



OVERHAULING INTERNATIONAL DISPUTE RESOLUTION

**CHALLENGES AND POTENTIAL SOLUTIONS TO
INTERNATIONAL DISPUTE RESOLUTION
IN THE 21ST CENTURY**

**FRIDAY, MARCH 13, 2009, 9:00 A.M.
KING HALL, WILKINS MOOT COURTROOM**

Interest in using alternative dispute resolution (ADR) has rapidly increased in recent years. ADR processes such as mediation and arbitration have been used in private contexts, both domestic and international, to resolve disputes between parties to a transaction. It is increasingly the method of choice in resolving disputes involving public entities as well, as exemplified in the explosion of investor-State cases at the International Centre for Settlement of Investment Disputes (ICSID). Through a number of panel discussions, the 2009 Symposium will explore the current state of ADR usage in a variety of settings, and explore directions it should take in the future.

SCHEDULE

8:30 A.M.
MCLE SIGN-IN AND COFFEE (optional)

9:00 A.M.
WELCOME AND INTRODUCTION

9:15 A.M.
OPENING REMARKS

Jack J. Coe
Professor of Law, Pepperdine University

9:45 A.M.
**ICSID REVISITED: EVALUATING THE
EFFECTIVENESS OF THE 2006 AMENDMENTS TO
ICSID ARBITRATION RULES**

David Caron
C. William Maxeiner Distinguished Professor of Law,
UC Berkeley School of Law

Meg Kinnear
General Counsel and Director of the Trade Law Bureau,
Canada Department of Foreign Affairs and International Trade

Gonzalo Flores
Senior Counsel, International Centre for Settlement of Investment
Disputes

11:00 - 11:15 A.M.
BREAK

SESSION 1 - ICSID REVISITED: EVALUATING THE EFFECTIVENESS OF THE 2006 AMENDMENTS TO THE ICSID ARBITRATION RULES

The number of investor-state disputes handled by ICSID has significantly increased in recent years. Partly as a response to this dramatic increase in its caseload, ICSID implemented a number of changes to its arbitration rules. These reforms, which went into effect in 2006, addressed some of the criticisms that have been leveled at ICSID arbitrations, such as the lack of transparency in disputes and the need for a more efficient and streamlined process. The panel will include discussions by scholars, practitioners, and ICSID representatives as to whether these amendments effectively deal with the criticism and shortcomings of ICSID.

SESSION 2 - ADR AND CORPORATE AMERICA: ORIGIN AND EVOLUTION

In 1997, David Lipsky, Director of the Institute on Conflict Resolution at Cornell University, and Ronald Seeber, Associate Dean of the Cornell's School of Industrial and Labor Relations published their seminal study, "The Use of

11:15 A.M. - 12:15 P.M.
**ADR AND CORPORATE AMERICA:
ORIGIN AND EVOLUTION**

Richard D. Fincher
Co-Author of *Emerging Systems for Managing Workplace
Conflict: Lessons from American Corporations for Managers
and Dispute Resolution Professional*

12:15 P.M. - 1:45 P.M.
LUNCH

1:45 P.M.
**LESSONS FROM INTERNATIONAL AND
DOMESTIC CONFLICT RESOLUTION:
THE NEW FACE OF ARBITRATION**

Jeswald Salacuse
Henry J. Braker Professor of Commercial Law;
The Fletcher School, Tufts University

Susan Franck
Associate Professor of Law, Washington and Lee University

Andrea K. Bjorklund
Professor of Law, UC Davis School of Law

3:15 P.M.
CONCLUDING REMARKS
Jeswald Salacuse

3:30 P.M.
RECEPTION

ADR in U.S. Corporations," which examined the extent to which ADR was used by Fortune 1,000 companies. The study found that, despite some hesitation, corporate America had begun to embrace ADR as an appropriate means of conflict resolution. In the follow-up to this study nearly 10 years later, Richard Fincher worked with Professors Lipsky and Seeber to report on the evolution of ADR in corporate America. During his address, Mr. Fincher will present an examination of the origins and acceptance of ADR within corporate America, and provide insight into the future of ADR in the ever-changing domestic corporate landscape.

**SESSION 3 - LESSONS FROM INTERNATIONAL
AND DOMESTIC CONFLICT RESOLUTION:
THE NEW FACE OF INTERNATIONAL ARBITRATION**
The final panel discussion will focus on the future of international arbitration in both the investor-State and private commercial contexts. The panelists will explore the issues and challenges faced by those attempting to design optimal systems of dispute resolution.

DATE

The symposium will be held on Friday, March 13, 2009, from 9:00 A.M. to 3:30 P.M.

LOCATION

University of California, Davis, School of Law (Martin Luther King, Jr., Hall), Wilkins Moot Courtroom.

Please visit the UC Davis School of Law Web site at <http://www.law.ucdavis.edu/about/directions.html> for directions.

PUBLIC EVENT

The symposium is free and open to the public.

MCLE CREDIT

This symposium is approved for Minimum Continuing Education credit by the State Bar of California. Members of the California Bar will receive one hour of credit per panel session. The University of California, Davis, School of Law (#1127) certifies that this symposium conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing Minimum Continuing Legal Education.

Registration for Minimum Continuing Legal Education credit will begin 20 minutes before the start of the symposium.

For further information, contact the UC Davis Journal of International Law and Policy at jlip@ucdavis.edu or visit the symposium Web site at <http://jlip.law.ucdavis.edu/symposium.htm>.

FACULTY ADVISORS

Afra Afsharipour
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