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Institute for Transnational Arbitration  
**ITA IN REVIEW**

# ITA IN REVIEW

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**VOL. 3**

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## **ITA CHAIR'S VALEDICTORY REMARKS**

by Joseph E. Neuhaus, ITA Chair

I was chatting the other day with José Astigarraga about the end of our respective terms as Vice-Chair and Chair of the Institute for Transnational Arbitration (“ITA”). He said that it was so frustrating that the last year and a half has been so disrupted by the COVID-19 pandemic. So, I have been thinking about that, and I think, yes and no.

On the one hand, I deeply miss the in-person interaction; the chance meetings at lunches during the Workshops when sitting next to someone you have never met; the chats at coffee breaks, or while getting breakfast at the Friday Forum, not to mention the bar at the Galleria. I think we all will be glad to get back to that.

On the other hand, I reflect on how well we have done. COVID-19 hit us literally days before our ITA-ASIL conference in March 2020. We also had a fully planned Workshop teed up for June 2020, which we planned to hold for the first time in Austin, Texas. We had to cancel everything and come up with a way to keep ITA relevant and stay connected to our members.

I think we have been largely successful. Along with the rest of the world, we transitioned to the Zoom platform. We figured out how to condense our programs into the shorter attention span you can expect in that format and how to do Zoom networking events.

Our Program Chairs Julie Bedard and Tom Sikora, and the Workshop Co-Chairs—Ank Santens, Loukas Mistelis, Mimi Lee, and Dominique Brown-Berset—pulled together an entirely new program in no time. By June 2020, we were ready to go. We held our first virtual Workshop at the traditional time. It was well attended, with attendance similar to the in-person event. We pioneered virtual networking with rotating breakout rooms, and we found that it did facilitate, but in a different, quieter way, getting to know people you had never met.

A week later, ITA-ASIL presented an interview by Chiara Giorgetti, Academic Council Chair, and Corinne Montineri, Senior Legal Officer, of UNCITRAL.



But then we doubled down and ramped up. We proceeded to have about two events a month until today. To give a sample:

- We added four days of programming in September on an in-depth examination of the first draft of the UNCITRAL draft Code of Conduct for arbitrators;
- The *ITA Arbitration Report* Board of Reporters launched its first Reporters Roundtable in October;
- In December, we held our 14th Americas Workshop, teaming up with the Latin American Arbitration Association (ALARB) to examine arbitrator immunity, occasioned by the jailing of our colleague in Peru, Fernando Cantuarias Salaverri;
- In January, we held the annual joint conference on energy arbitration with the International Chamber of Commerce and the Institute for Energy Law;
- In March, a two-day ITA-ASIL conference;
- In April, the ITA Board of Reporters teamed up with the Academic Council to discuss the EU-UK Trade and Cooperation Agreement;<sup>1</sup> and,
- Young ITA regional chairs put on 15 programs since COVID-19 forced them online, while the Young ITA Mentorship Program began its online series, presenting four webinars to date.

After the murder of George Floyd, we, along with the rest of the country, took a harder look at ourselves. We established a Diversity & Inclusion Task Force, led by Jennifer Smith and Mimi Lee, who have quietly and capably led an examination of where we are doing well and where we can do better, for example, by ensuring that our panels and leadership reflect the entire community.

*ITA in Review*, the new online publication launched in 2018, has continued to publish twice a year under the leadership of Rafael Boza and Charles “Chip” Rosenberg.

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<sup>1</sup> Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, Dec. 30, 2020, ST/5198/2021/INIT.



ITA continues to prepare a massive amount of content for KluwerArbitration.com and moderate the successful ITAFOR Spanish and Portuguese discussion forum.

Young ITA has continued to grow, now boasting more than 2,400 members, a very active Mentorship Program involving 84 mentors, mentees, and facilitators meeting in 12 small groups (including several of ITA's Executive Committee leaders and other prominent practitioners). Plus, there is the increasingly popular and competitive Young ITA Writing Competition and Award.

Many people contributed to this extraordinary record, and I truly cannot name them all. ITA's counsel, Cecilia Flores, and the editors of the ITA Arbitration Report, Roger Alford, Monique Sasson, and Crina Baltag, have made tremendous contributions. Of course, none of this would have been possible without David Winn, who has managed to orchestrate all of it, often working short-staffed.

ITA is therefore doing fine. While none of us want to stay in this virtual mode, we have managed it very well.

That is also true, by and large, of the larger arbitration community. While shut-downs slowed down the court systems around the world, nearly all the major international institutions—the ICC, LCIA, SIAC, ICSID—reported increases in case filings in 2020. More significantly, hearings did not stop. ICSID reported that sessions or hearings held in ICSID cases in the nine months between March and December 2020 were almost exactly the same as in 2019: 150 versus 156.

Anecdotally, the same is true of commercial arbitration. By my extremely sensitive *brag meter*, I hear almost the same number of casual references to hearings that colleagues just came out of as before the pandemic. That may be just the fact that “Trouble Never Takes a Holiday.” But it is also a reflection of the extraordinary resilience and creativity of our community.

Before I conclude these last remarks as ITA Chair, I would like to take a moment to express my appreciation for ITA and what it has done for me. Charles Brower got me involved in the Institute more than 20 years ago. Since then, I have very rarely missed a Workshop. I can remember one when my son graduated from college. In my time with the Institute, I have been asked to run a Workshop, chair Friday Forums,





co-chair Strategic Planning, examine the finances of the Institute, speak on panels, and travel to Houston, Dallas, Malibu, Singapore, and Washington, D.C. Incidentally, I have visited the San Jacinto Battlefield on the Houston Ship Canal, the grassy knoll where President Kennedy was shot, fancy clubs where oil barons meet, and roadhouses that I have only a vague drunken memory of. It has been an extremely rewarding involvement and the most significant extracurricular arbitration activity in my career. I am deeply appreciative of my work with ITA and urge you all to join us next year when we can get back to doing all this in person.



**JOSEPH E. NEUHAUS** a partner at Sullivan & Cromwell LLP. His practice is focused on international commercial litigation in both arbitral and court settings. He is the coordinator of Sullivan & Cromwell LLP's arbitration practice and has served as counsel and arbitrator in numerous arbitral proceedings, including ad hoc proceedings, arbitrations administered under the rules of most international arbitral institutions, and arbitrations involving sovereign entities. He also has served as counsel in a variety of arbitration-related disputes in court, as well as other commercial litigation and regulatory investigations.

## **INSTITUTE FOR TRANSNATIONAL ARBITRATION OF THE CENTER FOR AMERICAN AND INTERNATIONAL LAW**

The Institute for Transnational Arbitration (ITA) provides advanced, continuing education for lawyers, judges and other professionals concerned with transnational arbitration of commercial and investment disputes. Through its programs, scholarly publications and membership activities, ITA has become an important global forum on contemporary issues in the field of transnational arbitration. The Institute's record of educational achievements has been aided by the support of many of the world's leading companies, lawyers and arbitration professionals. Membership in the Institute for Transnational Arbitration is available to corporations, law firms, professional and educational organizations, government agencies and individuals.

### **A. Mission.**

Founded in 1986 as a division of The Center for American and International Law, the Institute was created to promote global adherence to the world's principal arbitration treaties and to educate business executives, government officials and lawyers about arbitration as a means of resolving transnational business disputes.

### **B. *Why Become a Member?***

Membership dues are more than compensated both financially and professionally by the benefits of membership. Depending on the level of membership, ITA members may designate multiple representatives on the Institute's Advisory Board, each of whom is invited to attend, without charge, either the annual ITA Workshop in Dallas or the annual Americas Workshop held in a different Latin American city each year. Both events begin with the Workshop and are followed by a Dinner Meeting later that evening and the ITA Forum the following morning—an informal, invitation-only roundtable discussion on current issues in the field. Advisory Board Members also receive a substantial tuition discount at all other ITA programs.



Advisory Board members also have the opportunity to participate in the work of the Institute's practice committees and a variety of other free professional and social membership activities throughout the year. Advisory Board Members also receive a free subscription to ITA's quarterly law journal, *World Arbitration and Mediation Review*, a free subscription to ITA's quarterly newsletter, *News and Notes*, and substantial discounts on all ITA educational online, DVD and print publications. Your membership and participation support the activities of one of the world's leading forums on international arbitration today.

C. *The Advisory Board.*

The work of the Institute is done primarily through its Advisory Board, and its committees. The current practice committees of the ITA are the Americas Initiative Committee (comprised of Advisory Board members practicing or interested in Latin America) and the Young Arbitrators Initiative Committee (comprised of Advisory Board members under 40 years old). The ITA Advisory Board and its committees meet for business and social activities each June in connection with the annual ITA Workshop. Other committee activities occur in connection with the annual ITA Americas Workshop and throughout the year.

D. *Programs.*

The primary public program of the Institute is its annual ITA Workshop, presented each year in June in Dallas in connection with the annual membership meetings. Other annual programs include the ITA Americas Workshop held at different venues in Latin America, the ITA-ASIL Spring Conference, held in Washington, D.C., and the ITA-IEL-ICC Joint Conference on International Energy Arbitration. ITA conferences customarily include a Roundtable for young practitioners and an ITA Forum for candid discussion among peers of current issues and concerns in the field. For a complete calendar of ITA programs, please visit our website at [www.cailaw.org/ita](http://www.cailaw.org/ita).

E. *Publications.*

The Institute for Transnational Arbitration publishes its acclaimed Scoreboard of Adherence to Transnational Arbitration Treaties, a comprehensive, regularly-updated report on the status of every country's adherence to the primary



international arbitration treaties, in ITA's quarterly newsletter, News and Notes. All ITA members also receive a free subscription to ITA's World Arbitration and Mediation Review, a law journal edited by ITA's Board of Editors and published in four issues per year. ITA's educational videos and books are produced through its Academic Council to aid professors, students and practitioners of international arbitration. Since 2002, ITA has co-sponsored KluwerArbitration.com, the most comprehensive, up-to-date portal for international arbitration resources on the Internet. The ITA Arbitration Report, a free email subscription service available at KluwerArbitration.com and prepared by the ITA Board of Reporters, delivers timely reports on awards, cases, legislation and other current developments from over 60 countries, organized by country, together with reports on new treaty ratifications, new publications and upcoming events around the globe. ITAFOR (the ITA Latin American Arbitration Forum) A listserv launched in 2014 has quickly become the leading online forum on arbitration in Latin America.

Please join us. For more information, visit ITA online at [www.cailaw.org/ita](http://www.cailaw.org/ita).



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