

GAR LIVE London

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GAR Live: London 2022

DATE	LOCATION	TICKETS	EDITION
12 May 2022	116 Pall Mall, London	Free for in-house course	11th Edition

AGENDA

Here's what's scheduled for the event.

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Search for sessions...

12 May 2022

Welcome and registration

09:00-09:30 BST

✓ **Chairs' opening remarks**

09:30-09:40 BST

Lord Goldsmith QC, *partner, Debevoise & Plimpton*
Jacomijn van Haersolte-van Hof, *director general, London Court of International Arbitration (LCIA)*

✓ **Keynote address**

09:40-10:00 BST

Speaker:

Lord Mance, *Arbitrator, 7KBW*

✓ **International arbitration in an era of sanctions and increased hostile relations**

10:00-11:00 BST

International arbitration has always operated at the crossroads of law and politics. It can represent access to justice and rule of law where otherwise that might not be possible. But are there times when even the world of international arbitration must say, enough is enough? 2021 saw some moments that may have come close.

In this session we explore some of these occasions and the challenges they present; and ask how one's personal sense of responsibility as a lawyer committed to the rule of law fits in with these wider developments and loyalty to, for example, one's firm. When is it appropriate to withdraw one's goodwill and services – or should the attitude largely be, it's better hold your nose and press on, because only through engagement does anything get better? Do professional obligations such as client confidentiality or the cab rank rule override such considerations?

Areas the panel are expected to cover:

- China's sanctioning of London barristers chambers – how are the sanctions being implemented, and how does this influence individual members of staff
- Concerning rule of law developments in Hong Kong and other seats
- The UK proposal that arbitrators who sit in the House of Lords must declare their cases and fees
- Fast growing institutions in countries with poor human rights records

- Russia's blocking statute allowing for the avoidance of arbitration clauses
- How to address challenges that arise from diverging approaches to sanctions
- How to respond to geopolitical situations on the work floor, will we see problems arise as tensions grow?
- The EU's ostensive hostility towards international investment arbitration

Moderator:

Lord Goldsmith QC, *Partner, Debevoise & Plimpton*

Panel:

May Tai, *Managing Partner, Herbert Smith Freehills*

Julia Zagonek, *Partner, White & Case*

Neil Dooley, *Partner, Steptoe & Johnson*

Coffee break

11:00-11:40 BST

✓ Issue conflicts and disclosure - how should they be dealt with?

11:40-12:40 BST

As the trend towards increased transparency continues; cases such as *Haliburton* have put the question of disclosure in the spotlight – and how much exactly we can expect arbitrators to disclose. This session will discuss the topic from various angles – including that of issue conflict. After all, judges don't have to step down on the basis of known prior views. What's the difference for arbitrators – and where should the cut off point be, generally, on pre-appointment disclosure?

Topics are expected to include:

- Disclosing roles in similar cases
- Defining and delineating sectors in which different standards apply
- The impact of different standards in different jurisdictions: have we reached maximum harmonisation including by means of the IBA guidelines and is there now a return to insisting on (stricter) national standards?

- The question of arbitrators who have a known position on a certain type of dispute
- The feasibility and effectiveness of concurrent hearings – are these a solution or more likely a cause of discontent?

Moderator:

Jacomijn van Haersolte-van Hof, *Director General, London Court of International Arbitration (LCIA)*

Panel:

Ruth Byrne QC, *Partner, King & Spalding*

Teresa Giovannini, *Senior Counsel, LALIVE*

Jason Hambury, *Partner, Pinsent Masons*

Christopher Moore, *Partner, Cleary Gottlieb Steen & Hamilton*

Networking lunch

12:40-13:55 BST

✓ Having your cake and eating it - a discussion on confidentiality

13:55-14:55 BST

With the English Arbitration Act up for review, this panel will be a roundtable discussion on the role of confidentiality in the modern era and whether the demands of transparency from some camps and for privacy from others can be married in an effective way.

The panellists are expected to discuss:

- How has the subject of confidentiality become so complex? Why is there such divergence between jurisdictions on the correct starting point?
- Is the English stance on confidentiality now unattractive?
- Do members of the international arbitration community really take confidentiality seriously? If so, why does anyone ever feel able to discuss one of their past cases – is there a statute of limitations on confidentiality?
- What is the relationship between the duty to disclose and the concept of confidentiality? Who is entitled to invoke confidentiality?
- On the interface between disclosure and confidentiality: can arbitrators be trusted to provide accurate information in the absence of transparency, and thus limitations on confidentiality?

Moderator:

Luca Radicati di Brozolo, *Founding Partner, Arb Lit*

Panel:

Charlie Caher, *Partner, WilmerHale*

Dame Elizabeth Gloster DBE, *Arbitrator, One Essex Court*

Maxi Scherer, *Professor, Queen Mary University London*

Matthew Skinner, *Partner, Shearman & Sterling*

Peter Wickham, *Partner, Slaughter & May*

Coffee break**14:55-15:30 BST**
 **The GAR Live Debate**
15:30-16:30 BST

In Oxford Union style, we will hear teams of debaters argue in favour of, or against, a motion. A panel of judges will then voice opinions on what has been heard, before choosing which side to support and giving reasons for their decisions.

Motion: *'This house believes that post-Covid London will become the standard for multi-jurisdiction arbitration.'*

Judges:

Lord Goldsmith QC, *Partner, Debevoise & Plimpton*

Jacomijn van Haersolte-van Hof, *Director General, London Court of International Arbitration (LCIA)*

Debaters:

Anneliese Day QC, *Barrister, Fountain Court Chambers*

James Turner QC, *Barrister, Quadrant Chambers*

Robert Pé, *Arbitrator, Arbitration Chambers*

Michael Polkinghorne, *Partner, White & Case*

 **Chairs' closing remarks**
16:30-16:40 BST

Lord Goldsmith QC, *partner, Debevoise & Plimpton*

Jacomijn van Haersolte-van Hof, *director general, London Court of International Arbitration (LCIA)*