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2020

1/23 - 1/24

8th ITA-IEL-ICC Joint Conference on International Energy Arbitration

HILTON HOUSTON POST OAK
HOUSTON, TEXAS, USA

Keynote address: **Dr. Francisco J. Monaldi**,
Baker Institute for Public Policy, Rice University,
Houston

Highlights

- Energy Arbitration Year in Review presented by **Larry Shore** (BonelliErede, Milan), back by popular demand
- Effects of the Energy Transition on Arbitration Practice
- International Trade and Sanctions Update
- Oral History Interview of **Arthur W. Rovine** (Fordham Law School, New York) by the **Hon. Charles N. Brower**
- An exceptional faculty of leading international arbitration experts including Conference Co-Chairs **Sophie Lamb QC** (Latham & Watkins, London), **Alberto Ravell** (Lead Counsel – Arbitrations, ConocoPhillips, Houston) and **Luke Sobota** (Three Crowns, Washington DC)



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International Court of Arbitration of the



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1/23 - 1/24

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Conference Co-Chairs

Sophie J. Lamb, QC
Latham & Watkins LLP
London

Alberto F. Ravell
Lead Counsel – Arbitrations
ConocoPhillips Company
Houston

Luke A. Sobota
Three Crowns LLP
Washington, D.C.

Introduction to the Conference

A world in transition: this year's conference reflects on the many externalities influencing the industry, the drivers of change in recent years, including in the decade that has passed since Macondo, and explores what role commercial and investment treaty arbitration will play in the years to come. With the insights of in-house counsel, market analysts, experts and private practice lawyers across a wide range of disciplines, the program will address the geopolitical landscape, sanctions, the environment and the management of climate risk, the interplay between long term contracts and an evolving regulatory landscape, amendments to investment treaties and shifts towards a permanent court for investment treaty disputes, and, more generally, the key trends impacting on energy disputes in this important era.

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THURSDAY, JANUARY 23

2:30 Registration

3:00 Welcome

- **Joseph E. Neuhaus**, ITA Chair, Sullivan & Cromwell LLP, New York
- **Ana Sera e Moura**, Deputy Secretary General, ICC International Court of Arbitration, Paris
- **David M. Castro, Sr., Esq.**, IEL Chair, The Woodlands, Texas

YOUNG LAWYERS ROUNDTABLE

Presented by the
ICC Young Arbitrators Forum (YAF)
IEL Young Energy Professionals (YEP)
Young ITA

Sponsored by: **KING & SPALDING**

SCHEDULE

ROUNDTABLE CO-CHAIRS:

- **Rafael Boza**, ICC YAF Representative, Regional Legal Counsel - Americas, Sarens USA Inc., Houston
- **Robert Reyes Landicho**, Young ITA Chair, Vinson & Elkins LLP, Houston
- **Christopher M. Hogan**, IEL YEP Representative, Reynolds Frizzell LLP, Houston

3:10 Welcome to the Roundtable

- **Robert Reyes Landicho**, Young ITA Chair, Vinson & Elkins LLP, Houston

3:15 A Tour Around Our “Troubled” World? Recent Geopolitical Developments and Their Impact on Energy Disputes

A group of experienced young practitioners will present on recent geo-political developments in their respective jurisdictions, and their potential impact on energy disputes. In an interactive discussion, our panelists will identify global hotspots, including developments in Hong Kong, Turkey, Saudi Arabia, Mexico, and Venezuela.

Moderator: **Christopher M. Hogan**, Reynolds Frizzell, Houston

Panelists:

- **ASIA:** **Chiann Bao**, Independent Arbitrator, Arbitration Chambers Hong Kong and London; Former Secretary General of HKIAC, Hong Kong
- **MIDDLE EAST:** **Dilpreet Dhanoa**, Squire Patton Boggs, Dubai and Abu Dhabi
- **THE AMERICAS:** **Teresa Garcia-Reyes**, Senior Counsel, Litigation, Baker Hughes Company, Houston

4:10 National Security, International Trade, and Sanctions Update - A Brave New World and How Disputes Lawyers can Cope

This combination of subject-matter experts, academics, and in-house counsel will lead an engaging discussion on national security, international trade, and sanctions -- and their potential impact on international energy disputes. A subject matter expert will set the table on the discussion, starting with a “deep-dive” into the U.S. perspective of international economic sanctions. Then, the panel will discuss the potential ramifications of these developments on advising business clients and the possible future impact of these developments on energy disputes.

Moderator: **Rafael Boza**, Regional Legal Counsel - Americas, Sarens USA Inc., Houston

Deep Dive: **Damara Chambers**, Vinson & Elkins LLP, Washington, D.C.

Panelists:

- **John E. Lash**, Control Risks, Washington, D.C.
- **Dr. Crina Baltag**, Stockholm University, Stockholm

5:00-6:15 Welcome Reception

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THREE CROWNS

6:30-8:30 Joint Conference Dinner at Maggiano’s Little Italy (optional)

Please indicate on the registration form if you wish to attend – ticket price: \$90 per person.

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FRIDAY, JANUARY 24

8:00 Registration and Continental Breakfast

9:00 Welcome Back

Conference Co-Chairs:

- **Sophie J. Lamb, QC**, Latham & Watkins LLP, London
 - **Alberto F. Ravell**, Lead Counsel – Arbitrations, ConocoPhillips Company, Houston
 - **Luke A. Sobota**, Three Crowns LLP, Washington, DC
-

9:05 Keynote Address: Shifting Politics and Liberalization in the Latin American Oil Industry

An overview of how politics in Latin America have affected the global oil and gas industry and driven the industry to realign its legal position towards the region.

- **Dr. Francisco J. Monaldi**, Baker Institute for Public Policy, Rice University, Houston
-

9:40 The Energy Transition: How Measures to Address Human Rights & Environmental Impacts, Climate Risk and Decarbonization Might Influence Our Approach to Arbitration in the Years to Come

The industry is in an era of unprecedented change as we focus on how to meet the world's future energy needs while managing climate change. This session will address:

- The overall framework driving change: policy drivers, soft and hard law developments, treaties and regulations, activism and civil society.
- The legal issues likely to present in the contract and treaty arbitrations of the future including a discussion of new end of life/decommissioning dynamics; changed circumstances; illegality / public policy; the intersection of soft law, hard law and international law; and the role if any for stabilisation clauses in this period of transition.
- The science: how can we ensure that arbitral tribunals engage effectively with new science, disputed science and new technologies. Are there lessons to be learned from climate change litigation?
- The realities of transition for disputes lawyers and in house counsel: do new dynamics and externalities suggest a diminished role for arbitration, and greater role for non legal outcomes and negotiation/mediation?

Moderator:

- **Sophie J. Lamb, QC**, Latham & Watkins LLP, London

Panelists:

- **Liz Snodgrass**, Three Crowns LLP, Washington, DC
 - **Yousuf Aftab**, Atelier Aftab, New York
 - **Theodore J. Boutrous Jr.**, Gibson Dunn, Los Angeles
-

10:40 Coffee Break > Sponsored by: **BAKER & O'BRIEN**
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11:10 Assessing the Ongoing Changes in Investment Arbitration

After years of discussing the future of investment arbitration, change is now here: investment arbitration was largely eliminated in the new USMCA, States are renegotiating BITs to limit their scope, and the EU Commission is pressing for a permanent court in Work Group III. This panel will discuss the practical consequences of these changes and the responses to them by both investors and States.

Moderator: **Luke A. Sobota**, Three Crowns LLP, Washington, D.C.

Panelists:

- **Noiana Marigo**, Head of U.S. International Arbitration Group and co-head of the Latin America Practice, Freshfields Bruckhaus Deringer, New York, New York
- **Eugene Silva**, Senior Counsel, International Disputes Group, ExxonMobil, Houston
- **Abby Cohen Smutny**, Global Head of International Arbitration Practice, White & Case, Washington, D.C.
- **Matt Swinehart**, Washington, D.C.

12:10 Luncheon Oral History Interview

This interview is the latest in a series organized by the ITA Academic Council to record the evolution of modern international arbitration in the words of those who have led it.

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A Conversation with

Arthur W. Rovine

International Arbitrator, Adjunct Professor of Law
Fordham Law School, New York

Interviewed by

The Honorable Charles N. Brower

Judge, Iran-United States Claims Tribunal
Judge ad hoc, International Court of Justice
Arbitrator Member, 20 Essex Street Chambers
Washington, D.C.

2:00 2019 Year in Review: The Top 10 (or close to 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 2019, and will attempt to identify the ten special rulings and industry trends that will have the most significant influence on energy arbitration in 2020 and beyond.

- **Laurence Shore**, BonelliErede, Milan

2:40 Macondo's 10th Anniversary: What are the Lessons Learned?

The Deepwater Water Horizon event transformed the energy industry in countless ways, including contracting, regulation, industry standards and domestic and international dispute resolution. This panel will discuss both the immediate reverberations of Macondo and its continued effect on the oil and gas business.

Moderator: **Jonathan A. Hunter**, Jones Walker, New Orleans

Panelists:

- **Prof. Peter Cameron**, Director, Centre for Energy, Petroleum and Mineral Law & Policy, School of Social Sciences, University of Dundee, Dundee
- **Richard D. Deutsch**, McGuireWoods LLP, Houston
- **Megan Pizor**, Litigation Management, Inc, Mayfield Heights

3:20 Coffee Break >

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3:50 The Industry Perspective

Senior in-house counsel address external factors affecting the energy sector today, including geopolitics, challenges to investment treaties, industry changes post-Macondo, and climate change.

Moderator: **Alberto Ravell**, Lead Counsel – Arbitrations, ConocoPhillips Company, Houston

Panelists:

- **Elizabeth Matthews**, Deputy Managing Director, Executive Vice President and General Counsel, TOTAL American Services, Inc., Houston
- **David Moyer**, Chief Corporate Counsel, Chevron Corporation, San Ramon
- **Laura Robertson**, Deputy General Counsel, Litigation, Arbitration & IP, ConocoPhillips Company, Houston

4:50 Closing Remarks >

5:00-6:00 Young Lawyers Networking Reception >

For members of the Young ITA, the IEL Young Energy Professionals (YEP), the ICC Young Arbitrators Forum (YAF) and other young lawyers interested in international energy arbitration.

Exhibitor: **Exponent**[®]

REGISTRATION

8TH ITA-IEL-ICC JOINT CONFERENCE ON INTERNATIONAL ENERGY ARBITRATION

January 23-24, 2020

Hilton Houston Post Oak • Houston, Texas, USA

Registration includes the conference, welcome reception, conference luncheon and the course material provided online, which may be printed or saved by registrant.

Check applicable box:	Received by 1/6/20	Received after 1/6/20
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- \$90 - I will attend the Joint Conference Dinner on January 23.
 \$90 - I will bring a guest to the Joint Conference Dinner on January 23.**

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CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by January 6, 2020. E-mail cancellation notice to kjohnson@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.

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HOTEL INFORMATION: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Hilton Houston Post Oak, 2001 Post Oak Boulevard, Houston, TX 77056. Registrants should call 1.800.445.8667 and advise them of room block "CAIL ITA-IEL-ICC Joint Conference" to receive a reduced room rate of \$169 + applicable taxes/night. Rooms are reserved for the nights of Jan 23 -24, 2019; as long as the block has not sold out. The last day to obtain this special rate is January 1, 2020.

MCLE CREDIT: This program is approved by the State Bar of Texas for 6.75 hours, no ethics. Course ID Number: 174071811. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, we will directly apply (if requested) for course accreditation in the following states: California, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. 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, IEL & ICC conferences are typically accredited by all mandatory CLE states.

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