

ENERGY ARBITRATION

— 2017 CONFERENCE —

Resolving Energy Disputes in Times of Crisis

Friday, April 28, 2017 | 601 Travis Building Auditorium | Houston, Texas

HIGHLIGHTS:

- Navigating the enforcement of awards across the globe
- Finding the right energy arbitrator
- Managing the mega case, tips from those in the know
- In-house counsel open forum
- Effective advocacy in energy arbitration

REGISTER NOW!
www.internationalarbitrators.org

⇒ *This conference is offered free to members of CIArb*
MCLE credit will be available

PRESENTED BY:



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ENERGY ARBITRATION

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CONFERENCE CO-CHAIRS:



Tom Cunningham
FCIArb
Tom Alan Cunningham PLLC



Lucy Greenwood
FCIArb
Norton Rose Fulbright



Ann Ryan Robertson
FCIArb
Locke Lord LLP

PRE-CONFERENCE EVENTS

Thursday, April 27, 2017

3:00 – 4:30

Diversity and Transparency Networking Event

Join us for an informal discussion showcasing various initiatives to improve the diversity of international arbitration tribunals and to address transparency issues in international arbitration. Discussion chaired by Professor Catherine Rogers, founder of Arbitrator Intelligence. Numbers strictly limited.

Venue: Locke Lord LLP, 600 Travis Street, Suite 2800. Refreshments provided.

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 **NORTON ROSE FULBRIGHT**

5:00 – 7:00

Welcome Reception

Join us for welcome drinks

Venue: Coronado Club, 919 Milam Street

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TOM ALAN CUNNINGHAM PLLC

CONFERENCE PROGRAM

Friday, April 28, 2017

8:00 – 8:50

Breakfast and Registration

Venue: 601 Travis Building Auditorium
(Corner of Travis Street & Texas Avenue)

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8:50 – 9:20

Welcoming Remarks and Key Note Address

John Garman, FCI Arb, North American Branch (USA)

Nayla Comair-Obeid, C.Arb, President, Chartered Institute of Arbitrators, Obeid Law Firm (Lebanon)

9:20 – 10:10

Around the World in 50 Minutes

Identifying challenges in managing energy disputes around the world and navigating geopolitical changes.

CHAIR:

Ben Hughes, FCI Arb, Independent Arbitrator (South Korea)

PANELISTS:

Tim Martin, C.Arb (Canada)

Jose Antonio Rodriguez Marquez, C.Arb, Bufete Rodríguez Márquez, S.C. (Mexico)

Nayla Comair-Obeid, C.Arb, President, Chartered Institute of Arbitrators, Obeid Law Firm (Lebanon)

Funke Adekoya, SAN, C.Arb, ÆLEX Law Firm (Nigeria)

10:10 – 10:40

Damages: The Who, the What and the How Much

Simplifying the hardest and most important part of a 21st Century energy arbitration claim, this panel of experts will discuss the latest methods of presenting damages and new ways to present complex damage theories simply, efficiently, understandably, and persuasively.

CHAIR:

Herfried Wöss, MCI Arb, Wöss and Partners PLLC (Mexico)

PANELISTS:

Helmut K. Johannsen, P. Eng. C. Arb, Singleton Urquhart (Canada)

Wayne Wilson, The Claro Group (USA)

Professor Pablo T. Spiller, University of California, Berkeley (USA)

10:40 – 11:20

Networking Break

11:20 – 12:00

Choosing the Right Energy Arbitrator in 40 Minutes: Where to start?

The panel will explore the critical factors that drive arbitrator selection, including the increasing impact of arbitrator challenges, conscious or subconscious bias and the “IBM” factor — the perceived benefit of erring on the side of caution.

CHAIR:

Derrick Carson, FCI Arb, Locke Lord LLP (USA)

PANELISTS:

Kevin O’Gorman, MCI Arb, Norton Rose Fulbright (USA)

Olivier André, CPR: International Institute for Conflict Prevention and Resolution (USA)

Juliet Blanch, Independent Arbitrator (UK)

12:00 – 1:30

Lunch Program

Musings from the trenches, a look back and forward at international disputes.

Conversation style with:

Nigel Blackaby, Freshfields LLP (USA)

Ann Ryan Robertson, FCI Arb, Locke Lord LLP (USA)

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1:30 – 2:10

Ten Tips on Effective Advocacy in Energy Arbitration

CHAIR:

Gerald Ghikas, Q.C., FCI Arb, Independent Arbitrator (Canada)

PANELISTS:

Thomas J. Brewer, FCI Arb, Independent Arbitrator (USA)

Tom Cunningham, FCI Arb, Tom Alan Cunningham PLLC (USA)

Jean Kalicki, FCI Arb, Independent Arbitrator (USA)

Paula Hodges, Q.C., Herbert Smith Freehills LLP (UK)

2:10 – 2:50

Use and Abuse of Process in International Arbitration

This panel will consider the role of the courts in supporting and upholding the core principles of international commercial arbitration. Topics to be discussed will include the need for transparency and judicial oversight to protect the integrity of the arbitral process while preserving the benefits of that process.

CHAIR:

Murray Smith, C. Arb, Independent Arbitrator (Canada)

PANELISTS:

David R. Haigh, Q.C., FCI Arb, Burnet, Duckworth and Palmer LLP (Canada)

Professor Catherine Rogers, Professor of Law and Paul and Marjorie Price Faculty Scholar & Professor of Ethics, Regulation & The Rule of Law, Penn State Law, Director, Institute for Ethics, Regulation & The Rule of Law, Queen Mary, University of London (USA)

Professor Andrea Bjorklund, L. Yves Fortier Chair in International Arbitration and International Commercial Law McGill University Faculty of Law, Montreal (Canada)

2:50 – 3:20

Networking Break

3:20 – 4:00

Arbitrating the Mega Energy Case

Large, complex oil and gas arbitrations present unique challenges for arbitrators, parties, and advocates. The panel will discuss suggested ways to address those challenges.

CHAIR:

Gary McGowan, FCI Arb, Independent Arbitrator (USA)

PANELISTS:

James Loftis, FCI Arb, Vinson & Elkins (USA)

Alan Crain, Senior Vice President, Chief Legal and Governance Officer, Baker Hughes (USA)

Kathleen Paisley, Ambos NBGO Advocaten (Belgium)

4:00 – 5:00

Open Forum

Conducted in open debate, this session will consider whether the commercial arbitration world needs radical change to keep our users happy. The session will take questions from the floor from delegates on hot topics in energy arbitrations.

CHAIR:

Lucy Greenwood, FCI Arb, Norton Rose Fulbright (USA)

PANELISTS:

Tomasz J. Sikora, ExxonMobil (USA)

Teresa Garcia-Reyes, GE Oil & Gas (USA)

5:00 – 5:15

Closing Remarks

Tom Cunningham, FCI Arb, Tom Alan Cunningham PLLC (USA)

5:15 – 7:00

Happy Hour

Post conference cocktails hosted by the North American Branch Young Members Group

7:30 – onward

The Final Order

Join us for real Texas barbeque — dinner and denim
Venue: Jackson Street BBQ, 209 Jackson Street

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ABOUT

The Chartered Institute of Arbitrators (CI Arb) is a not-for-profit, UK registered charity working in the public interest through an international network of branches. It has a global membership of around 13,000 individuals who have professional training or experience in alternative dispute resolution (ADR). The CI Arb exists for the global promotion, facilitation and development of all forms of private dispute resolution. In addition to providing education and training for arbitrators, mediators and adjudicators, the CI Arb is an international center for practitioners, policy makers, academics and those in business concerned with the cost-effective and early settlement of disputes.

The CI Arb also includes a Young Members Group (YMG) open to all members age 40 and under. With over 3,000 members in over 90 countries, the YMG has its own annual conference, social media groups and regular e-newsletter.

REGISTER

Online Registration

www.internationalarbitrators.org

⇒ ***This conference is offered free to members of CI Arb, but registration is compulsory.***

Numbers will be limited so register early.

Standard Registration

Fee \$250.00

Discount Rate

Members of HIAC

Fee \$150.00

Friday evening dinner at 7:30 pm is offered at an additional \$80.00

ACCOMMODATIONS

No block of rooms has been reserved. The following hotels are in walking distance of the venue.

Magnolia Hotel

1100 Texas Avenue

www.magnoliahotels.com

The Lancaster Hotel

701 Texas Avenue

www.thelancaster.com

JW Marriott – Downtown Houston

806 Main Street

www.jwmarriotthotelhouston.com

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 **ARBITRATOR
INTELLIGENCE**

 **CPR**
International Institute for
Conflict Prevention & Resolution

CONFERENCE CO-CHAIRS



Tom Cunningham has been an active trial lawyer and arbitrator for over 40 years. Mr. Cunningham's extensive trial and arbitration experience covers a variety of substantive areas, including energy, oil and gas, construction, hospitality, contracts, business torts, fiduciary liability, estates, trusts, professional liability, officer and director liability, and product liability.

He is a Fellow of the Chartered Institute of Arbitrators, and serves as a member of the governing board of the CIARB North American Branch and as the President of the Texas Chapter. He is certified in mediation and dispute resolution by CEDR, London. Mr. Cunningham is a Fellow of the American College of Trial Lawyers. He chaired the Texas State Committee of the American College and he has served on a variety of other committees, including the National Trial Competition Committee, the National Moot Court Competition Committee, and the Legal Ethics and Professionalism Committee. Mr. Cunningham is also a member of the American Board of Trial Advocates.

Mr. Cunningham has served prominently in professional organizations and societies, and he has been a leader in promoting professional responsibility among lawyers and judges. He chaired the Texas Commission on Lawyer Discipline, the Texas agency that oversees and administers the system of lawyer professional responsibility. He also chaired the Texas State Judicial Conduct Commission, the body responsible for addressing complaints against judges in Texas. Other professional activities include service as Chair of the Board of Directors of the State Bar of Texas, Chair of the Board of Trustees of the Texas Bar Foundation, and Chair of the Fellows of the Texas Bar Foundation.



Lucy Greenwood acts both as arbitrator and counsel in complex commercial disputes. Qualified as a solicitor in England and Wales and admitted to the State Bar of Texas, Lucy has a wealth of experience working with energy companies, banks, investment groups, airlines, media groups and many others in relation to international disputes, commercial litigation and regulatory proceedings. Lucy has been involved in cases under most of the major international arbitration rules, relating to matters as diverse as oil and gas, electricity generation, joint ventures, exploration and development, motor-racing and telecommunications. The laws applicable to resolve the international disputes in which Lucy has been involved include international law and the laws of

Switzerland, France, England, Texas, Chile, India, Hungary, Trinidad and Venezuela. She has particular experience with oil and gas disputes and questions of interpretation and construction under English law.

Noted as "One to Watch" by *Global Arbitration Review*, as an Expert in International Arbitration by *Legal 500*, selected to appear in *Who's Who Legal* and chosen as one of *GAR's Future Leaders in Arbitration under 45* (2017), Lucy is particularly known for her work in Diversity and Inclusion, having published widely in this field. She received her BA and MA in Law from Cambridge University, is a Fellow of the Chartered Institute of Arbitrators (CIARB) and is on the CIARB faculty for training international arbitrators across North America. She is on the board of ArbitralWomen and the Executive Committee of the North American Branch of the Chartered Institute. Follow her on twitter @intarblawyer.

Ann Ryan Robertson, International Partner in the Houston office of the global firm of Locke Lord LLP, serves



as an arbitrator and advocate in both international and domestic arbitrations. Her practice focuses primarily on commercial and energy-related disputes. Ms. Robertson serves as Trustee of the Chartered Institute of Arbitrators and is a member of the Council for the American Arbitration Association and the U.S. delegation to the NAFTA Advisory Committee on Private Commercial Disputes. Since 2014, she has been recognized by *The Best Lawyers in America*, and in 2014 and 2016, received the distinction of Lawyer of the Year, International Arbitration – Governmental (Houston) by *The Best Lawyers in America*. Ms. Robertson was named to *Global Arbitration Review's* "Who's Who Legal: Arbitration" for 2015, 2016 and 2017, and since 2009, *Law & Politics*

and *Texas Monthly* have recognized Ms. Robertson as a Texas Super Lawyer in the field of international law. In 2016, she received the University of Houston Law Center's Private Sector Achievement Award and in 2008, Ms. Robertson was honored as one of 30 "Extraordinary Women in Texas Law" by *Texas Lawyer*. She is a member of the arbitration panels of the American Arbitration Association, the International Centre for Dispute Resolution, the Kuala Lumpur Regional Centre for Arbitration and the Korean Commercial Arbitration Board. Ms. Robertson is an adjunct professor at the University of Houston Law Center teaching "International Arbitration Advocacy" and for the past 16 years, she has coached the Law Center's Willem C. Vis International Arbitration Moot team which competes each year in Hong Kong. Most recently, Ms. Robertson was named to the International Task Force on Mixed Mode Dispute Resolution, a joint initiative of the College of Commercial Arbitrators, the International Mediation Institute and the Strauss Institute for Dispute Resolution, Pepperdine University School of Law.

SPEAKERS



Funke Adekoya is a Partner at ÆLEX, one of the largest full service commercial law firms in Nigeria where she heads the Dispute Resolution practice group. ÆLEX also maintains an office in Accra, Ghana.

After obtaining her professional legal qualifications from the Nigerian Law School in 1975, she attended Harvard Law School, Boston, Massachusetts USA where she obtained her LLM in 1977. She was elevated to the rank of Senior Advocate of Nigeria in September 2001. She re-qualified as a Solicitor in England and Wales in July 2004 and maintains a current practicing licence with the Law Society. She is a Chartered

Arbitrator and currently a Vice President of the ICC Court of Arbitration.

In addition to appointments as either sole, party appointed arbitrator or chair of the panel in both international and domestic arbitration proceedings [institutional and ad hoc], she heads the firm's 15 member dispute resolution practice group which provides legal representation to domestic and offshore clients, in both litigation and arbitration proceedings for offshore clients; has advised investors on potential investment treaty claims and has appeared as an expert witness on Nigerian law issues in courts in Turkey, the UK and the United States.

She was also a member of the IBA Task Force which prepared the IBA Guidelines on Party Representation in International Arbitration.



Olivier André is CPR's Vice President, International and Dispute Resolution Services. In this capacity, Mr. André is responsible for CPR's international activities, as well as international arbitration and mediation matters which are brought before CPR pursuant to its rules. He is involved in all aspects of the proceedings, including neutral selection, challenges, clause drafting assistance and procedural questions. Olivier is also responsible for Y-ADR — a program for young international dispute resolution practitioners — and the upcoming CPR International Mediation Competition to take place in São Paulo in May 2017.

Olivier recently contributed to the drafting of the CPR European Mediation and ADR Practical Guide for Corporates and the drafting of the CPR Administered Arbitration Rules.

He is a member of CPR's European Advisory Board and CPR's Brazil Advisory Board, a member of CPR's Arbitration Committee, a member of the International Commercial Disputes Committee and an affiliate member of the Arbitration Committee of the New York City Bar Association.

He started his legal career at Shearman & Sterling L.L.P. and at the ICC Court of International Arbitration in Paris. He has been trained as a mediator and studied law in France, Germany and in the U.S., where he obtained his Juris Doctor and where he is admitted to practice law in New York and Massachusetts. He is a dual citizen of the United States and of the European Union (France).



Andrea K. Bjorklund is a Full Professor and the L. Yves Fortier Chair in International Arbitration and International Commercial Law at McGill University Faculty of Law. In addition to serving as an adviser to the American Law Institute's project on restating the U.S. law of international commercial arbitration, she is a member of the Advisory Board of the Investment Treaty Forum of the British Institute for International and Comparative Law. Professor Bjorklund was the inaugural ICSID Scholar-in-Residence from 2014–2015 and was Editor-in-Chief of the Yearbook on International Investment Law and Policy from 2012 to 2015. She is on the panel of arbitrators of the AAA's International Centre for Dispute Resolution and on the roster of NAFTA Chapter 19 arbitrators. Professor Bjorklund

is widely published in investment law and dispute resolution and transnational contracts.

Prior to joining McGill, Professor Bjorklund taught at the University of California, Davis, School of Law. Before entering the academy she was an attorney-adviser on the NAFTA arbitration team in the Office of the Legal Adviser of the U.S. Department of State, in addition to periods at the U.S. International Trade Commission and in private practice at Miller & Chevalier in Washington, D.C. She clerked for Judge Samuel J. Ervin, III, of the U.S. Court of Appeals for the Fourth Circuit. Professor Bjorklund has a J.D. from Yale Law School, an M.A. in French Studies from New York University, and a B.A. (with High Honors) in History and French from the University of Nebraska.

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Nigel Blackaby is global head of Freshfields' international arbitration group and is recognized as an "undisputed leader in his field." He has acted as counsel and arbitrator in over 100 ad hoc and institutional arbitrations in the English and Spanish languages (including over 30 investment arbitrations). He has particular expertise in Latin America and energy and mining disputes.



Juliet Blanch is a full time arbitrator having previously chaired the international dispute resolution practice at Weil, Gotshal & Manges. Juliet has over 30 years' experience in the arbitration of both international commercial and investment treaty disputes with a particular focus on energy and infrastructure, mining, commodities, telecommunications, pharmaceutical, hospitality, maritime and shareholder disputes. Juliet has acted as lead Counsel and/or sat as arbitrator in arbitrations held under HKIAC, ICC, ICSID, LCIA, LMAA, SCC, SIAC, UNCITRAL and other rules and which have been seated in a variety of jurisdictions including London, Hong Kong, Paris, Singapore, Stockholm, Washington DC and Zurich. Juliet is a Director of the LCIA and chairs the review committee of the Energy Arbitrators List. She frequently lectures on a variety of arbitration related subjects and was external examiner for the Queen Mary LLM course: International Trade and Investment Dispute Settlement, she is vice chair of the Oil and Gas Arbitration Club, sits on the editorial board of *Dispute Resolution International* and is a member of the FDI Moot Advisory Board. Juliet is consistently ranked highly in legal directories for international arbitration, litigation, and projects and energy in the UK, Europe and globally, and is recognised as "a well-known figure in the market and is respected for her depth of knowledge in both litigation and arbitration," as well as for "her enthusiasm, dedication and magnificent reputation," "a rare blend of practicality and technical excellence" and as "a joy to work with, a good leader of people with fantastic judgement and a very sharp intellect." She was featured in *The Lawyer's* "The Hot 100 2015: Litigation," and selected to the 2014 London Super Lawyers list as one of the Top 50 Women Lawyers and for her commercial litigation expertise.



Thomas J. Brewer has served as a sole or panelist arbitrator since 1985 in hundreds of arbitrations, in cases administered by AAA, ICDR, JAMS, ICC, LCIA, SIAC and under the UNCITRAL, CPR, Society of Maritime Arbitrators and American Association of Railroads rules, and in numerous non-administered cases. He often serves as the chair of three-arbitrator panels. He is a member of the ICDR's International Roster of arbitrators and of its International Energy Arbitrators List, the AAA's Commercial, Large Complex Case and National Energy Panel of arbitrators, and of the CPR Institute's National, International/Cross-Border and Energy, Oil and Gas panels of arbitrators. He frequently serves as an arbitrator in both international and domestic energy arbitrations.

He is a Fellow of the College of Commercial Arbitrators and of the Chartered Institute of Arbitrators. He was selected by Best Lawyers as Lawyer of the Year for arbitration in Seattle in 2015 and again for 2017.

He writes and speaks frequently on arbitration topics, was a contributing author to *The Leading Practitioners' Guide to International Oil & Gas Arbitrations*, (Juris, Gaitis ed., 2015), and was also a contributing author to *The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration*, (Juris, Gaitis ed., 2013) (and to the two prior editions).

He is a graduate of Dartmouth College, Oxford University, and of the Harvard Law School. He is based in Seattle, Washington, USA. A more detailed C.V. is posted at www.tjbrewer.com.



Derrick Carson is a Partner in Locke Lord's Houston office. He serves as chair of the Firm's construction disputes practice group and deputy chair of its energy litigation practice group. He has a global practice, primarily representing clients in the energy, petrochemical and construction industries. He has tried cases as lead counsel to juries, judges and arbitrators, and served as lead counsel on appeals, including arguing cases before U.S. Courts of Appeal. He is well versed in international arbitration having represented clients before a host of international arbitral bodies around the globe on issues as diverse as the development of oil and gas fields, pipeline and offshore rig construction, alternative energy projects, maritime, and other business disputes. Derrick regularly speaks and publishes on issues related to international arbitration and served on the Executive Committee for the North American Branch of the Chartered Institute of Arbitrators from 2012 to 2015 as the Vice Chair of Arbitrator Training & Education.

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Alan R. Crain has advised Fortune 500 companies in legal and business matters throughout the world for over 35 years. He began his career with a private law firm in Washington, D.C. and has been General Counsel of three Fortune 500 multinationals. He is currently Senior Vice President, Chief Legal and Governance Officer of Baker Hughes Incorporated.

Mr. Crain has served as an arbitrator in more than 60 cases covering a broad range of commercial matters — normally as chair of the tribunal or as sole arbitrator. He has been appointed to tribunals under the rules of the ICC, ICDR, AAA, multiple securities arbitral organizations, and UNCITRAL. Mr. Crain has spoken to or chaired arbitration education programs for the Institute for Transnational Arbitration (“ITA”) as well as the ICC, ICDR, AAA and other organizations. Mr. Crain is a member of the board of directors of the AAA and has been on the Advisory Board of the ITA for over 20 years, where he is currently a Vice Chairman. He has taught arbitration skills, particularly “How to Chair a Large & Complex International Arbitration.”

In addition to the boards of the American Arbitration Association and the Institute for Transnational Arbitration, Mr. Crain currently serves on the boards of the Asia Society of Houston, the World Affairs Council of Greater Houston and the National Association of Corporate Directors, Texas Tri-Cities Chapter. He has received honors and awards from the Institute for Energy Law, the Houston Business Journal, the Texas General Counsel Forum, and other organizations. In addition to his J.D. and M.B.A. degrees, he holds B.S. and M.S. degrees in Engineering.



Teresa Garcia-Reyes is Senior Counsel, Litigation for GE Oil & Gas, in Houston, Texas. She represents her division in commercial disputes world-wide, with a focus on leading negotiations, mediations, arbitrations, and litigations in North and South America. Her experience includes acting as counsel in commercial disputes under the rules of various international and regional institutions, and coordinating the activities of outside counsel in domestic court and arbitral proceedings. She also leads policy initiatives within her business, aimed at managing and reducing the risks of disputes with suppliers and customers, including promoting the use of mediation as form of alternative dispute resolution.

Teresa is a native of Houston, Texas. She graduated from Texas A&M University, cum laude, with a B.B.A. in Management, in 2001, and from Tulane Law School, summa cum laude, with a J.D., in 2004. She is a member of the Texas bar, and is licensed in the Southern, Eastern, and Northern Districts of Texas.

Prior to joining GE, Teresa was with Morgan Lewis & Bockius LLP, where her practice focused on commercial disputes and patent litigation. Prior to that, Teresa was with the international law firm Mayer Brown LLP, where she represented clients in commercial disputes both in US courts and in international arbitrations.

Teresa is a former Co-Chair of the Houston Bar Association’s Gender Fairness Committee, and she currently serves as her business’ representative on GE’s Diversity & Inclusion Committee. She is also active in various community organizations, including the Houston Livestock Show & Rodeo.



John Garman’s background and experience is in the areas of international commercial transactions and alternate dispute resolution. He is an arbitrator/neutral and has conducted educational programs in Europe and the US, addressing issues concerning Diversity, ADR and the international practice of law. Mr. Garman currently teaches as a part-time Professor at University of Southern California, Gould Law School teaching International Arbitration Competition and an adjunct Professor at the University of Nevada, Las Vegas, Boyd Law School, teaching International Negotiation/Mediation and International Commercial Arbitration.

Mr. Garman is a Fellow of the Chartered Institute of Arbitrators and currently serves as the Chair of the North American Branch of the Chartered Institute of Arbitrators. He is also a Course Director and Tutor for the Chartered Institute of Arbitrators in the field of International Commercial Arbitration.

Mr. Garman is a Certified Mediator with the International Mediation Institute and a Neutral on the American Arbitration Association Commercial Arbitration and Mediation Panel. He is also on the Attorney Settlement Officer Panel of the United States District Court, Central District of California and a Neutral with the California Court of Appeals, Second Appellate District. Mr. Garman previously served on the Executive Committee of the International Law section of the California Bar and the International Bar Association Task Force to study and evaluate the text of the UNCITRAL Model Law on International Commercial Conciliation.

Mr. Garman is “Of Counsel” to Hasch & Partners, an Austrian law firm and has offices in Vienna, Austria and Manhattan Beach, California. He is admitted in California, the District of Columbia and as a Solicitor of the Supreme Court of England and Wales.

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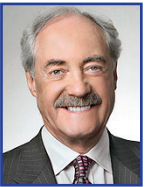
Resolving Energy Disputes in Times of Crisis



Gerry Ghikas, Q.C. is an independent commercial arbitrator who conducts his international and domestic practice from Vancouver Arbitration Chambers. Before becoming a full-time arbitrator, Gerry practiced as an advocate for over 35 years, appearing before domestic courts and many international tribunals.

His arbitrator experience spans a broad range of business and legal subjects including mining, energy, intellectual property, construction, manufacturing, antitrust, partnerships, joint ventures and other contractual arrangements. The amounts involved range from tens of thousands to billions of dollars. He has served in ICC, LCIA, ICDR, AAA, SCC and other administered arbitrations, as well as arbitrations under the UNCITRAL Arbitration Rules and ad hoc cases.

He is: Vice-President North American Users Council of London Court of International Arbitration; Founder of the Western Canada Commercial Arbitration Society; Chair of Arbitration Legislation Review Project of the Uniform Law Conference of Canada; Former Chair of the ICC National Arbitration Committee for Canada; Former Canadian delegate to UNCITRAL Working Group II; a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators.



David R. Haigh, Q.C. is a senior partner with the Calgary law firm of Burnet Duckworth & Palmer LLP where he has practiced as a commercial litigation counsel in the Canadian courts and as an advocate and arbitrator in the field of international commercial arbitration. He has served as an arbitrator on numerous international commercial arbitration and investor-state panels. He has, in addition, acted as counsel on a wide variety of arbitration matters, including ad hoc, institutional, private and investor-state disputes. David served as the national chairman of the Canadian ICC Committee for 6 years and as a director of the American Arbitration Association ("AAA") for 12 years. David has been a Fellow of the Chartered Institute of Arbitrators for many years and is now a Chartered Arbitrator. He is also a

Fellow of the American College of Trial Lawyers and a Founding Member of the Western Canada Commercial Arbitration Society. David has been recognized as a panelist on the Energy Arbitrators List published by the ICDR. David is also a panelist with numerous well recognized international arbitration centres and has conducted arbitrations in recent years among a large variety of nationals and state entities. David has represented both claimants and states in various investor state matters. David's extensive experience as a leading Canadian litigation counsel has prepared him for a widely based arbitration practice. He has actively participated in disputes involving, among other things:

- oil and gas, energy related disputes including exploration, production, marketing, storage and pricing disputes; and
- numerous other contractual and corporate/commercial disputes including such subject matters as coal and potash mining, pharmaceuticals, telecommunications and intellectual property



Benjamin Hughes, FCIArb, FHKIArb, FSIArb is an independent arbitrator with The Arbitration Chambers in Singapore and Fountain Court Chambers in London, and associate professor at Seoul National University Law School. Prior to launching his career as an independent arbitrator, Ben practiced international arbitration with Shearman & Sterling in the US and Singapore, and was the founding co-chair of the international dispute resolution practice group at Shin & Kim in Seoul.

Ben left law firm practice in March 2013 to focus on his practice as an independent arbitrator. Since then, he has been appointed in over 50 arbitrations under the rules of the AAA/ICDR, ACICA, CIETAC, DIS, HKIAC, ICC, JCAA, KCAB, KLRCA, SCC, SIAC, UNCITRAL (both administered and ad-hoc) and VIAC, as well as purely ad-hoc arbitrations. He has also acted as emergency arbitrator and as sole arbitrator in expedited and fast track proceedings, and is on the panel of arbitrators of numerous arbitral institutions. Chambers and Partners (2016) recognized Ben as a "Most in Demand Arbitrator" in the Asia-Pacific Region.

Ben is fluent in Korean, having studied law at Seoul National University prior to obtaining his JD in the US. He is a member of the International Arbitration Committee of the Korean Commercial Arbitration Board, the Executive Committee of the Seoul International Dispute Resolution Center, and was the founding chair of the Korea Chapter of the Chartered Institute of Arbitrators. In 2011, Mayor Won-Soon Park made Ben an honorary citizen of Seoul in recognition of his contributions to the legal community.

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Helmut Johannsen, P.Eng., C.Arb., FCI Arb. is Associate Counsel in the Vancouver office of Singleton Urquhart LLP. He is a lawyer, professional engineer and chartered arbitrator. Helmut is a Fellow and Past President of the Canadian College of Construction Lawyers, a Fellow of the American College of Construction Lawyers, a Fellow and Secretary of the International Academy of Construction Lawyers, a vice-chair of the International Construction Projects Committee of the International Bar Association, a director of the ADR Institute of BC, and a member of the Dispute Resolution Board Foundation. His practice includes all aspects of law related to construction, engineering and procurement in the infrastructure and energy industries, including acting as counsel in litigation and arbitration of disputes as well as advising on and preparing procurement processes and contracts. He has also acted and continues to act as an Arbitrator, Dispute Review Board Member and Project Adjudicator on various projects. He has represented contractors and owners in equal proportion over the years, as well as subcontractors, suppliers, architects and engineers, giving him a balanced perspective of the industry. He is recognized and listed in Who's Who Legal (under both Construction and Public Procurement), as well as in Lexpert, Best Lawyers in Canada, Chambers Global, Martindale-Hubbell and the Euromoney Expert Guides to World's Leading Lawyers.



Jean Kalicki is an independent arbitrator in New York and Washington, DC, specializing in investor-State, international and complex commercial disputes. Until April 2016, she was a Partner at Arnold & Porter LLP. Over 25 years, she has conducted arbitrations involving six continents, across many industries, addressing public international law and the laws of dozens of countries.

Ms. Kalicki is a Vice President of the LCIA, a former member of the AAA Board, a member of the ICC Commission (US National Committee) and the Board of SICANA, Inc. (ICC North America), and a member of the ICCA

Governing Board. She is a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators; teaches arbitration and advocacy as adjunct professor at Georgetown and American University law schools; was co-editor of *Reshaping the Investor-State Dispute Settlement System: Journeys For The 21st Century* (Brill Nijhoff and TDM-OGEMID 2015); and serves on the Editorial Boards of the *ICSID Review* and *Global Arbitration Review*.

In 2016, Law360 named Ms. Kalicki one of the "Five Most Influential Female International Arbitrators" in the world. She was recently selected as *Best Lawyers' "Lawyer of the Year"* for International Arbitration-Governmental for both Washington, DC (2016) and New York (2017).



José Antonio Rodríguez Márquez obtained his law degree from the National School of Professional Studies of Acatlan, National Autonomous University of Mexico ("UNAM"). He was awarded with the Summa cum Laude and the "Gabino Barreda" medal, the highest honor granted to students by the Advisory Board of UNAM.

José Antonio worked as an associate in Santamarina y Steta in Mexico City, and was a visiting lawyer in Baker Botts in its Houston office. He formed Bufete Rodríguez Márquez, S.C. 30 years ago.

José Antonio has served as a sole arbitrator, chair, co-arbitrator, in more than 50 international and national arbitrations in Mexico and abroad, in areas such as: oil and gas, electricity generating plants, infrastructure, water treatment plants, mergers and acquisitions, shareholders' disputes, joint ventures, franchises, commercial, insurance, industrial property, construction, real estate, golf courses.

José Antonio is a Chartered Arbitrator of The Chartered Institute of Arbitrators (CI Arb), and Past President of the North American Branch of the Institute. He is a fellow member of the "The College of Commercial Arbitrators" (CCA). He is also a panelist or member of numerous arbitral and mediation institutions such as: The International Centre for Dispute Resolution, the international division of the American Arbitration Association, and included in the Energy Arbitrators List; the International Chamber of Commerce; the International Institute for Conflict Prevention & Resolution (CPR); Instituto Mexicano del Arbitraje; y Centro de Arbitraje de México (CAM).

José Antonio is currently the President of the Commission of Mediation and Arbitration of the Confederation of Industrial Chambers of the United Mexican States (CONCAMIN).

ENERGY ARBITRATION

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Tim Martin has extensive experience as an arbitrator, mediator and counsel, with particular expertise in the energy, oil & gas, project infrastructure and construction sectors. He has also acted as an expert witness and strategic advisor in the resolution of a wide range of disputes. Tim has been counsel in international boundary disputes arising from oil & gas concessions and in sovereignty disputes in domestic courts. He has managed litigation for complex, multi-jurisdictional disputes in national courts in North America, Europe, the Middle East, Latin America and Asia. Tim has wide-ranging experience in various legal systems including the common law, civil law, Shari'ah law and the communist legal system.

Tim has over 35 years of experience in the international oil & gas and infrastructure industries where he was general counsel, country manager, finance director, commercial manager and economist, working in more than 50 countries on some of the largest energy projects in the world. His business sector experience includes: energy, oil & gas, refining, petrochemicals, mining, infrastructure, construction, international trade & investment, regulatory & administrative, compliance (anti-corruption, sanctions and boycott law), and finance & banking.

Tim was President of the Association of International Petroleum Negotiators (AIPN), twice voted its Member of the Year and has received its prestigious President's Award and Legacy Award. He has organized and chaired the leading annual conference on Dispute Resolution in the International Oil & Gas Business, co-sponsored by the AIPN and leading international arbitration institutions around the world.

Tim co-chairs the AIPN's Model International Dispute Resolution Agreement committee and has published and spoken extensively on dispute resolution and energy issues throughout the world. He is also the Chair of the Journal of World Energy Law & Business, the leading journal on international energy, which is published by Oxford University Press. Tim is a Fellow and Chartered Arbitrator of the CI Arb.



Gary McGowan is the principal of McGowan Arbitrators and Dispute Resolution. Having served as a founding partner of litigation boutique Susman, Godfrey & McGowan, he has been a neutral for over twenty-five years. He has arbitrated over 140 matters (AAA, CPR, ICC, ICDR, and Ad Hoc), many of them involving disputes in the oil and gas industry or construction related to that industry.

His credentials and honors include Fellow in the Chartered Institute of Arbitrators, Fellow in the College of Commercial Arbitrators, Member of the ICDR International Panel of Arbitrators, Named to the Energy Arbitrators List, an international panel of energy industry arbitrators sponsored by ICDR, Member, AAA Large and Complex Case Panel, Member, AAA Oil & Gas Panel, Member, CPR's National Panel of Distinguished Neutrals, Member of CPR's Oil and Gas Panel, Board of Directors, Section of Alternative Dispute Resolution, State Bar of Texas, 2015, 2016, and 2017 editions of *The Best Lawyers in America in Arbitration* and *Best Lawyers' 2017 Arbitration "Lawyer of the Year"* in Houston.



Kevin O'Gorman is a Houston-based partner and member of Norton Rose Fulbright's arbitration and litigation groups. He represents clients in a wide variety of cases involving energy, international, commercial, construction, and investor-state disputes. In addition to his client representation work, he regularly serves as arbitrator in domestic and international cases.

Kevin co-chairs the Energy Arbitrators List Review Committee. He also chaired the Disputes Division and International Arbitration Committee of the American Bar Association's Section of International Law, and served on its Council. He has taught as an Adjunct Professor at the University of Houston Law Center and was elected to the Council of the State Bar of Texas Section of International Law. Kevin formerly served as Senior Legal Secretary and Team Leader of the Claims Resolution Tribunal for Dormant Accounts in Zurich, Switzerland. Kevin supervised an international team of lawyers at the CRT and was a member of the Tribunal's Policy Committee. He is a Life Fellow of the American, Texas and Houston Bar Foundations.

Kevin received a J.D. with honors from the University of Michigan Law School and clerked for U.S. District Judge Howell Cobb of the Eastern District of Texas. He was named Lawyer of the Year in 2013 for international arbitration, governmental in Houston by Best Lawyers. Kevin is a member of the Texas and New York bars and is admitted to the roll of solicitors in England and Wales.

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Kathleen Paisley has been a dispute resolution specialist for almost 30 years, with bases in Miami, Brussels and London. She acts as an arbitrator, mediator, dispute board member and counsel in commercial and investor-State disputes at many arbitration institutions focusing on energy, construction/infrastructure, IT, and pharma/biotech.

With advanced degrees in law, finance, and accounting, and 25 years of experience in technology and antitrust/competition law, she is recognized internationally as one of the leading damages and technology specialists in energy cases. A member of the New York, DC, and Brussels bars, Kathleen combines her JD from the Yale Law School with an MBA in Finance, CPA exam, and judicial clerkships with Gilbert Merritt on the Sixth Circuit Court of Appeals and the US arbitrators at the Iran-US Claims Tribunal.



Catherine A. Rogers is a Professor of Law at Penn State Law, with a dual appointment as Professor of Ethics, Regulation, and the Rule of Law at Queen Mary, University of London, where she is also Co-Director of the Institute of Regulation & Ethics. Professor Rogers is a Reporter for the American Law Institute's Restatement of the U.S. Law (Third) of International Commercial Arbitration, a Member of the Court of Arbitration for the Jerusalem Arbitration Center, and Co-Chair, together with William W. "Rusty" Park and Stavros Brekoulakis, of the ICCA-Queen Mary Task Force on Third-Party Funding in International Arbitration. She is the founder and CEO of Arbitrator Intelligence, a non-profit, community sourced entity that aims to increase transparency,

fairness, accountability and diversity in the arbitrator selection process. Professor Rogers is a frequent speaker on topics relating to fairness and professional responsibility in international arbitration and a regular contributor to arbitration-related capacity-building efforts around the world. Her book, *Ethics in International Arbitration*, was published by Oxford University Press in 2014.



Pablo T. Spiller is a Senior Consultant at Compass Lexecon. He is also the Jeffrey A. Jacobs Distinguished Professor Emeritus of Business and Technology at the Haas School of Business, University of California, Berkeley; Research Associate at the National Bureau of Economic Research; and the former President of the International Society for New Institutional Economics and an elected member of the Board of Directors of the American Law & Economics Association.

Dr. Spiller has written extensively on regulatory, antitrust, and institutional issues, having published more than 130 academic articles and 10 books. Dr. Spiller has also extensive consulting and expert testimony experience, having testified in more than 130 litigation and international arbitration cases, involving both treaty and contractual disputes rendering opinions on damages, contract interpretation and regulatory issues in a variety of sectors throughout the world. He has testified in jurisdictions such as the ICSID, ICC, LCIA, and AAA. He has also consulted extensively with the World Bank, United Nations, and the Inter-American Development Bank as well as governments and private companies.

Dr. Spiller was the Editor-in-Chief and Associate Editor of the Journal of Law, Economics, and Organization for 19 years, and held multiple Editorial appointments at a variety of academic journals. He was also the Chair of the Business and Public Policy group at the University of California, Berkeley for five years, and, on leave from Berkeley, has been a Special Advisor to the Director at the Bureau of Economics of the US Federal Trade Commission.



Wayne Wilson has 21 years of experience as a consultant to the energy industry. He works with his clients' issues from wellhead to Wall Street, on matters ranging from drilling and development delays to SEC investigations. He has consulted on projects in Eastern Europe, South America, Africa, Southeast Asia, and North America. His testimony has been accepted by courts at the international, federal, and state levels and by arbitration tribunals across the globe. Wayne has provided consulting services and expert testimony to international clients in the areas of finance, valuation, organizational management, accounting issues, statistics, and risk management.

His expertise in the petroleum industry includes crude and natural gas valuation, product valuation, pricing of and accounting for production, pricing of and accounting for refined & processed products, transportation pricing, transfer pricing, royalty valuation, severance/conservation/ad valorem taxes, federal royalty matters, gas marketing best-practices, valuation of energy companies, accounting for joint interest billing, valuation of and accounting for derivatives, and the use of mark to market accounting within the energy industry.

Mr. Wilson has specific petroleum segment experience in exploration, production, trading, transportation, petrochemicals, olefins, and refining & processing. His expertise in the power industry includes valuations of power projects, valuations of and accounting for financial derivative for power, contract audits of local distribution companies, and power marketing best practices (including financial, accounting, and risk management).



Dr. Herfried Wöss is partner of Wöss & Partners (Mexico City – Washington DC – Lima), has trained and practiced in Austria, the Legal Service of the European Commission, the UK and Mexico, and has extensive experience in international arbitration under the ICC, UNCITRAL, ICSID and various local arbitration rules both as arbitrator and as party counsel, in particular with respect to major infrastructure projects and project agreements with state entities. He recently helped Techint to obtain a settlement agreement with Sempra/lenova in a major ICC gas pipeline arbitration. The International Who's Who of Commercial Arbitration has listed him as one of the leading professionals and considers him outstanding as sole arbitrator and party counsel. Dr. Wöss specialises in infrastructure, construction and energy projects, PPPs, M&A, as well as the telecommunications, pharmaceutical and automotive industries. Dr. Wöss is the co-founder of the Investment Arbitration Forum, Executive Board Member of the North America Branch of the Chartered Institute of Arbitrators, member of the ICC Arbitration Commission, and country representative of the Dispute Resolution Board Foundation and member of its multilateral banking committee. He is author of the leading monograph *"Damages in International Arbitration under Complex Long-term Contracts"* (Oxford University Press 2014) together with his partner Adriana San Román Rivera and two prominent economists, special editor of Transnational Dispute Management ("Latin America" and "CETA"), and was a Visiting Scholar for arbitration at Georgetown University Law Center from 2012-13. Dr. Wöss holds a *Magister iuris* (LL.B / LL.M. equivalent) and a Doctorate in International Economic Law (LL.D./S.J.D. equivalent, summa cum laude) in Austria, an LL.M. in International Business Legal Studies at the University of Exeter, UK, and is Licenciado en Derecho in Mexico. His admission as Special Legal Consultant in Washington DC is pending. He may be contacted at hwoess@woessetpartners.com.