

ABA International Law Section and Russian Arbitration Association
12th Annual Conference on the Resolution of CIS-Related Business Disputes
September 16 – 17, 2020
Virtual

SEPTEMBER 16, 2020

WHAT WAS THE PAST YEAR'S MOST SIGNIFICANT LEGAL DEVELOPMENT FOR CIS DISPUTES PRACTITIONERS?

A debate in a fast-moving "[PechaKucha](#)" format

(Each presenter gets 20 slides that automatically rotate every 20 seconds)

7:50 - 8:50 pm HKT
2:50 - 3:50 pm MSK
11:50 am - 12:50 pm
GMT
7:50 am - 8:50 am ET

- The new Russian law (adopted in June 2020) providing for the exclusive jurisdiction of the Russian state arbitrazh (commercial) courts over disputes involving Russian sanctioned individuals and entities (and any foreign entities controlled by them)
 - [Artem Doudko](#), Osborne Clarke, London, UK
- The UK court decisions in *Enka İnşaat ve Sanayi AŞ v OOO Insurance Co. Chubb, Chubb Russia Investments, et al*, setting out the criteria for determining the proper law governing an arbitration agreement
 - [Natalie Todd](#), PCB Litigation, London, UK
- Clarifications on Russian arbitration legislation – including the arbitrability of corporate disputes – issued by the Council for the Development of Arbitration at the Russian Ministry of Justice upon the joint request of Hong Kong International Arbitration Centre and the Vienna International Arbitration Centre (June 2020)
 - [Alice Fremuth-Wolf](#), Vienna International Arbitration Centre, Vienna, Austria
- Russian Supreme Court Resolution No. 53 (December 2019), "On Fulfilment by Courts of the Russian Federation of the Functions of Assistance and Oversight in Respect of Arbitral Proceedings and International Commercial Arbitration," with clarifications on denial of enforcement on public policy grounds, arbitrability of disputes, provisional remedies, and other issues
 - [Dmitry Ivanov](#), Morgan Lewis, Moscow, Russia
- No signature, no problem? Extending arbitration to non-signatories
 - [Glenn Hendrix](#), Arnall Golden Gregory LLP, Atlanta, USA
- Virtual hearings come of age
 - [Roman Zykov](#), Mansors, Moscow, Russia

	<p>Moderator – Ilya Nikiforov, Egorov Puginsky Afanasiev & Partners, St. Petersburg, Russia</p> <p>Following the presentations, the participants will vote on the most significant legal development of the past twelve months</p>
<p>3:50 – 4:10 pm MSK</p>	<p>BREAK</p>
<p>4:10 – 5:00 pm MSK 9:10 – 10:00 am ET</p>	<p>INTERACTIVE “COFFEE SHOP” SESSIONS (CONCURRENT)</p> <p>Group discussion will be facilitated by 2 or more moderators and the number of participants in each virtual room will be capped to encourage discussion</p> <p><u>Arbitration Track</u></p> <ul style="list-style-type: none"> • Hot topics in investment treaty arbitration <ul style="list-style-type: none"> ○ Moderators: Olga Tsvetkova, Russian Ministry of Justice, Moscow, Russia Sarah Vasani, Addleshaw Goddard LLP, London, UK Olga Boltenko, Fangda Partners, Hong Kong • Data analytics in international arbitration and regulation of AI in IA <ul style="list-style-type: none"> ○ Moderators: Paulius Docka, Primus Derling, Vilnius, Lithuania Wojciech Sadowski, Queritius, Warsaw, Poland • Taming the “unruly horse” – international arbitration and public policy <ul style="list-style-type: none"> ○ Moderators: Anton Maurer, International Legal Services, Stuttgart, Germany Alfred Siwy, Zeiler Partners, Vienna, Austria <p><u>General Disputes Track</u></p> <ul style="list-style-type: none"> • Force majeure – how is it being applied in the context of the Covid-19 pandemic? <ul style="list-style-type: none"> ○ Moderators: William C. Phillips, Covington Burling, New York, USA

	<p>Steven Richman, Clark Hill PLC, Princeton, USA Felix Prozorov-Bastians, GvW Graf von Westphalen, Frankfurt, Germany</p> <ul style="list-style-type: none"> • E-advocacy: Practical issues and tips on using remote technology for hearings <ul style="list-style-type: none"> ○ Moderators: Andrey Panov, Allen Overy, Moscow, Russia Katherine Simpson, Simpson Dispute Resolution/33 Bedford Row Chambers, USA Sergey Treschev, Squire Patton Boggs, Moscow, Russia • CIS-related oil and gas disputes <ul style="list-style-type: none"> ○ Moderators: Doran Doeh, The 36 Group, London, UK Paul Griffin, White & Case, London, UK Mark Beeley, Orrick, London, UK • Tips and tactics for obtaining usable evidence in the U.S. for use abroad under 28 U.S.C. Section 1782 – perspectives from U.S. and non-U.S. practitioners– <ul style="list-style-type: none"> ○ Moderators: Edward Mullins, Reed Smith, Miami, USA Christof Siefarth, Gørg, Cologne, Germany <p style="text-align: center;">The number of active participants in each virtual room will be capped at 25. In registering as an “active” participant, the registrant is committing to actually attend and contribute to the discussion. Group discussion will be facilitated by 2 or more moderators. There is no cap on the number of passive participants.</p>
5:00 – 5:15 pm MSK	BREAK
5:15 – 6:15 pm MSK 10:15-11:15 am ET	<p style="text-align: center;">LIVE VIRTUAL ARBITRATION HEARING PART 1 : THE PRELIMINARY HEARING/CASE MANAGEMENT CONFERENCE</p> <p style="text-align: center;">Watch an arbitration panel and counsel in a contentious case management conference as they address, among other issues, whether the merits hearing should proceed remotely over one party’s objection and, if so, the appropriate protocols for taking witness evidence</p> <p>Arbitrators: Grant Hanessian, Hanessian ADR, New York, USA</p>

[Kathleen Paisley](#), Ambos Lawyers, Brussels, Belgium

[Jacomijn \("Jackie"\) van Haersolte-van Hof](#), London Court of International Arbitration, London, UK

Counsel: [Rupert D'Cruz](#), Littleton Chambers, London, UK

[Vladimir Khvalei](#), Baker & McKenzie, Moscow, Russia

6:00 – 6:50 pm HKT
1:00 – 1:50 pm MSK
6:00 – 6:50 am ET

INTERACTIVE “COFFEE SHOP” SESSIONS
(CONCURRENT)

Arbitration Track

- Working from home as an arbitration practitioner in the Covid-19 era - juggling the often competing demands of clients, colleagues and family from the kitchen
 - Moderators: [Anna Kozmenko](#), Schellenberg Whittmer, Zurich, Switzerland
[Fredrik Ringquist](#), Mannheimer Swartling, Moscow, Russia & Stockholm, Sweden
- Binding non-signatories to arbitration agreements – a comparative perspective
 - Moderators: [Timur Aitkulov](#), Clifford Chance, Moscow, Russia
[Noah Rubins](#), Freshfields Bruckhaus Deringer, Paris, France
[Patricia Shaughnessy](#), Stockholm University, Stockholm, Sweden
- Winning tips for documents-only arbitrations
 - Moderators: [Jessica \(Jia\) Fei](#), King & Wood Mallesons, Beijing, China
[Drew Holiner](#), Monckton Chambers, London, UK

General Disputes Track

- COVID-related real estate disputes
 - Moderators: [Aleksandr Khavin](#), Mango, Madrid, Spain
[David Marmins](#), Arnall Golden Gregory LLP, Atlanta, USA
[Amanda McNeil](#), Howard Kennedy, London, UK
[Andrey Zelenin](#), Lidings, Moscow, Russia
- Third party funding in pandemic times
 - Moderators: [James Menz](#), Bombardier, Berlin, Germany
[Sergey Morozov](#), International Centre for Legal Protection, Moscow, Russia

	<p style="text-align: center;">Nikolaus Pitkowitz, Graf & Pitkowitz, Vienna, Austria</p> <ul style="list-style-type: none"> • “The state or not the state?” When state-owned companies are treated as a foreign state for the purposes of sovereign immunity? <ul style="list-style-type: none"> ○ Moderators: Gene M. Burd, FisherBroyles LLP, Washington DC Antonia Mottironi, Monfrini Bitton Klein, Geneva, Switzerland Cathalijne Van Der Plas, Jahae Raymakers, Amsterdam, Netherlands <p style="text-align: center;">The number of active participants in each virtual room will be capped at 25. In registering as an “active” participant, the registrant is committing to actually attend and contribute to the discussion.</p> <p style="text-align: center;">Group discussion will be facilitated by 2 or more moderators.</p> <p style="text-align: center;">There is no cap on the number of passive participants.</p>
1:50 – 2:10 pm MSK	BREAK
<p>7:10 – 8:00 pm HKT 11:10 am – 12:00 pm GMT 2:10 – 3:00 pm MSK 7:10 – 8:00 am ET</p>	<p style="text-align: center;">INTERACTIVE “COFFEE SHOP” SESSIONS (CONCURRENT)</p> <p style="text-align: center;"><u>Arbitration Track</u></p> <ul style="list-style-type: none"> • Tackling corruption and money laundering in international arbitration <ul style="list-style-type: none"> ○ Moderators: Tatiana Minaeva, RPC, London, UK Alexey Dudko, Hogan Lovells, Moscow, Russia Marc Goldstein, MJG Arbitration, New York, USA • Is the use of remote technology a new advantage for arbitration over litigation? <ul style="list-style-type: none"> ○ Moderators: Oksana G. Wright, Fox Rothschild LLP, New York, USA Ed Crosse, Simmons & Simmons LLP, London, UK Alexey Yadykin, Freshfields, Moscow, Russia • Arbitrability - who decides what is and is not arbitrable – judges or arbitrators? <ul style="list-style-type: none"> ○ Moderators: Shelby R. Grubbs, Miller & Martin PLLC, Atlanta, USA Sabina Sacco, Lévy Kaufmann-Kohler, Geneva, Switzerland

	<p style="text-align: center;">Elina Mereminskaya, Wagemann, Santiago, Chile</p> <ul style="list-style-type: none"> • Dos and don'ts in choosing an arbitral seat in the CIS <ul style="list-style-type: none"> ○ Moderators: Bakhyt Tukulov, Tukulov & Kassilgov Litigation LLP, Almaty, Kazakhstan Peter Pettibone, Pettibone International ADR, New York, USA <p style="text-align: center;"><u>General Disputes Track</u></p> <ul style="list-style-type: none"> • Winning disputes over derailed M&A deals <ul style="list-style-type: none"> ○ Moderators: Anastasia Bondarenko, Vannin Capital, Paris, France Tigran Ter-Martirosyan, Berkeley Research Group, Singapore Andre Yeap, Rajah & Tann, Singapore • Russian countersanctions responding to US/EU sanctions, including the June 2020 changes to the Russian Arbitrazh (Commercial) Procedure Code <ul style="list-style-type: none"> ○ Moderators: Maxim Kulkov, Kulkov, Kolotilov & Partners, Moscow, Russia Yaroslav Klimov, Norton Rose Fulbright, Moscow, Russia Konstantin Kroll, Dentons, Moscow, Russia <p style="text-align: center;">The number of active participants in each virtual room will be capped at 25. In registering as an “active” participant, the registrant is committing to actually attend and contribute to the discussion. Group discussion will be facilitated by 2 or more moderators. There is no cap on the number of passive participants.</p>
3:00 – 3:15 pm MSK	BREAK
8:15 – 9:15 pm HKT 3:15 – 4:15 pm MSK 8:15 – 9:15 am ET	<p style="text-align: center;">LIVE VIRTUAL ARBITRATION HEARING PART 2 : EXPERT WITNESS CROSS EXAMINATION</p> <ul style="list-style-type: none"> • Arbitrator: George Bermann, Columbia Law School, New York, USA • Counsel: Lisa M. Richman, McDermott Will & Emery, Washington DC, USA

	<p style="text-align: center;">Richard Samuel, 3 Hare Court, London, UK</p> <ul style="list-style-type: none"> • Experts: Laura Hardin, Alvarez & Marsal, Houston, USA Vladimir Nefediev, PWC, Moscow, Russia
4:15 – 4:30 pm MSK	BREAK
<p>9:30 – 10:20 pm HKT 4:30 – 5:20 pm MSK 1:30 – 2:20 pm GMT 9:30 – 10:20 am ET</p>	<p style="text-align: center;">INTERACTIVE “COFFEE SHOP” SESSIONS (CONCURRENT)</p> <p><u>Arbitration Track</u></p> <ul style="list-style-type: none"> • Arbitration clauses and insolvency proceedings <ul style="list-style-type: none"> ○ Moderators: Sergey Petrachkov, Alrud, Moscow, Russia Olga Savina, Parallel Legal Consulting, Moscow, Russia Peter Ferrer, Harneys, British Virgin Islands • What to tell your client about the security and privacy of case information in an arbitration: key points shared by ADR providers <ul style="list-style-type: none"> ○ Moderators: Miroslava Schierholz, International Centre for Dispute Resolution, New York, USA Eric Ng, Hong Kong International Arbitration Centre, Hong Kong Lise Alm, Stockholm Chamber of Commerce, Stockholm, Sweden • 10 years on – have emergency arbitration procedures lived up to the promise? <ul style="list-style-type: none"> ○ Moderators: Peter Wolrich, Curtis Mallet-Prevost, Paris, France Chanaka Kumarasinghe, HFW, Singapore <p><u>General Disputes Track</u></p> <ul style="list-style-type: none"> • Enforcing foreign bankruptcy decisions <ul style="list-style-type: none"> ○ Moderators: Thabiso ban den Bosch, Conway & Partners, Rotterdam, Netherlands Dmitry Pentsov, Froriep, Geneva, Switzerland

- Preparing for the post-coronavirus era in litigation
 - Moderators: [Brent Clinkscale](#), Greenville, USA
[Valery Sidney](#), EuroChem Group AG, Moscow, Russia
[Varvara Knutova](#), Kveidze & Partners, Moscow, Russia

- The use of criminal procedures in parallel to civil disputes
 - Moderators: [Nikolas Ireland](#), Macfarlanes LLP, London, UK
[Kendall Coffey](#), Coffey Burlington, Miami, USA
[Vladimir Melnikov](#), Linklaters, Moscow, Russia

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Please note that all sessions will be recorded and posted to YouTube.