheon and course materials. Payment must accompany registration. ITA Advisory Board Representatives, members of the Academic Council and members of the Board of Reporters will be contacted separately to RSVP for the additional activities on Thursday and Friday.**

Check applicable box:

	Received <u>by June 1</u>	Received <u>after June 1</u>
Regular Registration Fee	<input type="checkbox"/> \$450	<input type="checkbox"/> \$495
2007 ITA Members:		
Advisory Board Member	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
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IEL Advisory Board Member	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
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I am under the age of 40 and will attend the Dallas Roundtable for young international arbitrators on June 20 (Cost is \$0 - see page 5 for details)

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INSTITUTE FOR  
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THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW

# *18<sup>th</sup> Annual ITA Workshop* **Insider Insights** COMPLEX ENERGY DISPUTES

THE WESTIN CITY CENTER • DALLAS, TEXAS

**June 21, 2007**



*"High quality speakers;  
very dynamic presentations;  
wide variety of topics covered."*

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