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### International Commercial Arbitration: Fifty Years After the New York Convention

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## Authors

Paul D. Carrington, Linda Silberman, Anne Marie Whitesell, Gabriel M. Wilner, George Bermann, Robert B. Davidson, William K. Slate III, Gary B. Born, Julian Davis Mortenson, Christopher M. Ryan, Maureen Weston, Brian White, C. Donald Johnson, and Peter B. Rutledge

January 30, 2009

9:00 a.m. **WELCOME**

**C. Donald Johnson**, Director, Dean Rusk Center, University of Georgia School of Law

**PANEL 1: The New York Convention – the Next 50 Years**

**Paul Carrington**, Chadwick Professor of Law, Duke University School of Law

**Linda Silberman**, Martin Lipton Professor of Law, New York University School of Law

**Anne Marie Whitesell**, Former Secretary General of the ICC International Court of Arbitration; Of Counsel, Dechert LLP

*Moderator:* **Gabriel M. Wilner**, Associate Dean and Charles H. Kirbo Professor of Law; Executive Director, Dean Rusk Center, University of Georgia School of Law

10:45 a.m. Coffee Break

11:00 a.m. **PANEL 2: Federal Arbitration Act Reform**

**George Bermann**, Jean Monnet Professor of European Union Law and Walter Gelhorn Professor of Law, Columbia University Law School

**Robert Davidson**, Executive Director of Arbitration, JAMS

**William K. Slate**, President and C.E.O., American Arbitration Association

*Moderator:* **Peter “Bo” Rutledge**, Associate Professor of Law, University of Georgia School of Law

12:30 p.m. Lunch

1:00 p.m. *Keynote Speaker:* **Gary Born**, Partner, Wilmer, Cutler, Pickering, Hale and Dorr LLP

1:45 p.m. Break

2:00 p.m. **PANEL 3: Beyond Commercial Arbitration – Lessons from Other Models**

**Julian Davis Mortenson**, Visiting Assistant Professor of Law, Fordham Law School

**Christopher Ryan**, Associate, Shearman & Sterling, LLP

**Maureen Weston**, Professor of Law, Pepperdine University School of Law

**Brian White**, Partner, King & Spalding, LLP

*Moderator:* **C. Donald Johnson**, Director, Dean Rusk Center, University of Georgia School of Law

## Moderators

**C. Donald Johnson** is a former U.S. congressman and ambassador. He joined the Dean Rusk Center in June 2004 as Director. Previously, he specialized in international trade and foreign policy issues as a partner at the law firm of Patton Boggs LLP in Washington, D.C. From 1998-2000, he served as chief textile negotiator in the office of the U.S. Trade Representative. His tenure included the U.S.-China WTO agreement, the U.S.-Cambodia Textile Agreement, WTO dispute cases and the Trade Act of 2000. Johnson previously served as Member of Congress for the 10th District of Georgia, where he concentrated on national security issues on the Armed Services Committee and on international trade, including NAFTA and the WTO implementing legislation.

**Peter “Bo” Rutledge** is an Associate Professor of Law at the University of Georgia Law School where his teaching and research interests include arbitration and international civil litigation. He is the co-author (with Gary Born) of *International Civil Litigation* in the United States. He also routinely files briefs, advises parties and serves as an expert in significant international disputes. Prior to entering the academy, Rutledge worked for several years in private practice. He served as a law clerk to Associate Justice Clarence Thomas at the Supreme Court of the United States and Judge J. Harvie Wilkinson, III of the United States Court of Appeals for the Fourth Circuit.

**Gabriel M. Wilner** is Charles H. Kirbo Professor of International Law, Executive Director of the Dean Rusk Center, and Associate Dean of the University of Georgia School of Law. He specializes in international law, international legal transactions and law of the European Union. Professor Wilner has served as legal adviser and consultant to various United Nations institutions. He has been adjunct and visiting professor at the Free University of Brussels since 1976, a visiting professor at the University of Paris (II), has served as an arbitrator in transnational disputes and was drafter of the 1988 Georgia Arbitration Code.



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# International Commercial Arbitration: Fifty Years After the New York Convention

PRESENTED BY

**The Dean Rusk Center and  
The Georgia Journal of International  
and Comparative Law**

WITH SUPPORT FROM THE

**American Society of International Law**

January 30, 2009

DEAN RUSK HALL, LARRY WALKER ROOM, 4TH FLOOR

*Celebrating the release of Gary Born's New Treatise  
on International Commercial Arbitration.*



# International Commercial Arbitration

January 30, 2009

The Dean Rusk Center

**George Bermann** is the Jean Monnet Professor of European Union Law and Walter Gellhorn Professor of Law at Columbia Law School. He also serves as the Director of the European Legal Studies Center. In addition to his academic duties, Professor Bermann is Chief Reporter, ALI Restatement of the US Law of International Commercial Arbitration; and current President, *Académie Internationale de Droit Comparé*. He regularly serves as an attorney-appointed foreign law expert on French, German, Swiss and EU Law, and transnational litigation and arbitration.

**Gary Born** is the head of the international arbitration practice group at Wilmer, Cutler, Pickering, Hale and Dorr LLP. He has handled more than five hundred arbitrations under all of the leading international arbitration regimes, including four of the largest ICC arbitrations in the organization's history. He also has served as an arbitrator, including presiding arbitrator, in more than sixty international arbitrations. Mr. Born is a prolific author and has written several major books, including most recently his multi-volume treatise on International Commercial Arbitration (Kluwer 2009). Prior to entering practice, Mr. Born served as a law clerk to Chief Justice William H. Rehnquist and to Judge Henry J. Friendly.

**Paul D. Carrington** is a Professor of Law at Duke University. He is a native of Dallas, a graduate of the University of Texas (1952) and the Harvard Law School (1955). He has been teaching law since 1957. He has been at Duke since 1978, serving that school as dean for ten years. He has over the years taught at fifteen American and five foreign law schools. He was the Sibley Lecturer at the University of Georgia in 1988. He is the author or editor of six books and numerous symposia, and is the author of more than one hundred leading articles in academic legal journals. His writings have ranged across many legal and law-related topics, including civil procedure, comparative law and arbitration.

**Robert B. Davidson** is a retired senior litigation partner at a major international law firm and a highly respected mediator and arbitrator with significant complex commercial and international claims experience. Since October 2003, he has been a full-time mediator and arbitrator and the Executive Director of JAMS Arbitration Practice. Mr. Davidson, the immediate past Chair of the Committee on Arbitration of the New York City Bar Association, sits regularly as a sole arbitrator, chairman or member of tripartite panels in numerous domestic and international arbitrations conducted under the rules of various institutions including JAMS, the AAA, the ICDR, the ICC, CIETAC, the Hong Kong International Arbitration Center, and CPR.

**Julian Davis Mortenson** is a Visiting Assistant Professor at Fordham Law School. He writes about issues of structure and process in the developing network of international tribunals and has a particular interest in investment arbitration. Before joining the Fordham faculty, Professor Mortenson worked at Wilmer, Cutler, Pickering, Hale and Dorr LLP, where his practice focused on international arbitration and national security matters. Prior to joining WilmerHale, he worked in the office of the President of the International Criminal Tribunal for the former Yugoslavia. He also served as a law clerk to Justice David H. Souter and to Judge J. Harvie Wilkinson III.

**Christopher M. Ryan** is a member of the international arbitration and litigation groups at Shearman & Sterling LLP. He has represented private and government clients before U.S. federal courts; ICSID, ICC, AAA, and *ad hoc* arbitral tribunals; NAFTA Chapter 19 dispute resolution panels; and the WTO Dispute Settlement Body. Prior to joining Shearman & Sterling, Mr. Ryan clerked for the Honorable Gregory W. Carman, Chief Judge, United States Court of International Trade. Mr. Ryan is a Lecturer at the University of Virginia School of Law and The George Washington University School of Law, teaching courses on International Investment Law and International Commercial Arbitration.

**Linda Silberman** is the Martin Lipton Professor of Law at New York University, where she teaches Civil Procedure, Comparative Procedure, Conflict of Laws, International Litigation/Arbitration, and International Commercial Arbitration. Prior to coming to NYU in 1971, she spent several years in private practice in Chicago. She has also been Professor in Residence at the U.S. Justice Department, Civil Division, Appellate Staff. Professor Silberman is co-author of a Civil Procedure casebook and one of five authors on a recent Comparative Procedure book entitled *Civil Litigation in Comparative Context* (2007). She was also Co-Reporter for the ALI Project on Recognition and Enforcement of Foreign Judgments.

**William K. Slate II** is the President and Chief Executive Officer of the American Arbitration Association. Mr. Slate holds an M.B.A. degree from the Wharton School of the University of Pennsylvania, a Juris Doctor degree from the University of Richmond Law School where he was member of the Law Review, and a B.A. degree from Wake Forest University where he was a Poteat Scholar. He was formerly President of the Justice Research Institute, an inter-disciplinary research and management consulting firm for courts and legal institutions which he founded. He practiced and taught law, and has lectured widely on law, arbitration and mediation as a visiting professor and before numerous state and federal bar organizations.

**Maureen Weston** is Professor of Law at Pepperdine University School of Law. She received her JD from the University of Colorado. Professor Weston teaches courses on dispute resolution, civil procedure, legal ethics, and sports law. She has taught at the University of Oklahoma, University of Colorado, and Brasenose College in Oxford, England. Prior to teaching, Weston practiced law with Holme Roberts & Owen and Faegre & Benson in Colorado. She has served as co-chair of the ABA Section on Dispute Resolution Education Committee. Weston is co-author of casebooks on sports law and arbitration, and she has written articles in the area of disability law, sports law, and dispute resolution.

**Brian White** is a partner in the Business Litigation and International Arbitration Practice Groups in King & Spalding's Atlanta office. He focuses on complex litigation matters, representing clients in international and domestic arbitrations, as well as in lawsuits at the trial and appellate levels in the state and federal courts in the United States. Mr. White has represented clients from the United States, Europe and the Middle East in arbitration disputes under the rules of the London Court of International Arbitration, the International Chamber of Commerce, the International Arbitral Centre of the Austrian Federal Chamber, the American Arbitration Association's International Centre for Dispute Resolution and the ARIAS (UK) Insurance and Reinsurance Arbitration Society.

**Anne Marie Whitesell** is Of Counsel at Dechert LLP. Prior to that she was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. Ms. Whitesell supervised approximately 1,100 international arbitration cases each year involving parties from over 120 countries. She also worked closely with the 126 members of the International Court of Arbitration, who hail from 88 different countries, and contributed to the institution's profile and reputation around the world. She has practiced with law firms in both the United States and in France and was a lecturer at the Université de Paris I, Panthéon-Sorbonne and the Institut de Droit Comparé (Université de Paris II).

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