



Institute for  
**TRANSNATIONAL  
ARBITRATION**

Presented by



Institute for  
**ENERGY LAW**

Co-sponsored by

Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee  
Houston International Arbitration Club • ICC International Court of Arbitration  
The Kay Bailey Hutchison Center for Energy, Law, and Business at The University of Texas at Austin

# International Energy Arbitration

## 2nd Annual ITA-IEL Joint Conference



### 2nd Annual ITA-IEL Joint Conference on International Energy Arbitration

January 15 - 16, 2015

Omni Houston Hotel • Houston, Texas

#### Luncheon Interview Honoring Professor J. Martin Hunter

Essex Court Chambers, London, U.K.

#### Highlights

- 2014 Energy Arbitration Year in Review
- Arbitral Award Effects on Long-Term Energy Contract Relationships
- The Future of Investment Arbitration in the Energy Sector
- In-House Perspectives: Managing Front-Page Events
- Restoring the Promise of Energy Arbitration
- Behind the Numbers in Investment Treaty Cases
- New IBA Guidelines on Conflicts of Interest
- ITA-IEL Discussion Forum
- ITA and IEL Young Lawyers Roundtable

MCLE Credit will be available

Register Now! [cailaw.org/ita-iel-forum](http://cailaw.org/ita-iel-forum)



ITA and IEL are Institutes of  
**THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW**

### Conference Co-Chairs

**Tomasz J. Sikora**  
Counsel, International  
Disputes, Exxon Mobil  
Corporation, Houston, Texas

**Jennifer M. Smith**  
Baker Botts L.L.P.  
Houston, Texas

*“Debates were very interesting  
and the panelists were high  
quality.”*

*“Well qualified faculty. Excellent  
diversity, breadth of program and  
debate structure”*

— 2014 Participants



2014 Texas Networking Adventure



2014 ITA-IEL Joint Conference

2:30 REGISTRATION

3:00 WELCOME

- **R. Doak Bishop**, ITA Chair, King & Spalding LLP, Houston, Texas
- **Wendy F. Daboval**, IEL Chair, Vice President and General Counsel, Land, Chevron North America Exploration and Production Company, Houston, Texas

### WINTER ROUNDTABLE

*Presented by the*

IEL Young Energy Professionals  
ITA Young Arbitrators Initiative

3:05 WELCOME TO THE ROUNDTABLE

#### ROUNDTABLE CO-CHAIRS:

- **Christina E. Ponig**, DLA Piper LLP (US), Houston, Texas  
(for IEL YEP)
- **Ruth Teitelbaum**, Freshfields Bruckhaus Deringer US LLP, New York, New York (for ITA YAI)

3:10 DETERMINING OWNERSHIP: A DISCUSSION OF THE IRAQ-KURDISTAN OIL DISPUTE

A discussion of the recent federal lawsuit between the Republic of Iraq and Kurdistan and related arbitration proceedings arising from Kurdistan's export of approximately 1 million barrels of oil to the United States, implicating such issues as ownership, title, transfer of title, conversion, and which tribunal or tribunals are best placed to resolve these disputes.

**MODERATOR** — **Christina E. Ponig**, DLA Piper LLP (US), Houston, Texas

**PANELISTS** — **Yasmine Lahlou**, Chaffetz Lindsey LLP, New York, New York

— **James L. Loftis**, Vinson & Elkins LLP, Houston, Texas

4:00 DEBATE: “ISSUE CONFLICT” AS A GROUND FOR DISQUALIFYING ARBITRATORS: PANDORA’S BOX OR NECESSARY REGULATION?

Should arbitrators be disqualified based on their viewpoint, whether from a previous experience handling similar legal issues, previous experience dealing with the same fact witnesses or previous appointment by a party? Should a viewpoint expressed in a scholarly article disqualify an arbitrator on the ground that the arbitrator is inclined to decide an issue in a particular way? When does a dissenting opinion in a preliminary decision reveal that an arbitrator has a closed mind? These questions will be examined in a debate format in light of recent arbitral decisions, the IBA guidelines and other principles applicable in the field of international arbitration.

# SCHEDULE

January 15 - 16

**MODERATOR** — Ruth Teitelbaum, Freshfields Bruckhaus Deringer US LLP, New York, New York

**PANDORA'S BOX** — Prof. Victoria Shannon, Washington & Lee University School of Law, Lexington, Virginia

**NECESSARY REGULATION** — Joseph R. Brubaker, Kirton | McConkie, Salt Lake City, Utah

5:00 WELCOME RECEPTION

*Sponsored By*

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Morgan Lewis

7:00 2ND ANNUAL ITA-IEL JOINT CONFERENCE RECEPTION AND DINNER AT THE OMNI HOUSTON HOTEL  
(Optional for all Joint Conference registrants, faculty and members of the sponsoring organizations)

*Sponsored by*

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BRG  
Berkeley Research Group

(Please indicate on the registration form if you wish to attend – ticket price: \$115 per person)

# SCHEDULE

January 16

7:45 STARTING A SOLO PRACTICE IN INTERNATIONAL ARBITRATION

A joint meeting and presentation of ITA Young Arbitrators Initiative, the IEL Young Energy Professionals and the ICC Young Arbitrators Forum. All conference registrants are also invited to attend.

**MODERATORS** — Christina E. Ponig, DLA Piper LLP (US), Houston, Texas

— Ruth Teitelbaum, Freshfields Bruckhaus Deringer US LLP, New York, New York, Vice Chair, ITA Young Arbitrators Initiative Committee

— Suzanne Ulicny, Deputy Director, Arbitration & ADR/North America, ICC International Court of Arbitration, New York, New York, Representative, ICC Young Arbitrators Forum

**PANELISTS** — Jennifer Cabrera, Cabrera Cammarota PLLC, New York, New York

— Devashish Krishnan, Court of HRH the Crown Prince of Bahrain, Riffa, Bahrain

— Todd J. Weiler, Independent Counsel & Arbitrator, London, Ontario, Canada

CLE credit and continental breakfast will be available for this 1 hour meeting.

*Breakfast sponsored by*

 Freshfields

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8:00 REGISTRATION AND CONTINENTAL BREAKFAST

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9:00 WELCOME BACK

CONFERENCE CO-CHAIRS:

- **Tomasz J. Sikora**, Counsel, International Disputes, Exxon Mobil Corporation, Houston, Texas
  - **Jennifer M. Smith**, Baker Botts L.L.P., Houston, Texas
- 

9:05 KEYNOTE: THE FUTURE OF ENERGY INVESTMENT ARBITRATION

In recent years, complaints have increased that international arbitration is failing to live up to its “promise” as a process that will deliver a determination at a commercially reasonable cost and in a commercially relevant time-period. In his presentation, Constantine Partasides will examine why that promise is being lost, and how it can be won back.

- **Constantine Partasides QC**, Three Crowns, London, U.K.
- 

9:40 THE SCOPE AND EFFECT OF ARBITRAL AWARDS ON LONG-TERM ENERGY CONTRACT RELATIONSHIPS BEYOND THE RESOLUTION OF THE PRECISE DISPUTE ADJUDICATED

Long-term energy contracts — which can often span many decades — frequently require periodic adjustment to reflect changes in the market conditions that existed at the time of contract execution. In anticipation of the need for adjustment, parties often build into their contracts a mechanism by which the terms of the contract can be periodically revised. Similarly, national laws may provide a mechanism for contract revision independent of any contractual adjustment provision. These requests for adjustment — whether sought pursuant to contract or law — often lead to disputes, which in turn lead to arbitration and thus arbitral awards. Although typically intended to resolve only the precise dispute that gave rise to the arbitration, these awards can have a dramatic impact on the parties’ relationship under their contract going forward. In this panel, Philippe Pinsolle and Stephen Anway discuss both the legal and practical implications of these awards on the parties’ future relationship, including possible unintended consequences of the awards and the extent to which the tribunal’s interpretation of the contract in the award binds the parties in a future dispute.

- **Philippe Pinsolle**, Quinn Emanuel Urquhart & Sullivan, LLP, Paris, France

**MODERATOR: Stephen P. Anway**, Squire Patton Boggs (US) LLP, New York, New York

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10:20 BREAK

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10:40 BEHIND THE NUMBERS IN INVESTMENT TREATY CASES

Testing individual experiences with and intuitive responses about arbitration against hard data is critical. In this panel, Tim Hart describes his recent study on damages awards in investor-state disputes before ICSID, and Professor Susan Franck provides commentary as well as describing her new research that quantitatively models and identifies the critical variables predicting the outcomes of investment treaty disputes.

- **Prof. Susan D. Franck**, Washington & Lee University School of Law, Lexington, Virginia
  - **Timothy H. Hart**, President, Credibility Consulting, LLC, Washington, D.C.
- 

11:20 2014 YEAR IN REVIEW: THE TOP 10 DEVELOPMENTS IN INTERNATIONAL ENERGY ARBITRATION

This presentation will consider both investor-state and contractual disputes in the energy sector. It will cast an eye over the wide range of matters that have come before arbitral tribunals in 2014, and will attempt to identify the ten special rulings and industry trends that will have the most important influence on energy arbitration in 2015 and beyond.

- **Laurence Shore**, Herbert Smith Freehills LLP, New York, New York
-

12:00 LUNCHEON

A Conversation with

**Professor J. Martin Hunter**  
Essex Court Chambers, London, U.K.

*With*

**Professor Jarrod Wong**  
University of the Pacific, McGeorge School of Law, Sacramento, California

*Sponsored by*



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**CI Arb**

1:50 **THE REVISED IBA GUIDELINES ON CONFLICTS OF INTEREST IN INTERNATIONAL ARBITRATION**

On the tenth anniversary of the issuance of the IBA Guidelines on Conflicts of Interest, it was considered appropriate to reflect on the accumulated experience and identify areas of possible clarification or improvement. Accordingly, a review process conducted by a Conflicts of Interest Subcommittee was initiated in 2012. This process led to a revised version of the IBA Guidelines on Conflicts of Interest which were approved at the IBA Annual Meeting in Tokyo in October 2014. David Arias, who served as chair of the Conflicts of Interest Subcommittee, will provide an overview of the critical matters encountered during the review process leading to the new IBA Guidelines on Conflicts of Interest and the main changes introduced.

— **David Arias**, Arias SLP, Madrid, Spain  
Chair, 2014 Conflicts of Interest Subcommittee, International Bar Association

2:30 **THE FUTURE OF INVESTOR-STATE ARBITRATION IN THE ENERGY SECTOR**

In the past few years, investors have initiated a significant number of investor-State cases challenging regulations in the energy sector. These cases implicate the future of nuclear and solar power in Europe, electricity generation in Central America, and natural gas extraction in North America. At the same time, the world's largest net importers of petroleum are pursuing ambitious trade and investment agendas that should minimize the political risks traditionally associated with energy sector investments. In her presentation, Jennifer Thornton will explore the relationship between these trends and examine how expanding international investment protections might ultimately enhance global energy security.

— **Jennifer Thornton**, Senior Policy Advisor and Counsel at the Office of the U.S. Trade Representative, Washington D.C.

3:10 **EXPECTING THE UNEXPECTED: HOW INTERNATIONAL ENERGY AND OILFIELD SERVICES COMPANIES MANAGE FRONT-PAGE GEOPOLITICAL EVENTS**

Navigating international operations in a time of global upheaval can be a tricky business. Civil unrest such as the Arab Spring, the 2014 Libyan Conflict and the current violence engulfing Iraq and the annexation of Crimea implicates oil production, can invoke dramatic and wide-spread sanctions, and has a tendency to spawn competing claims to energy resources. Hear from three experienced panelists who are tasked with managing and protecting their company's assets in hot spots around the world.

**MODERATOR** — **James L. Loftis**, Vinson & Elkins LLP, Houston, Texas

**PANELISTS** — **Michol L. Ecklund**, Deputy General Counsel – Commercial & Operations Services, Marathon Oil Corporation, Houston, Texas

— **Jay G. Martin**, Vice President, Chief Compliance Officer & Sr. Deputy General Counsel, Baker Hughes Incorporated, Houston, Texas

— **Steven S. Runner**, Assistant Chief Attorney, Exploration/Upstream Ventures, Exxon Mobil Corporation, Houston, Texas

3:50 BREAK

4:10 ITA-IEL FORUM

The Forum is an open informal discussion providing the opportunity for arbitrators, arbitration counsel and in-house counsel to share experiences and raise concerns in transnational arbitration in an off-the-record unstructured dialogue format. The agenda for the Forum is determined by the participants, by pre-submitted questions and topics and by spontaneous remarks at the event. Registrants will receive instructions on how to submit questions or topics for discussion at the Forum.

**Co-Moderators:**

- **Michael S. Goldberg**, Baker Botts L.L.P., Houston, Texas
- **Kevin O’Gorman**, Norton Rose Fulbright, Houston, Texas

5:00 CLOSING REMARKS

# NETWORKING ADVENTURE

# January 17

## HOUSTON NETWORKING ADVENTURE

Saturday, January 17, 2015 • Optional – Ticket Price \$95

Johnson Space Center Tour (NASA)  
Goode Company BBQ  
Wild West Houston

“Houston, Tranquility Base here. The Eagle has landed.” Join us as we tour the Johnson Space Center, the control center for all U.S. manned space flights. We’ll visit the Historic Mission Control, Building 9 where astronauts train on their next mission, the Saturn V Complex and more, followed by a totally informal Texas barbecue dinner.

Please indicate on the registration form if you wish to attend – ticket price: \$95 per person. A bus will depart from the Omni Hotel lobby at 2:45 pm and will return to the hotel at about 8:00. Then, for those who wish to continue, country and western dancing at Wild West Houston.

## ABOUT ITA AND IEL



Institute for  
**TRANSNATIONAL  
ARBITRATION**

Established in 1986 as part of The Center for American and International Law, ITA provides advanced education for lawyers, judges, arbitrators, business executives, government officials and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications and membership activities, led by many of the top global experts and supported by many of the world’s most actively engaged corporations, law firms and individual practitioners, ITA has become an important global forum on contemporary issues in the field of transnational arbitration.

For more information, visit [cailaw.org/ita](http://cailaw.org/ita)



Institute for  
**ENERGY LAW**

Part of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents several educational conferences and seminars each year, publishes papers, periodicals and *The Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed.

For more information, visit [cailaw.org/iel](http://cailaw.org/iel)

# REGISTRATION

## International Energy Arbitration 2nd Annual ITA-IEL Joint Conference

January 15-16, 2015 • Omni Houston Hotel • Houston, Texas

Registration includes the Conference, course materials, welcome reception and conference luncheon.

Check applicable box(es):	Received by 1/2/15	Received after 1/2/15
Regular registration fee	<input type="checkbox"/> \$495	<input type="checkbox"/> \$545
ITA Advisory Board Member	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
IEL Advisory Board Member	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
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UT Energy Center Member	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
CEPMLP Member	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
Full-time Government Employee	<input type="checkbox"/> \$195	<input type="checkbox"/> \$225
Full-time Professor	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Full-time Student	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Full-time Student Audit Only	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0

### Young Lawyers Winter Roundtable and Welcome Reception on January 15 only:

Regular registration fee	<input type="checkbox"/> \$75	<input type="checkbox"/> \$100
ITA YAI/IEL YEP Committee Member	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
ICC YAF Committee Member	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
Full-time Student	<input type="checkbox"/> \$25	<input type="checkbox"/> \$25

- I will attend the Winter Roundtable on January 15.
- I will attend the Welcome Reception on January 15 (included in the Conference and Roundtable registration).
- \$115 - I will attend the the Joint Conference Reception and Dinner on January 15.
- \$115 - I will bring a guest to the Joint Conference Reception and Dinner on January 15.
- I will attend the joint meeting of the ITA YAI, IEL YEP and ICC YAF on January 16 (Free to all YAI, YEP and YAF members and all Joint Conference registrants).
- \$95 - I will attend the Houston Networking Adventure on January 17.
- \$95 - I will bring a guest to the Houston Networking Adventure on January 17.

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Address \_\_\_\_\_

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**\*\*Please complete the following guest information (if applicable)**

(1) Guest Name \_\_\_\_\_ Guest Title \_\_\_\_\_

Firm/Company/Organization \_\_\_\_\_

City, State, Country \_\_\_\_\_

(2) Guest Name \_\_\_\_\_ Guest Title \_\_\_\_\_

Firm/Company/Organization \_\_\_\_\_

City, State, Country \_\_\_\_\_

### PAYMENT INFORMATION

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972.244.3401

### MAIL

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The Center for American and International  
Law 5201 Democracy Drive  
Plano, TX USA 75024

### PHONE

credit card only  
972.244.3404 or 800.409.1090  
8:30am-5:00pm CT

PAYMENT MUST ACCOMPANY REGISTRATION

## GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by January 2, 2015. E-mail cancellation notice to lgaspar@cailaw.org. After this date, 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 tuition. However, rooms (in limited number) have been reserved at the Omni Houston Hotel, 4 Riverway, Houston, TX 77056. Registrants should call 1.800.843.6664 and advise that they are attending the "ITA-IEL Joint Conference" to receive a reduced room rate of \$169 + tax. The last day to obtain this special rate is December 19, 2014.

**NONDISCRIMINATION POLICY:** The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

**MCLE CREDIT:** This program is approved by the State Bar of Texas for 8 hours, no ethics. Course ID Number: 901305097. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules. ITA and IEL as registrars for this conference will directly apply for course accreditation in the following states: CA, MN, NM, OH, OK, PA, TX and VA. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. ITA and IEL conferences are typically accredited by all mandatory CLE states.



Institute for  
**TRANSNATIONAL  
ARBITRATION**



Institute for  
**ENERGY LAW**

## 2ND ANNUAL ITA-IEL JOINT CONFERENCE ON INTERNATIONAL ENERGY ARBITRATION

Institute for Transnational Arbitration  
Institute for Energy Law  
The Center for American and International Law  
5201 Democracy Drive  
Plano, TX USA 75024

PLEASE NOTE: The Center for American and International Law utilizes outside mailing lists. If you receive a duplicate of this announcement, please pass it along to an interested colleague

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Houston, Texas

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