

Contemporary Issues in International Arbitration and Mediation

The Fordham Papers 2013

Arthur W. Rovine
Editor



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Arthur W. Rovine
Conference Director

Contributors

Arthur W. Rovine

has been serving as an arbitrator in international cases under NAFTA, ICSID, PCA and ICC/AAA/ICDR since his retirement from the law firm of Baker & McKenzie as of July 1, 2005. He is also Director of the Fordham Law School annual Conference on International Arbitration and Mediation and is Adjunct Professor of Law at Fordham Law School. He is Editor of the annual volume *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers*, published by Brill/Nijhoff.

Mr. Rovine was President of the American Society of International Law (2000–2002) and Chairman of the International Law Section of the American Bar Association (1985–1986). He was a member of the Board of Editors of the *American Journal of International Law* (1977–1987), and has been a member of the Council on Foreign Relations since 1987. He was Chairman of the International Law Committee of the Association of the Bar of the City of New York (2009–2011), and is a member of the ABCNY International Commercial Disputes Committee. He is a member of the Arbitration Committee of the Center for Public Resources, and a Fellow of the American Bar Foundation. He represented the ABCNY in the recently-completed revision of the UNCITRAL Arbitration Rules.

After joining Baker & McKenzie (1983), Mr. Rovine represented major clients in international arbitrations, including investor/state cases at the Iran-U.S. Claims Tribunal in the Hague (where he had argued cases as the first U.S. Agent), the UN Compensation Commission in Geneva, the ICC, AAA, Stockholm Institute, ad hoc arbitrations, and related international litigations in U.S. Federal Courts.

Prior to joining Baker & McKenzie, Mr. Rovine served in the Office of the Legal Adviser in the U.S. Department of State from 1972 to 1983. He established the Digest of United States Practice in International Law (1972–1974), and was then named Assistant Legal Adviser for Treaty Affairs (1975–1981). In that capacity he was responsible for the international law, constitutional law, and U.S. foreign relations law issues involved in many treaties, agreements, and legislation, including the Algiers Accords with Iran, the termination of the Mutual Defense Treaty with Taiwan, the Taiwan Relations Act, the Panama Canal Treaties, the Egypt-Israel Peace Treaty, several human rights treaties, succession of states with respect to treaties, and the President's treaty powers.

Mr. Rovine was then appointed the first United States Agent to the Iran-U.S. Claims Tribunal in the Hague from 1981 to 1983. In that capacity, and working

with the Iranian Agent, European arbitrators and the Dutch Government, he helped establish the Tribunal, adapt the UNCITRAL Rules for the Tribunal, and helped develop Tribunal administrative procedures, privileges and immunities, payment mechanisms, etc. Mr. Rovine then argued cases at the Tribunal on behalf of the U.S. Government against the government of Iran.

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Mr. Ali frequently sits as an arbitrator and has also served as a mediator in a wide variety of international disputes, involving the governing laws of different jurisdictions and under various institutional regimes.

From 1993 to 1996, he was a section chief at the UN Compensation Commission, a special division of the UN Security Council, and from 2000 to 2001, he served as senior counsel at the World Intellectual Property Organization Arbitration and Mediation Center. His working languages are English, Spanish, and French. He is also conversant in Urdu, Hindi, Bengali, and Portuguese.

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Nigel was president of the IBA Subcommittee on Investment Arbitration. He is co-author of Redfern and Hunter on International Arbitration, Guide to ICSID Arbitration and International Arbitration in Latin America. He is adjunct professor of arbitration at American University Washington College of Law.

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John R. Crook

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During nearly three decades in the U.S. State Department's Office of the Legal Adviser, Crook was the second U.S. Agent at the Iran-United States Claims Tribunal, was deeply involved in creating the UN Compensation Commission, and appeared in several cases before the International Court of Justice. From 2000–2004, he was General Counsel of the Multinational Force and Observers, an international organization that operates an 1800-soldier peacekeeping force in Egypt's Sinai Desert.

Hélène de Kovachich

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M^e de Kovachich was a tax litigator with the Ministère du Revenu du Québec and then with Stikeman Elliott in Montreal. In 1994, she founded Groupe Option Mediation specializing in mediation and arbitration. For many years, she acted as mediator or arbitrator in numerous domestic and international disputes, involving Canada, Asia or Africa; as well, she has trained, lectured on and promoted alternative dispute resolution methods.

She has been involved in many ADR cases (arbitration, mediation, neutral evaluation, partnering, facilitation and judicial mediation) and developed an expertise in designing conflict management systems.

She has lectured for many associations, law societies and universities nationally and internationally, on ADR, ethics, participative justice and administrative law.

She conceived and assisted in the implementation of judicial mediation programs in the Court of Appeal and the Superior Court of Québec, as well as in administrative tribunals.

She has also given instruction in judicial mediation to judges of various courts in Québec, as well as to judges from other jurisdictions around the world, including France, Mexico, Morocco, Serbia, Mali and Cambodia. She took part, in a mission to study the feasibility of justice shelters, in Haiti so as to offer first-line justice, as part of the justice support programme operated in Haiti by the UN related International Organisation of the Francophonie.

M^e de Kovachich was chair of the National Alternative Dispute Resolution Section of the Canadian Bar Association (2003–2004) and led many ADR projects including those pertaining to the development and acceptance of the Canadian Commercial Model Law based on the UNCITRAL conciliation model law.

She has written many articles on ADR and on administrative tribunals and is the co-author of “Le guide pratique de la médiation”, Carswell, 1997, which remains a reference work on the subject.

She was appointed “Distinguished Fellow” of the International Academy of Mediators at Harvard University in 2006.

She received the award for teaching quality from the law faculty of University of Sherbrooke in September 2007.

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For 25 years, he has acted in numerous arbitrations as an expert and as an arbitrator.

Rudolf Dolzer has taught at the Chinese Academy of Social Sciences, Michigan Law School, Cornell Law School, Massachusetts Institute of Technology, Yale Law School, University Paris I (Sorbonne), Instituto de Empresa Business School and the Southern Methodist University Dedman Law School. Between 1996 and 2009, he was Director of the Institute for International Law at the University of Bonn. In August 2010 Prof. Dolzer gave lectures at The Hague Academy of International Law on "The Evolution of Oil and Gas Law from an International Perspective."

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He launched his independent practice as an arbitrator in 2013, after almost 35 years of counsel practice as a partner at Stikeman Elliott LLP in Toronto.

Mr. Judge has over thirteen years of experience in international commercial arbitration as counsel and as arbitrator. He has sat as an arbitrator and as chair on substantial international arbitrations through the ICC Paris, the London Court of International Arbitration, the ICDR (the international arm of the American Arbitration Association), and the Dubai International Arbitration Centre as well as ad hoc arbitrations. He is on the international panels for the ICDR, the Singapore International Arbitration Centre and the Kuala Lumpur Regional Centre for Arbitration. He has served as an expert adjudicator for the ICDR gTLD dispute process. Mr. Judge has also acted as a mediator to assist parties in settling their disputes in a wide variety of cases.

He has appeared as counsel before trial and appellate courts, including the Supreme Court of Canada, and also before domestic and international arbitral tribunals as well as administrative tribunals including human rights tribunals. He has acted for and against government entities. He is adept in coordinating cross-border disputes and in effectively dealing with jurisdictional issues. His experience includes shareholder and partnership disputes, corporate and commercial transactions, banking, insolvency, insurance and reinsurance claims, and civil fraud investigations and claims. He has handled a wide variety of technology disputes related to outsourcing, software development, licensing, software implementation and Internet and domain name issues. He has a broad background in real estate and complex construction project disputes, product liability and professional negligence claims.

He has broad dispute experience in the following industries: mining, oil and gas, energy; construction, engineering, infrastructure and real estate; technology and telecommunications; insurance and reinsurance; banking and investment; and transportation.

His arbitration and litigation expertise has been recognized nationally and internationally in various publications including Chambers 2012 and 2013, Dispute Resolution: Arbitration (Band One), International Who's Who of Commercial Arbitration, Canada's Lexpert, the Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada, and Best Lawyers in Canada, among others.

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