



ICC CANADA INTERNATIONAL ARBITRATION CONFERENCE 2020



Friday, September 25, 2020, 10:30 a.m. to 2:45 p.m. EST

Agenda

10:30 a.m.	Conference Opens
10:45 a.m.	Opening Remarks by Tina Cicchetti, ICC Canada Chair
11:00 a.m.	<p>Virtual Proceedings – The Good, the Bad and the Ugly (90 minutes) <i>Co-hosted by ArbitralWomen</i></p> <p>Moderator: Louise Barrington, Arbitrator, Arbitration Place (Toronto) / Aculex Transnational (Hong Kong)</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Alexis Mourre, President, ICC Court (Paris) • John Judge, Arbitrator, Int-Arb (London) / Arbitration Place (Toronto) • Yasmine Lahlou, Partner, Chaffetz Lindsey (New York) • Sandra Gonzalez, Partner, Ferrere (Montevideo)
12:30 p.m.	Fireside Chat with Alexis Mourre & Tina Cicchetti (30 minutes)
1:00 p.m.	<p>International Arbitration and Insolvency Proceedings in the Wake of COVID-19 (90 minutes) <i>Co-hosted by INSOL International</i></p> <p>Moderator: Hon. Paul Heath, Q.C., Arbitrator, Bankside Chambers (Auckland and Singapore)</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Hon. Frank J.C. Newbould, Q.C., Arbitrator, Arbitration Place (Toronto) • Dr. Stephan Madaus, Professor, Martin Luther University Halle-Wittenberg (Germany) • Sue Prevezer, Q.C., Arbitrator, Brick Court Chambers (London) • Nicole Y. Silver, Shareholder, Greenberg Traurig LLP (Washington, DC)
2:30 p.m.	Closing Remarks by Janet Walker, ICC Canada Vice-Chair

Biographies



Louise Barrington

Arbitrator, Arbitration Place (Toronto) / Aculex Transnational (Hong Kong)

Louise Barrington is a chartered arbitrator and accredited mediator, legally qualified in Ontario, New York and England. A multicultural Canadian, she also holds a British passport. Ms Barrington is principal of Aculex Transnational Inc. She frequently acts as sole arbitrator, co-arbitrator named by parties and by institutions, and has chaired ICC and ad hoc panels.

In addition to arbitrating, she also lends her expertise to the legal profession, both by teaching and by discreetly advising law firms on international arbitration practice. She has taught international, commercial, construction and arbitration law at University of Ottawa, King's College London, City University of Hong Kong, LaTrobe in Melbourne and Georgetown in Washington. She has arbitrated or advocated in cases under ICC, HKIAC and UNCITRAL Rules, including wrongful dismissal, international sales, banking, licensing, construction and shareholder disputes. Ms Barrington established ICC Asia in Hong Kong, the first-ever regional office of the International Chamber of Commerce. In that role she acted as an arbitration resource for businesses from Pakistan to New Zealand.

Louise founded and continues to direct the annual Vis East International Arbitration Moot and is the founder and honorary president of ArbitralWomen. She is active in the Chartered Institute of Arbitrators, having held elected office for years in Asia, and currently serves on the Education Committee in London. She is a member of ICC's arbitration committees in Canada and Hong Kong, participates regularly in the Paris Commission meeting and chaired its Small Claims Guidelines committee. Ms Barrington speaks English and French fluently, plus conversational Spanish and a little German and Mandarin.



Alexis Mourre

President, ICC Court (Paris)

Alexis Mourre has served as parties' counsel, President of the Tribunal, Co-Arbitrator, Sole Arbitrator or Expert in more than 260 international arbitrations, both ad hoc and before most international arbitral institutions (ICC, ICSID, LCIA, ICDR, SIAC, SCC, DIAC, VIAC, etc.). He established his own arbitration practice in May 2015, after having founded Castaldi Mourre & Partners in 1996, now a 35 lawyer firm specializing in arbitration and dispute resolution.

He is the author of numerous books and publications in the field of International Business Law, Private International Law and Arbitration Law. He is founder and former editor in chief of *Les Cahiers de l'Arbitrage* – The Paris Journal of International Arbitration, a leading French publication in the field of Arbitration.

Since July 1st 2015, Alexis Mourre has been the President of the ICC International Court of Arbitration, and was Vice-President of the Court from 2009 to 2015. He was Vice President of the ICC Institute of World Business Law from 2011 to 2015. Formerly, he had served as co-chair of the IBA Arbitration

Committee (2012-2013), LCIA Court member (2012-2015) and Council member of the Milan International Chamber of Arbitration (2006-2014). He is a member of a large number of scientific and professional institutions dedicated to Arbitration and Private International Law. He is the founder and former president of Paris Place d'Arbitrage/Paris the Home of International Arbitration.

He is fluent in French, English, Italian and Spanish, and has a working knowledge of Portuguese.



Yasmine Lahlou

Partner, Chaffetz Lindsey (New York)

Fluent in English, French and Italian, Yasmine Lahlou has over 15 years of experience in international arbitration and litigation and has been with Chaffetz Lindsey since 2009. Initially trained in Paris and admitted in New York, Yasmine is experienced in civil and common law systems. Yasmine has represented clients in arbitration proceedings conducted under the ICC, ICDR, LCIA, UNCITRAL and ad hoc rules. She has acted as a sole and co-arbitrator in ICC and Stockholm Chamber of Commerce (SCC) arbitrations.

Yasmine practiced in Paris for over four years at Castaldi Mourre & Partners, before joining Clifford Chance in New York in 2005.

Yasmine was named number one on the Who's Who Legal 2019: Future Leaders – Arbitration list for the Americas, and has been recognized in Chambers USA and Super Lawyers. Formerly a co-chair of the Middle East Committee of the ABA International Law Section, Yasmine is now vice-chair of the International Litigation and International Arbitration Committees. Yasmine is a member of the ICC's Dispute Resolution Bulletin Editorial Board. She is also a Peer Review Board member of the American Review of International Arbitration (ARIA) at Columbia Law School.



John Judge

Arbitrator, Int-Arb (London) / Arbitration Place (Toronto)

John Judge is an Arbitrator and Barrister with Int-Arb Arbitrators Chambers in London, UK and a Resident Arbitrator at Arbitration Place, Toronto. He sits as arbitrator in international and domestic Canadian arbitrations in commercial disputes arising in a wide range of industries, including mining, oil and gas, energy, construction, engineering, infrastructure and real estate, technology and telecommunications, insurance, banking and investment. He has been recognized in all major rankings for international arbitration, most recently in Band 1 in Canada for Chambers Partners Global 2020. He has chaired ad hoc arbitrations as well as arbitrations under the rules of the leading arbitral institutions.

Mr. Judge may be reached at jjudge@judgearbitration.com.



Sandra Gonzalez

Partner, Ferrere (Montevideo)

Sandra González leads FERRERE’s Litigation and Arbitration team. She advises companies and individuals in commercial arbitration and litigation. In this work she assists international and local companies operating in different areas of activity, and specializes in complex, multi-jurisdiction cases. She is currently representing a multinational construction company in an arbitration proceeding against the corporate owner of the largest direct investment in Uruguay, as well as a foreign bank in a multi-jurisdictional dispute in connection with its private banking services, and an investment fund in an international dispute against the Uruguayan State deriving from regulatory changes. For a number of years she has represented three major international financial groups – JPMorgan Chase, Credit Suisse and Commerzbank - in a series of litigations deriving from liquidation of Uruguay’s largest commercial bank, for approximately 1.6 billion dollars. These cases involve actions in Argentina and the United States, and González coordinates on them with other international firms. González led the FERRERE team acting in New York along with US professionals, and in both cases achieved favorable results for the firm’s clients. These arbitrations resolved complex claims for more than one billion dollars.

González is Associate Professor of Law at Universidad ORT Uruguay, and teaches various courses in masters’ programs at that university. She is the author of articles on various aspects of international commercial arbitration and coauthor of the Uruguayan chapter of the book Arbitraje Comercial Internacional en América Latina (International Commercial Arbitration in Latin America). She participates regularly as panelist on arbitration and foreign investment issues at specialized international conferences.

She is a member and active participant in the International Section of the American Bar Association, acting as Uruguay representative to the membership committee. She is a founding member of the Latin American Council of the New York State Bar Association and of the River Plate Chapter of Club Español de Arbitraje (Spanish Arbitration Club), and also participates in the Latin American Arbitration Association. She was named Uruguay’s alternate member to the ICC’s Court of Arbitration and holds an LL.M. from Harvard Law School. González is recommended by LACCA Approved lawyers.



Hon. Paul Heath, Q.C.

Arbitrator, Bankside Chambers (Auckland and Singapore)

The Hon. Paul Heath QC was admitted to the New Zealand Bar in 1978, practised as a partner of a firm of barristers and solicitors until 1996, and was appointed Queen’s Counsel in 1998. Between 1997 and 2002, Paul was a member of the New Zealand Law Commission, an independent statutory law reform agency, and was responsible for work that led to New Zealand’s adoption of the UNCITRAL Model Law on Cross-Border Insolvency and improvements to the Arbitration Act 1996 (NZ). He was also admitted in Australia in 1990.

In March 2002, Paul, at the age of 46 years, was appointed as a Judge of the High Court of New Zealand. He also sat as an ad hoc Judge of the Court of Appeal of New Zealand between 2003 and 2017. Since retiring as a High Court Judge, in April 2018, Paul returned to practise at Bankside Chambers in Auckland, primarily as an arbitrator. Bankside also has a presence at Maxwell Chambers in Singapore. Paul is an Associate at South Square in London.

In addition to both international and domestic arbitrations, since his retirement Paul has been engaged by the World Bank and INSOL International as part of their faculty at judicial colloquia held in Mauritius and India to provide an international perspective on restructuring and insolvency law. He has also undertaken assignments for the Asian Development Bank; judicial capacity building work in Myanmar and consultation about commercial law, investment and contract enforcement in Sri Lanka. Much of that work stemmed from Paul's prior involvement as a member of UNCITRAL's Working Group on Insolvency Law, which he chaired on two occasions, in 1999 and 2001 respectively. Paul was also responsible for preparation of the first draft of the UNCITRAL Model Law on Cross border Insolvency: The Judicial Perspective (available at www.uncitral.org) during a period as Visiting Scholar at UNCITRAL in Vienna. Combining two areas of expertise, Paul (together with Dr Anna Kirk of Bankside Chambers) recently authored an article "Arbitration and Insolvency Disputes – A Question of Arbitrability" which was published by INSOL International in July 2020 as a Special Report.

In 2000, Paul was elected as a Fellow of the American College of Bankruptcy. At the time, he was only the 19th non-American to be elected as a Fellow. He is co-consulting editor of the leading New Zealand text, Heath & Whale on Insolvency. In 2018, Paul was engaged by the Justice Select Committee of the New Zealand Parliament as an independent adviser on the Arbitration Amendment Bill 2018. In June 2019, he was appointed as a member of P.R.I.M.E Finance's Panel of Experts for dispute resolution.

Paul is a Fellow of both the Arbitrators' and Mediators' Institute of New Zealand and the Chartered Institute of Arbitrators (UK), and is a Chartered Arbitrator. As well as being on panels and lists maintained by international organisations, for example in Singapore and Hong Kong, Paul continues to undertake some judicial work in the Pacific Islands. He has served as a Judge of the Court of Appeal of Vanuatu and is presently serving as a Judge of the Court of Appeal of Kiribati and as President of the Court of Appeal of the Pitcairn Islands.



Sue Prevezer, Q.C.,
Arbitrator, Brick Court Chambers (London)

Sue Prevezer is a senior barrister with over 30 years of experience in commercial litigation at every level of the UK judicial system and in various arbitration forums. Sue sits as a Deputy High Court Judge in the Chancery Division of the High Court and as an arbitrator. She is also a CEDR Mediator and is admitted to the Bar in both the Cayman and the BVI.

Sue is also on the register of arbitrators and mediators with the LCIA, ICC and LCAM and regularly takes arbitration appointments as Chair, sole and party appointed arbitrator.

Sue was at South Square Chambers for 8 years practising exclusively as an insolvency lawyer and since then has been involved in numerous high profile insolvency cases, including Re Sigma Finance Corp in the Supreme Court and Titan 2006 litigation in the Court of Appeal.



Hon. Frank J.C. Newbould, Q.C.
Arbitrator, Arbitration Place (Toronto)

Mr. Newbould was appointed to the Ontario Superior Court of Justice in 2006. Until his retirement on June 1, 2017, he was from 2013 the head of the Commercial List in Toronto, the country's leading commercial court tasked with hearing a wide variety of complex cases including domestic and cross-border insolvency matters, corporate amalgamations and reorganizations, proceedings for relief under business corporation legislation, and oppression actions. In 2014, he presided over the first cross-border joint trial with the Delaware Bankruptcy Court in the Nortel insolvency litigation involving the allocation of \$7.3 billion.

Prior to his appointment to the bench, Mr. Newbould was a partner at Borden Ladner Gervais in Toronto with a broad litigation and arbitration practice involving corporate and commercial disputes, banking and insolvency matters, class actions, re-insurance disputes, real estate and estate matters.

Mr. Newbould is counsel to the firm of Thornton Grout Finnigan LLP in Toronto, a panel member of Arbitration Place in Toronto, an Associate Member of South Square Chambers in the UK, a member of the London Court of International Arbitration User's Council, a panel member of the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association, a panel member of the Singapore International Arbitration Centre, a panel member of the BVI Arbitration Centre, a member of the ICC Canada Arbitration Committee, a panel member of P.R.I.M.E. Finance, a member of INSOL International (International Association of Restructuring, Insolvency & Bankruptcy Professionals), a member of the International Insolvency Institute, and a former fellow of the American College of Trial Lawyers. He is a director of Firm Capital Mortgage Investment Corporation, a TSX listed company.



Nicole Y. Silver, Shareholder
Greenberg Traurig LLP (Washington, DC)

Nicole Silver focuses her practice on international litigation and dispute resolution. She advises Sovereign States and private clients in international arbitration proceedings, including arbitrations before the International Centre for Settlement of Investment Disputes (ICSID) and the Permanent Court of Arbitration (PCA) under the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules, in a wide array of sectors, including energy, infrastructure, telecommunications, bankruptcy, and the environment. Nicole is also the co-author of "The Overlap Between Bankruptcy Courts and Arbitration in the United States: Is a Preference for Arbitration the Key to Breaking the Loop?" which recently appeared in *Transnational Dispute Management (TDM)*.



Dr. Stephan Madaus

Professor, Martin Luther University Halle-Wittenberg (Germany)

Prof. Dr. Stephan Madaus has held his chair at the Martin Luther University Halle-Wittenberg since April 2014, where he was the head of the Law School from 2016 to 2018. He teaches property and credit security law, insolvency and civil procedure law, as well as contract and tort law, in particular in preparation courses for the final exam.

His research interests are in dealing with debt burdens and consequently focus on insolvency and restructuring law, with a special focus on the comparative analysis of relevant regulatory approaches in jurisdictions worldwide as well as in the soft law of international organizations. Together with Prof. Bob Wessels (Leiden University), he headed the "European Law Institute's Project on Rescue of Business in Insolvency Law" from 2013 to 2017. He was a member of the research team that evaluated the 2012 insolvency law reform ("ESUG") for the German Ministry of Justice in 2017/2018. As a member of an international research team, he helped to develop the "Modular Approach for MSME Insolvencies" (OUP 2018). Prof. Madaus is currently co-chairing the Academic Committee of the International Insolvency Institute and a Founding Member of the Conference of European Restructuring and Insolvency Law (CERIL).

ICC Canada would like to thank this year's Conference Co-Chairs



Alison FitzGerald

Counsel, Norton Rose Fulbright Canada LLP (Ottawa)

Alison FitzGerald specializes in international arbitration and international trade and investment. She has extensive experience advising and representing clients in international and domestic arbitrations, both in commercial disputes and investor-state disputes, in a wide range of sectors including upstream oil and gas, construction, energy, aeronautics, chemicals, railway, software licensing and film distribution. She served as Tribunal Secretary for over 10 years in commercial and investor-state arbitrations, including one of the largest construction arbitrations in European history. Ms. FitzGerald also represents and advises clients in respect of arbitration-related court proceedings.

Ms. FitzGerald has appeared before the Canadian International Trade Tribunal in trade remedy and safeguard proceedings, the Ontario Superior Court of Justice and Court of Appeal in commercial matters, and the Federal Court of Canada in complex constitutional matters. In addition to her disputes experience, Ms. FitzGerald regularly advises clients on business risk pertaining to economic sanctions, bribery and corruption, and human rights in supply chain. She has advised clients on complex matters of international law and corporate liability, as well as issues of state responsibility.

Ms. FitzGerald has been named four years in a row by Who's Who Legal as a Future Leader in Arbitration. She was appointed by the Canadian government in 2018 to the NAFTA Chapter 19 roster, and is regularly called upon to write and speak on topics in international arbitration and international law. She is co-author of the Canada chapter on sovereign immunity in *Getting the Deal Through* 2018, 2019 and 2020.



Joanne Luu

Lawyer, Burnet, Duckworth & Palmer LLP (Calgary)

Joanne is a senior associate at Burnet, Duckworth & Palmer LLP in Calgary with a broad commercial litigation and arbitration practice, focused on complex and high stakes disputes. She has appeared at all levels of court in Alberta and at the Alberta Securities Commission, and has acted as counsel and tribunal secretary in arbitrations seated in Canada and abroad.

Notable work includes representing a foreign country in an ad hoc arbitration, a leading global manufacturer in a complex commercial dispute that culminated in a successful 2.5 month civil trial, companies in highly publicized proxy battles, and directors and officers in insider trading cases and other securities litigation. Joanne is actively involved in the arbitration and energy communities. She has co-authored book chapters in *The Leading Practitioners' Guide to International Oil & Gas Arbitration* and *Arbitration World*. She is also an executive and Board member of the Young Canadian Arbitration Practitioners (YCAP), a North American Representative for the ICC Young Arbitrators Forum (ICC YAF), and a member of the Petroleum Accountants Society of Canada (PASC) Committee working to update the PASC Accounting Procedure. Recently, Joanne has been named the Legal 500 Canada as a Rising Star in Dispute Resolution (2020), Who's Who Legal: Arbitration as a Future Leader (2021), and in Best Lawyers in Canada for her work in Corporate and Commercial Litigation (2021).

Prior to joining BD&P, Joanne clerked at the Alberta Court of Appeal and worked at the Canadian Department of Foreign Affairs and International Trade.



John Siwec

Associate, Perley-Robertson, Hill & McDougall LLP (Ottawa)

John is an Associate at Perley-Robertson, Hill & McDougall LLP with expertise in commercial disputes, including in the areas of international arbitration, commercial litigation, and intellectual property, and in the recognition and enforcement of international arbitration awards and foreign judgments. John has experience as counsel and arbitrator in institutional arbitrations, including under the ICC, LCIA, ICDR, and ADRIC, as well as ad hoc proceedings, and has appeared before all levels of court including the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court, the Court of Appeal for Ontario, the Ontario Superior Court of Justice, and the Quebec Superior Court (Commercial Division). John has served as the President of Young Canadian Arbitration Practitioners (YCAP) and has been selected by Global Arbitration Review (GAR) for recognition in the Future Leaders section of Who's Who Legal: Arbitration.

ICC Canada Chair and Vice-Chair



Tina Cicchetti
Chair, ICC Canada

Tina Cicchetti is a leading arbitration practitioner based in Dallas, Texas. Tina is an independent Resident Neutral at Vancouver Arbitration Chambers (VAC) and a Member Arbitrator at Arbitration Place in Toronto. She has served as sole arbitrator and tribunal chair in ad hoc and institutional arbitrations. Tina also has extensive experience as counsel in commercial and investment treaty arbitrations.

Tina is active in the arbitration community. She is the Chair of the International Arbitration Committee of the Canadian Chamber of Commerce (ICC Canada), a board member of the Western Canada Commercial Arbitration Society (WCCAS), a former President and a current Advisory Board member of the Young Canadian Arbitration Practitioners (YCAP), a member of the ICDR Canadian Advisory Committee and a former member of the Regional Coordinating Committee of the North American Chapter of ICC's Young Arbitrators' Forum (YAF). In 2016, Tina was appointed by the Canadian government as a member of the NAFTA 2022 Committee and invited by the Attorney General for British Columbia to join an Arbitration Advisory Group on legislative reform and promotion of Vancouver as a seat for international arbitration. She is also a member of the ITA Board of Reporters (Canada). In 2018, Tina was appointed by the Canadian government to the roster of candidates to serve on panels established under Chapter 19 of the North American Free Trade Agreement (NAFTA).

Tina has been ranked by clients and peers in Chambers Global and Chambers Canada for Arbitration. She is listed in WWL Thought Leaders: Arbitration 2019. Tina was named the Best Lawyers® 2018 Vancouver International Arbitration "Lawyer of the Year" and selected by her peers for inclusion in Best Lawyers® in Canada for her work in International Arbitration. She has also been recognized by Who's Who Legal – Arbitration, Who's Who Legal Arbitration – Future Leaders and Who's Who Legal Canada – Arbitration. In 2017, Tina was also named as a "Litigation Star" for Arbitration in British Columbia by Benchmark Canada. Since 2014, Tina has been consistently recognized by Lexpert®, including the Lexpert® Guides Leading U.S.-Canada Cross-Border Litigation Lawyers for International Commercial Arbitration. She is also listed in the 2018 and 2019 Lexpert®/American Lawyer Guide to the Leading 500 Lawyers in Canada.



Janet Walker
JD, DPhil, Chartered Arbitrator

Janet is an independent arbitrator with chambers at Arbitration Place, Toronto; Int-Arb Arbitrators, London; and Sydney Arbitration Chambers, Australia. Janet has served as sole arbitrator, co-arbitrator and chair in ICC, ICDR, DIAC, HKIAC, KCAB and SIAC-administered, and in ad hoc arbitrations in a variety of seats. Her matters range from construction, M&A, shareholder, intellectual property, pharma and environmental. She has a good working knowledge of Spanish and French.

Janet is Distinguished Research Professor (past associate dean) at Osgoode Hall Law School, a member of the Ontario Bar, and a licensed legal consultant of the New York State Bar. She authors Canada's main text on private international law, cited in more than 350 judgments. She is chair-elect of ICC Canada and member of the boards of the Chartered Institute of Arbitrators and of the International Construction Law Association.

This year's conference will be held in conjunction with the inaugural **CanArbWeek**, happening Monday, September 21 – Friday, September 25, 2020. All events are virtual and hosted by Arbitration Place Virtual.

For more details on CanArbWeek, please visit: CanArbWeek.Org

ICC Canada is delighted to be a presenting organization of CanArbWeek. Other presenting organizations confirmed to date include ADR Institute of Canada, ArbitralWomen, Arbitration Place, CIArb Canada, CPR Canada, ICC Canada, ICDR Canada, INSOL International, TCAS, WCCAS and YCAP.

Event details are updated regularly at CanArbWeek.org. For information on participation or sponsorship, contact Janet Walker janet@janet-walker.com and Paul Tichauer ptichauer@ceoarbitration.com.

Confirmed sponsors include:



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