



Judges v Arbitrators? Assessment of Acts of the Judiciary in Investment Arbitration and Reliance of Arbitration Tribunals on the Judiciary *

Summary

*** Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

Washington Arbitration Week 2020 commenced with an introduction by co-chairs, including Mauriello from Strategy LLP, who emphasized the importance of the event as a platform for sharing experiences in international arbitration. The conference featured a virtual format and included numerous special events throughout the week.

A key topic discussed was the intersection of arbitration and litigation, particularly the role of the judiciary in reviewing international arbitration awards. The panel included distinguished speakers such as Dr. Rita, a mediator and former U.S. District Judge, and John Larry, a partner at a law firm with expertise in arbitration cases, including the notable Nigeria vs. P&ID case. This case involved Nigeria's obligations under a power generation contract and raised significant questions regarding the reliability of arbitration processes and the potential for procedural fraud.

The discussion highlighted the challenges faced by arbitrators and the judiciary in addressing issues of fraud and disclosure. The panelists debated the adequacy of current arbitration procedures, particularly in light of the Nigerian case, where concerns about undisclosed evidence and the effectiveness of legal representation were raised. The conversation also touched on the need for greater transparency in arbitration and the role of legal professionals as gatekeepers in the process.

Overall, the session provided a critical examination of the complexities surrounding arbitration and judicial oversight, particularly in high-stakes international disputes. The participants called for improvements in procedural integrity and the need for a balanced approach to arbitration that considers both private interests and public accountability.

Authors

Judge Eduardo C. Robreno, Michael Evan Jaffe, John Laird, Matthew H. Kirtland, Nicole Silver



Topics

Investment Arbitration, Arbitration Tribunals, Judiciary, Acts of the Judiciary, Judges, Arbitrators

Category

WAW

Full Transcript

00:00:03

Welcome everybody to Washington arbitration

00:00:08

week 2020 for my name.

00:00:10

Is there a Washington at

00:00:13

call? Mauriello? I'm here with

00:00:16

my co-chair strategy LLP. This

00:00:24

is the fourth annual Washington

00:00:28

arbitration week. Was something that

00:00:33

many people in the Washington

00:00:36

service people in our industry

00:00:47

together and share our experiences

00:00:50



that and celebrate what a

00:00:52

great place to do International

00:00:56

arbitration. This really was seen

00:01:04

by us to do something

00:01:12

kind of new at this

00:01:14

is something that I actually

00:01:15

really generated a bit which

00:01:18

was a one-week virtual conference

00:01:20

with the pickup and the

00:01:27

interest was fantastic for arbitration

00:01:37

near Washington and supporting their

00:01:41

practices and a group here

00:01:49

today and we have I

00:01:51



think 20 someone special events

00:01:55

coming up this week really

00:01:59

going to be a fantastic

00:02:01

week and a day which

00:02:06

as you know, is this

00:02:08

great supporter Washington arbitration we

00:02:12

can thank them for a

00:02:13

hosting this morning here in

00:02:19

Washington. Thank you very much.

00:02:24

Have a great battle this

00:02:30

morning and I'll call on

00:02:34

my colleague. Dr. Rita's introduced

00:02:37

us a few comments, but

00:02:40



that the animal is called

00:02:41

judges versus arbitrators? So, however,

00:02:50

you think that the next

00:02:51

part of it is assessment

00:02:52

of international arbitration award by

00:02:54

the Judiciary after Nigeria vs.

00:02:57

Tea and I need topical

00:03:06

addressed issues that are very

00:03:08

kind of the world and

00:03:11

channel and very much looking

00:03:14

forward to it. So I'm

00:03:15

going to ask my colleagues

00:03:16

at the new words and

00:03:18



then we'll get going. 20/20

00:03:42

vision Washington in Miami when

00:04:00

it's late, but we will

00:04:02

never be in DC and

00:04:04

the unfortunate finance and out

00:04:57

under right rib Good morning.

00:05:42

What you mean? Today we

00:05:48

are here to discuss the

00:05:49

intersection between arbitration and litigation.

00:05:54

weather obviously arbitrators attract are

00:06:00

specific issue that is on

00:06:05

the role of the Judiciary

00:06:09

and the song advocating for

00:06:13



greater involvement. In this panel,

00:06:21

we used to resent. E

00:06:23

p and ID. So that

00:06:32

we can probably catch her

00:06:46

at Carter in English as

00:06:49

a mediator. He threw for

00:06:59

30 years at a US

00:07:01

District Judge for the results

00:07:14

are over 180,000 individual cases

00:07:17

for the rental office Services

00:07:24

University of Miami. Next up

00:07:37

is John Larry. youth council

00:07:41

with bullet morning Monday When

00:08:09



are the best title he's

00:08:10

the cool partner in charge

00:08:12

of the Washington DC office?

00:08:34

Know what they are. He

00:08:36

also has cancer. directions the

00:09:28

judgments in Nigeria key and

00:09:32

ID in October as many

00:09:45

of you are aware that

00:09:47

the sound of Nigeria holding

00:09:50

that the public The underlined

00:10:00

British Virgin Islands company in

00:10:03

Nigeria under the terms of

00:10:12

the contract egeria West Liberty

00:10:23



Nigeria for power generation. 2012

00:10:33

p n i b tid

00:10:40

battle for arbitration by Nigeria

00:10:43

to meet its obligations under

00:10:44

the cherry pie better, Papa.

00:11:06

11 billion irrelevant team, but

00:11:34

it failed YouTube on my

00:11:35

bestie and I eat very

00:11:47

Sports International and it is

00:11:50

this Nigeria professional range of

00:11:58

allegations in English at the

00:12:05

corrupted b e n i

00:12:11

p it also presented to

00:12:14



council evidence evidence. And he

00:12:25
and I D E N

00:12:26
Council. Ultimately the high court

00:12:48
agreed with Nigeria find no

00:12:49
one has seen four eyes

00:12:52
to a former legal director

00:12:55
at the lawyers involved in

00:12:59
drafting in negotiations to that

00:13:05
P and ID's ESPN contract

00:13:11
issues that you're a privileged

00:13:24
and confidential. At this point

00:13:31
the high court has yet

00:13:32
to decide whether to the

00:13:54



Court's judgment which highlighted in

00:13:56

Dairy Queen around breast cancer.

00:14:10

About the suitability of arbitration

00:14:12

questioned whether the process is

00:14:24

less reliable. That's not the

00:14:46

arbitral Tribunal. Stop talking now

00:15:23

and headed over to our

00:15:24

house. Let me Begin by.

00:15:58

Say thank you very much.

00:16:03

I'm a company here. Nothing

00:17:05

about it and at the

00:17:07

end of the day. Justice

00:17:15

store I'll beat you up.

00:18:08



Why was this contract? engineering

00:18:21

up step forward Under Armour

00:19:57

Read back if they sell

00:20:05

security contract outside. that's not

00:20:51

Who is the temptation? something

00:21:20

else Justice quotes. Thank you,

00:22:48

Michael. I don't know if

00:22:52

that microphone is working. Jessie

00:23:12

thank you for the invitation

00:23:14

to the Joint that distinguished

00:23:17

happy and that has said

00:23:27

mrs. Jackie has total body

00:23:29

frame the question the issue

00:23:32



is this is there a

00:23:36

need for some of modification

00:23:39

for my role here today

00:23:50

is to flush out the

00:23:53

house in case we have

00:23:56

to say about the system

00:24:03

either he was shot as

00:24:07

simply a case of extraordinary.

00:24:12

Perfect Storm at that job,

00:24:16

lizard unusual extraordinary case in

00:24:29

motivation in United States of

00:24:49

American system or not. We

00:25:00

have the process that comes

00:25:04



with wings that balance in

00:25:07

practice. Years ago that history

00:25:15

was worth it. And I

00:25:19

think that was the view

00:25:43

the arbitration and chat. If

00:25:46

you were to try to

00:25:47

resolve private disputes outside of

00:25:49

the country as an indication

00:25:52

that was prevalent. Patricia Knight

00:26:54

arbitration in resolving in private

00:27:37

dispute. hour that the parties

00:27:56

vested in the areas where

00:28:08

they should display adapter to

00:28:20



go to the side and

00:28:34

either of stadium of the

00:28:42

judges and the arbitrator's Ask

00:28:54

you out betrayed their dispute

00:28:56

in the inside is Reese's

00:29:21

entered into by the arbitrator.

00:29:24

I'm with me being forced

00:29:26

to wear together. What is

00:29:55

the best on the arbitrator

00:29:57

our inability to resolve their

00:30:00

dispute? that is part of

00:30:09

the agreement that the party

00:30:11

is a possibility that has

00:30:18



not been so broke that

00:30:30

and provided that it does

00:30:33

not violate. What is a

00:30:42

one year award. So, what

00:30:55

does that do in particularly

00:30:59

in the case of the

00:31:06

Republic of Nigeria? the arbitrators

00:31:19

and then ended evidence of

00:31:26

the claims that the contract

00:31:37

in the one of the

00:31:39

parties was not buying the

00:31:41

discovery has been brought to

00:32:03

the attention of my daddy

00:32:19



waiting impact. What is that?

00:32:37

collection vanity and mending some

00:33:01

particular taste Text Nicole. Has

00:33:51

a pleasure to be here

00:33:52

to speak on this is

00:34:03

a fascinating case to Nigeria

00:34:04

case. what I think is

00:34:10

a bit of a hole

00:34:11

in the system in which

00:34:13

we all participate in the

00:34:15

hole is a procedural fraud

00:34:18

fraud by definition of those

00:34:22

undisclosed and here in the

00:34:24



Nigeria case. In other cases

00:34:25

that are brought is involved

00:34:27

in our vehicle warrant fraud

00:34:30

by the Party by the

00:34:31

investor by definition not disclosed

00:34:35

to the state Advanced the

00:34:37

arbitration here in the Nigeria

00:34:39

faced as The Gatekeepers. Michael

00:34:51

refer to winning award that

00:34:56

is Tainted by fraud brought

00:34:58

before the court. We found

00:35:07

other cases. There is a

00:35:09

premise by the courts that

00:35:11



party in the spaces State

00:35:14

Nigeria and the opportunity to

00:35:17

investigate this brought the grounds

00:35:21

to set aside or repeat

00:35:33

it. Squatters is no the

00:35:48

disclosure of documents and often

00:35:52

times has far more limited

00:35:54

than its 6. Significantly fraud

00:35:59

issues. There is in motion

00:36:01

National patricians of the rules

00:36:03

almost no third-party discovery. Attorneys

00:36:08

who represent clients and often

00:36:25

times that number was ironic

00:36:34



in this case. Is that

00:36:36

evidence as a result of

00:36:46

the US Supreme Court decision

00:36:47

this year You can agree

00:36:54

or disagree with the decision

00:36:57

but it is in balance

00:37:05

and evidence is also a

00:37:08

very critical point here on

00:37:09

this case, which is the

00:37:11

selection of the sea. clients

00:37:17

often come to us International

00:37:18

transaction with I just beat

00:37:24

resolution was already dropped little

00:37:27



room for a revision or

00:37:29

it says treaty and there

00:37:33

are various cities considered as

00:37:36

we all know, I think

00:37:39

sometimes this arbitration Nigeria has

00:37:54

one of the When it

00:37:58

is an outlier in the

00:38:00

procedural rules that apply confirmation

00:38:02

and set aside for sitting

00:38:04

at the correct time 28

00:38:16

days evidence of fraud years

00:38:23

later. They brought their application

00:38:25

in 2020. He was trying

00:38:31



to Court. Justice. No other

00:38:33

judge whether they would be

00:38:36

permitted to put on there.

00:38:41

The chances that you would

00:38:43

get a similar Hearing in

00:38:45

the United States are zero.

00:38:48

but you would get this

00:38:49

in another jurisdiction or very

00:38:51

low This was just a

00:38:54

question, whether they could prevent

00:38:56

the process then when that

00:38:58

was permitted full disclosure was

00:39:01

ordered supervised by the court

00:39:03



in the set a time

00:39:04

for sale. Edwards into an

00:39:09

eight-week trial before Justice knows

00:39:11

this is radical compared to

00:39:14

other countries that are considered

00:39:16

Cedar Park mobile. Away from

00:39:24

Paris 2013 for 10 years

00:39:29

where we represent the 2017.

00:39:37

We have not accepted in

00:39:50

Sweden Sweden and after we

00:39:57

establish for the investors represented

00:40:03

by the confirmation precision. Nigeria

00:40:18

had it within its role

00:40:20



no matter what when it's

00:40:23

full throttle. But here in

00:40:26

the US with the same

00:40:27

case is accepted as being

00:40:29

brought to London. balance between

00:40:41

work You also have an

00:40:56

inch of this year, right?

00:40:58

I like it some other

00:40:59

day. A duty of inquiry

00:41:04

that sometimes doesn't exist when

00:41:15

should have done. I'm here,

00:41:21

but still at the place.

00:41:32

Should the tribunal in that

00:41:34



case 7 wire with a

00:41:36

fraud existed, but they didn't

00:41:44

ask the question. I would

00:41:54

say my submission is that

00:41:57

an arbitral Tribunal? Justice no

00:42:08

brings up very serious allegations

00:42:11

about this very distinguished not

00:42:13

inquiring but it was apparent

00:42:15

that Nigeria's Council was not

00:42:17

asking the correct questions are

00:42:20

Nigeria's Council. And this goes

00:42:33

to Michael's point. I think

00:42:45

there is a mess. International

00:43:08



virtual Awards You should be

00:43:18

printed out. Why what happened?

00:44:23

giving up real reason Interesting

00:45:35

question. Why is it why

00:45:47

is it not be my

00:45:48

thing. A lot of that

00:45:57

is wrong. Scary baby song.

00:46:46

What's happening long in this

00:46:47

auction today? Certainly get it

00:47:02

wrong and a nominal damages.

00:47:34

I do be ready too.

00:47:35

Cuz that makes that situation

00:47:40

is like I do, you

00:47:49



know what the state or

00:47:59

the Cleveland? Thank you. So

00:48:44

I'm just going to send

00:48:47

the first one and contribute

00:48:55

to the transparency today and

00:48:58

what it might mean to

00:48:59

the future of isps and

00:49:02

even the reliability and I

00:49:11

don't know if I want

00:49:13

it. See if anybody else

00:49:19

wants to Shannon. I think

00:49:27

because of the publicity. Set

00:49:34

the flag in the sand

00:49:35



for the debate about transparency

00:49:38

where broad has been play.

00:49:48

I'm sure and it was

00:49:56

positive way towards the debate

00:50:12

on transparency. in particular, I

00:50:16

think it's gotten the attention

00:50:18

of our community is excessive

00:50:23

compensation or p i n

00:50:27

v i mean even in

00:50:30

the realm, I take English

00:50:31

barristers three billion-dollar suburbs such

00:50:40

as the council during the

00:50:43

arbitration to the SRA and

00:50:46



the bar so I do

00:50:51

agree with Michael's, said the

00:50:53

lawyers are The Gatekeepers in

00:50:56

any legal process the particular

00:50:57

I think is good. And

00:51:06

I think there does need

00:51:06

to be more. But Matthew

00:51:17

is there's really no difference

00:51:20

between commercials. At least as

00:52:12

well. There is an interest

00:52:14

in the absence of information

00:52:34

on text with the typical

00:52:47

amount of Interest Supreme Court's

00:53:33



decision on when when is

00:53:40

there a decision to not

00:53:46

let just anybody? Response to

00:54:14

make bad law, but this

00:54:27

is an easy case that

00:54:28

makes the one that any

00:55:01

efforts to increase arbitral Awards.

00:55:12

Private agreement between the parties

00:55:16

would be overreacting to disturb

00:55:37

the balance in place the

00:55:39

perhaps the sight of the

00:55:49

bush. So yeah, we talked

00:55:58

it out and many of

00:56:00



these raised the fact that

00:56:01

the crucial information. Much after

00:56:07

the arbitration proceedings are closed

00:56:10

and it was the same

00:56:13

thing. I did actually one

00:56:35

of the problems why the

00:56:36

surprise is because and would

00:56:48

be better if one of

00:56:57

the powers of arbitrators were

00:56:59

comply with orders or should

00:57:08

should be encouraged national headquarters.

00:57:17

What should we do? And

00:57:18

I also want to Circle

00:57:20



back and having been involved

00:57:28
in a lot of 1780

00:57:32
shuttle lot of light in

00:57:41
the Chevron at work. And

00:57:43
I think it's fair to

00:57:44
say that you change the

00:57:51
course of the arbitration and

00:57:54
that was because I needed

00:58:03
you and now as my

00:58:10
meeting leaving closes in Austin.

00:58:27
Powers something and you Broad

00:58:41
and issues of corruption, even

00:58:43
if they are not so

00:58:48



Number one point I was

00:59:01
going to say that. If

00:59:14
you see a green coffee.

00:59:22
create an extra pounds. The

00:59:29
wind is this actually Evil

00:59:48
a real trouble elsewhere at

00:59:59
least you get to the

01:00:03
root of the problem is

01:00:08
purely araujo specifically on questions

01:00:16
like that idea to go

01:00:21
outside. I am not Animal

01:00:25
Hospital Craigslist. can I think

01:01:04
I agree endorses between private

01:01:07



arbitration therefore. None of the

01:01:18

concerns of confidentiality privacy proceeding

01:01:21

as a route or sensible

01:01:30

business persons to frebis plane

01:01:41

Rises public interest. I think

01:01:45

that is where and I

01:01:50

think one one part is

01:01:53

whether a tribunal has a

01:01:55

duty to know it's part

01:01:56

is the kyc rules and

01:02:00

regulations, but it's like through

01:02:02

the entire banking. They were

01:02:26

feeding documents the Nigerian government

01:02:28



under bribery his feeding internal

01:02:31

confidential documents in the arbitration.

01:02:34

But the tribunal a task

01:02:41

that this is by no

01:02:42

means like individuals would likely

01:02:51

have rooted it out this

01:02:53

this fraud or set up

01:02:57

very clearly a defense to

01:02:59

confirmation and then the parties

01:03:06

would have been lying. Hey,

01:03:29

I'm just a folded necessary,

01:03:32

but they don't get it.

01:04:16

Obviously terrible defense has not

01:04:31



at all and express procedure.

01:04:33

You should get the paper,

01:04:43

Craigslist. What are the theme

01:05:14

song to little is the

01:05:17

difference in the world in

01:05:37

terms of responding to appropriately

01:05:40

respond to a South American

01:05:52

country? All right, I am

01:06:28

mindful of the time and

01:06:31

I have some other questions,

01:06:33

but I also want to

01:06:35

get the audience sometimes. but

01:06:45

let me ask another question

01:06:46



that I wanted and how

01:07:02

can just deal with it

01:07:09

and and The Republic relations

01:07:44

that reminds me of the

01:07:47

line in Casablanca complaining about

01:08:06

the side of the river

01:08:20

and instituted probably limited to

01:08:28

me. The update and the

01:08:44

idea though read matters to

01:08:57

get attention of the tribunal

01:08:59

that that particular Property Services.

01:09:32

So do I think with

01:09:46

the stone on the scale

01:09:47



of the marriage like that

01:09:48

particular case? All right, what

01:09:57

would that? Otherwise? I was

01:09:59

going to wait and come

01:10:33

closer to you suggest that.

01:10:48

public international law arbitration not

01:10:55

that I could roll it

01:10:57

into the shoes by by

01:10:59

the arbitrator. I would say

01:11:17

so, I mean it's a

01:11:20

It's obviously something that can

01:11:22

go too far is the

01:11:25

early obvious in this case

01:11:30



was not performing their basic

01:11:33

functions. In this instance where

01:11:39

the other side is not

01:11:40

individuals representing the government of

01:11:43

Nigeria presidents. That is that

01:11:50

Albert law tribunal will not

01:11:54

perhaps going to the pool

01:11:55

is a Toro model since

01:11:57

the lock. Rather than just

01:12:03

sit back and watch it

01:12:05

unfold as we're dealing with

01:12:10

Emerging Markets. Is it appropriate

01:12:57

for the trip? Why aren't

01:13:00



you not be all that

01:13:09

happy? Why is it that

01:13:34

special? first Do no harm

01:14:19

Sister discrimination and oppression by

01:14:33

there about that song Day

01:14:45

by the majority of alcohol.

01:15:08

Well, I I am going

01:15:10

to thank you all for

01:15:11

being here today. Thank you

01:15:14

to your Palace at all.

01:15:21

I'm going to not kick

01:15:23

you off track on the

01:15:24

let the next. Welcome everybody

00:00:06



to Washington arbitration week 2020

00:00:09

for my name. Is there

00:00:10

a Washington at call? Mauriello?

00:00:14

I'm here with my co-chair

00:00:17

strategy LLP. This is the

00:00:24

fourth annual Washington arbitration week.

00:00:31

Was something that many people

00:00:35

in the Washington service people

00:00:45

in our industry together and

00:00:49

share our experiences that and

00:00:51

celebrate what a great place

00:00:53

to do International arbitration. This

00:01:03

really was seen by us

00:01:05



to do something kind of

00:01:13

new at this is something

00:01:15

that I actually really generated

00:01:17

a bit which was a

00:01:19

one-week virtual conference with the

00:01:22

pickup and the interest was

00:01:27

fantastic for arbitration near Washington

00:01:38

and supporting their practices and

00:01:42

a group here today and

00:01:50

we have I think 20

00:01:53

someone special events coming up

00:01:56

this week really going to

00:01:59

be a fantastic week and

00:02:02



a day which as you

00:02:07

know, is this great supporter

00:02:08

Washington arbitration we can thank

00:02:12

them for a hosting this

00:02:14

morning here in Washington. Thank

00:02:24

you very much. Have a

00:02:30

great battle this morning and

00:02:32

I'll call on my colleague.

00:02:35

Dr. Rita's introduced us a

00:02:38

few comments, but that the

00:02:40

animal is called judges versus

00:02:43

arbitrators? So, however, you think

00:02:50

that the next part of

00:02:52



it is assessment of international

00:02:53

arbitration award by the Judiciary

00:02:55

after Nigeria vs. Tea and

00:02:58

I need topical addressed issues

00:03:07

that are very kind of

00:03:08

the world and channel and

00:03:13

very much looking forward to

00:03:14

it. So I'm going to

00:03:15

ask my colleagues at the

00:03:17

new words and then we'll

00:03:19

get going. 20/20 vision Washington

00:03:58

in Miami when it's late,

00:04:01

but we will never be

00:04:03



in DC and the unfortunate

00:04:55

finance and out under right

00:04:58

rib Good morning. What you

00:05:43

mean? Today we are here

00:05:48

to discuss the intersection between

00:05:50

arbitration and litigation. weather obviously

00:05:55

arbitrators attract are specific issue

00:06:03

that is on the role

00:06:08

of the Judiciary and the

00:06:09

song advocating for greater involvement.

00:06:20

In this panel, we used

00:06:22

to resent. E p and

00:06:24

ID. So that we can

00:06:32



probably catch her at Carter

00:06:47

in English as a mediator.

00:06:58

He threw for 30 years

00:07:00

at a US District Judge

00:07:02

for the results are over

00:07:15

180,000 individual cases for the

00:07:22

rental office Services University of

00:07:26

Miami. Next up is John

00:07:38

Larry. youth council with bullet

00:07:41

morning Monday When are the

00:08:09

best title he's the cool

00:08:11

partner in charge of the

00:08:13

Washington DC office? Know what

00:08:35



they are. He also has

00:08:36

cancer. directions the judgments in

00:09:29

Nigeria key and ID in

00:09:43

October as many of you

00:09:45

are aware that the sound

00:09:48

of Nigeria holding that the

00:09:50

public The underlined British Virgin

00:10:02

Islands company in Nigeria under

00:10:11

the terms of the contract

00:10:12

igeria West Liberty Nigeria for

00:10:24

power generation. 2012 p n

00:10:34

i b tid battle for

00:10:40

arbitration by Nigeria to meet

00:10:43



its obligations under the cherry

00:10:50

pie better, Papa. 11 billion

00:11:21

irrelevant team, but it failed

00:11:35

YouTube on my bestie and

00:11:46

I eat very Sports International

00:11:48

and it is this Nigeria

00:11:56

professional range of allegations in

00:11:59

English at the corrupted b

00:12:10

e n i p it

00:12:12

also presented to council evidence

00:12:14

evidence. And he and I

00:12:26

D E N Council. Ultimately

00:12:47

the high court agreed with

00:12:48



Nigeria find no one has

00:12:51
seen four eyes to a

00:12:52
former legal director at the

00:12:56
lawyers involved in drafting in

00:12:59
negotiations to that P and

00:13:05
ID's ESPN contract issues that

00:13:23
you're a privileged and confidential.

00:13:29
At this point the high

00:13:31
court has yet to decide

00:13:32
whether to the Court's judgment

00:13:55
which highlighted in Dairy Queen

00:13:56
around breast cancer. About the

00:14:11
suitability of arbitration questioned whether

00:14:23



the process is less reliable.

00:14:35

That's not the arbitral Tribunal.

00:15:10

Stop talking now and headed

00:15:23

over to our house. Let

00:15:56

me Begin by. Say thank

00:15:59

you very much. I'm a

00:16:06

company here. Nothing about it

00:17:06

and at the end of

00:17:07

the day. Justice store I'll

00:17:22

beat you up. Why was

00:18:09

this contract? engineering up step

00:19:23

forward Under Armour Read back

00:19:59

if they sell security contract

00:20:13



outside. that's not Who is

00:20:55

the temptation? something else Justice

00:22:01

quotes. Thank you, Michael. I

00:22:51

don't know if that microphone

00:22:53

is working. Jessie thank you

00:23:13

for the invitation to the

00:23:15

Joint that distinguished happy and

00:23:26

that has said Mrs. Jackie

00:23:28

has total body frame the

00:23:30

question the issue is this

00:23:35

is there a need for

00:23:37

some of modification for my

00:23:49

role here today is to

00:23:51



flush out the house in

00:23:55

case we have to say

00:23:56

about the system either he

00:24:06

was shot as simply a

00:24:07

case of extraordinary. Perfect Storm

00:24:14

at that job, lizard unusual

00:24:26

extraordinary case in motivation in

00:24:37

United States of American system

00:24:50

or not. We have the

00:25:01

process that comes with wings

00:25:05

that balance in practice. Years

00:25:13

ago that history was worth

00:25:16

it. And I think that

00:25:19



was the view the arbitration

00:25:44

and chat. If you were

00:25:46

to try to resolve private

00:25:48

disputes outside of the country

00:25:50

as an indication that was

00:26:09

prevalent. Patricia Knight arbitration in

00:27:33

resolving in private dispute. hour

00:27:54

that the parties vested in

00:27:57

the areas where they should

00:28:10

display adapter to go to

00:28:31

the side and either of

00:28:35

stadium of the judges and

00:28:43

the arbitrator's Ask you out

00:28:55



betrayed their dispute in the

00:29:06

inside is Reese's entered into

00:29:22

by the arbitrator. I'm with

00:29:25

me being forced to wear

00:29:44

together. What is the best

00:29:55

on the arbitrator our inability

00:29:59

to resolve their dispute? that

00:30:08

is part of the agreement

00:30:10

that the party is a

00:30:13

possibility that has not been

00:30:18

so broke that and provided

00:30:32

that it does not violate.

00:30:33

What is a one year

00:30:42



award. So, what does that

00:30:55

do in particular in the

00:31:05

case of the Republic of

00:31:08

Nigeria? the arbitrators and then

00:31:19

ended evidence of the claims

00:31:27

that the contract in the

00:31:39

one of the parties was

00:31:40

not buying the discovery has

00:31:50

been brought to the attention

00:32:03

of my daddy waiting impact.

00:32:20

What is that? collection vanity

00:32:49

and mending some particular taste

00:33:37

Text Nicole. Has a pleasure

00:33:52



to be here to speak

00:33:53

on this is a fascinating

00:34:03

case to Nigeria case. what

00:34:08

I think is a bit

00:34:10

of a hole in the

00:34:11

system in which we all

00:34:14

participate in the hole is

00:34:15

a procedural fraud fraud by

00:34:20

definition of those undisclosed and

00:34:24

here in the Nigeria case.

00:34:25

In other cases that are

00:34:26

brought is involved in our

00:34:28

vehicle warrant fraud by the

00:34:30



Party by the investor by

00:34:33

definition not disclosed to the

00:34:35

state Advanced the arbitration here

00:34:39

in the Nigeria faced as

00:34:41

The Gatekeepers. Michael refer to

00:34:54

winning award that is Tainted

00:34:57

by fraud brought before the

00:34:58

court. We found other cases.

00:35:08

There is a premise by

00:35:10

the courts that party in

00:35:13

the spaces State Nigeria and

00:35:15

the opportunity to investigate this

00:35:19

brought the grounds to set

00:35:21



aside or repeat it. Squatters

00:35:35

is no the disclosure of

00:35:49

documents and often times has

00:35:53

far more limited than its

00:35:55

6. Significantly fraud issues. There

00:36:00

is in motion National patricians

00:36:02

of the rules almost no

00:36:04

third-party discovery. Attorneys who represent

00:36:10

clients and often times that

00:36:25

number was ironic in this

00:36:34

case. Is that evidence as

00:36:45

a result of the US

00:36:46

Supreme Court decision this year

00:36:53



You can agree or disagree

00:36:54

with the decision but it

00:36:57

is in balance and evidence

00:37:06

is also a very critical

00:37:08

point here on this case,

00:37:10

which is the selection of

00:37:12

the sea. clients often come

00:37:17

to us International transaction with

00:37:23

I just beat resolution was

00:37:25

already dropped little room for

00:37:28

a revision or it says

00:37:30

treaty and there are various

00:37:34

cities considered as we all

00:37:36



know, I think sometimes this

00:37:49

arbitration Nigeria has one of

00:37:55

the When it is an

00:37:58

outlier in the procedural rules

00:38:00

that apply confirmation and set

00:38:03

aside for sitting at the

00:38:14

correct time 28 days evidence

00:38:22

of fraud years later. They

00:38:24

brought their application in 2020.

00:38:30

He was trying to Court.

00:38:31

Justice. No other judge whether

00:38:36

they would be permitted to

00:38:37

put on there. The chances

00:38:42



that you would get a

00:38:43

similar Hearing in the United

00:38:45

States are zero. but you

00:38:48

would get this in another

00:38:50

jurisdiction or very low This

00:38:53

was just a question, whether

00:38:55

they could prevent the process

00:38:57

then when that was permitted

00:38:59

full disclosure was ordered supervised

00:39:02

by the court in the

00:39:04

set a time for sale.

00:39:08

Edwards into an eight-week trial

00:39:10

before Justice knows this is

00:39:13



radical compared to other countries

00:39:14

that are considered Cedar Park

00:39:21

mobile. Away from Paris 2013

00:39:28

for 10 years where we

00:39:30

represent the 2017. We have

00:39:37

not accepted in Sweden Sweden

00:39:54

and after we establish for

00:39:58

the investors represented by the

00:40:03

confirmation precision. Nigeria had it

00:40:19

within its role no matter

00:40:22

what when it's full throttle.

00:40:25

But here in the US

00:40:26

with the same case is

00:40:28



accepted as being brought to

00:40:29

London. balance between work You

00:40:55

also have an inch of

00:40:57

this year, right? I like

00:40:58

it some other day. A

00:41:03

duty of inquiry that sometimes

00:41:05

doesn't exist when should have

00:41:16

done. I'm here, but still

00:41:24

at the place. Should the

00:41:33

tribunal in that case 7

00:41:34

wire with a fraud existed,

00:41:37

but they didn't ask the

00:41:45

question. I would say my

00:41:55



submission is that an arbitral

00:41:58

Tribunal? Justice no brains up

00:42:09

very serious allegations about this

00:42:11

very distinguished not inquiring but

00:42:14

it was apparent that Nigeria's

00:42:17

Council was not asking the

00:42:18

correct questions are Nigeria's Council.

00:42:32

And this goes to Michael's

00:42:34

point. I think there is

00:42:45

a mess. International virtual Awards

00:43:18

You should be printed out.

00:43:25

Why what happened? giving up

00:44:57

real reason Interesting question. Why

00:45:42



is it why is it

00:45:47

not be my thing. A

00:45:56

lot of that is wrong.

00:46:21

Scary baby song. What's happening

00:46:47

long in this auction today?

00:47:01

Certainly get it wrong and

00:47:03

a nominal damages. I do

00:47:34

be ready too. Cuz that

00:47:36

makes that situation is like

00:47:48

I do, you know what

00:47:49

the state or the Cleveland?

00:48:40

Thank you. So I'm just

00:48:45

going to send the first

00:48:48



one and contribute to the

00:48:56

transparency today and what it

00:48:59

might mean to the future

00:49:00

of isps and even the

00:49:08

reliability and I don't know

00:49:12

if I want it. See

00:49:19

if anybody else wants to

00:49:20

Shannon. I think because of

00:49:28

the publicity. Set the flag

00:49:35

in the sand for the

00:49:36

debate about transparency where broad

00:49:47

has been play. I'm sure

00:49:49

and it was positive way

00:50:11



towards the debate on transparency.

00:50:14

in particular, I think it's

00:50:17

gotten the attention of our

00:50:19

community is excessive compensation or

00:50:27

p i n v i

00:50:29

mean even in the realm,

00:50:30

I take English barristers three

00:50:34

billion-dollar suburbs such as the

00:50:43

council during the arbitration to

00:50:44

the SRA and the bar

00:50:46

so I do agree with

00:50:52

Michael's, said the lawyers are

00:50:54

The Gatekeepers in any legal

00:50:56



process the particular I think

00:51:05
is good. And I think

00:51:06
there does need to be

00:51:07
more. But Matthew is there's

00:51:19
really no difference between commercials.

00:51:32
At least as well. There

00:52:13
is an interest in the

00:52:24
absence of information on text

00:52:44
with the typical amount of

00:53:09
Interest Supreme Court's decision on

00:53:34
when when is there a

00:53:40
decision to not let just

00:54:09
anybody? Response to make bad

00:54:25



law, but this is an

00:54:27

easy case that makes the

00:54:31

one that any efforts to

00:55:02

increase arbitral Awards. Private agreement

00:55:15

between the parties would be

00:55:25

overreacting to disturb the balance

00:55:37

in place the perhaps the

00:55:40

sight of the bush. So

00:55:56

yeah, we talked it out

00:55:58

and many of these raised

00:56:00

the fact that the crucial

00:56:02

information. Much after the arbitration

00:56:09

proceedings are closed and it

00:56:12



was the same thing. I

00:56:22

did actually one of the

00:56:35

problems why the surprise is

00:56:37

because and would be better

00:56:53

if one of the powers

00:56:57

of arbitrators were comply with

00:57:02

orders or should should be

00:57:10

encouraged national headquarters. What should

00:57:18

we do? And I also

00:57:19

want to Circle back and

00:57:27

having been involved in a

00:57:29

lot of 1780 shuttle lot

00:57:40

of light in the Chevron

00:57:41



at work. And I think

00:57:43

it's fair to say that

00:57:44

you change the course of

00:57:52

the arbitration and that was

00:57:55

because I needed you and

00:58:07

now as my meeting leaving

00:58:15

closes in Austin. Powers something

00:58:29

and you Broad and issues

00:58:41

of corruption, even if they

00:58:43

are not so Number one

00:58:51

point I was going to

00:59:01

say that. If you see

00:59:15

a green coffee. create an

00:59:23



extra pounds. The wind is

00:59:35

this actually Evil a real

00:59:49

trouble elsewhere at least you

01:00:02

get to the root of

01:00:03

the problem is purely araujo

01:00:11

specifically on questions like that

01:00:16

idea to go outside. I

01:00:23

am not Animal Hospital Craigslist.

01:00:47

can I think I agree

01:01:05

endorses between private arbitration therefore.

01:01:18

None of the concerns of

01:01:19

confidentiality privacy proceeding as a

01:01:26

route or sensible business persons

01:01:32



to frebis plane Rises public

01:01:43

interest. I think that is

01:01:46

where and I think one

01:01:52

one part is whether a

01:01:54

tribunal has a duty to

01:01:55

know it's part is the

01:01:58

kyc rules and regulations, but

01:02:01

it's like through the entire

01:02:02

banking. They were feeding documents

01:02:27

the Nigerian government under bribery

01:02:30

his feeding internal confidential documents

01:02:33

in the arbitration. But the

01:02:40

tribunal a task that this

01:02:41



is by no means like

01:02:43

individuals would likely have rooted

01:02:52

it out this this fraud

01:02:55

or set up very clearly

01:02:58

a defense to confirmation and

01:03:00

then the parties would have

01:03:06

been lying. Hey, I'm just

01:03:30

a folded necessary, but they

01:03:33

don't get it. Obviously terrible

01:04:19

defense has not at all

01:04:32

and express procedure. You should

01:04:42

get the paper, Craigslist. What

01:05:14

are the theme song to

01:05:15



little is the difference in

01:05:18

the world in terms of

01:05:37

responding to appropriately respond to

01:05:41

a South American country? All

01:06:27

right, I am mindful of

01:06:29

the time and I have

01:06:31

some other questions, but I

01:06:33

also want to get the

01:06:35

audience sometimes. but let me

01:06:45

ask another question that I

01:06:58

wanted and how can just

01:07:04

deal with it and and

01:07:32

The Republic relations that reminds

01:07:45



me of the line in

01:07:47

Casablanca complaining about the side

01:08:09

of the river and instituted

01:08:26

probably limited to me. The

01:08:33

update and the idea though

01:08:46

read matters to get attention

01:08:57

of the tribunal that that

01:09:10

particular Property Services. So do

01:09:33

I think with the stone

01:09:46

on the scale of the

01:09:47

marriage like that particular case?

01:09:55

All right, what would that?

01:09:57

Otherwise? I was going to

01:09:59



wait and come closer to

01:10:34

you suggest that. public international

01:10:50

law arbitration not that I

01:10:57

could roll it into the

01:10:58

shoes by by the arbitrator.

01:11:16

I would say so, I

01:11:18

mean it's a It's obviously

01:11:21

something that can go too

01:11:22

far is the early obvious

01:11:28

in this case was not

01:11:32

performing their basic functions. In

01:11:37

this instance where the other

01:11:39

side is not individuals representing

01:11:42



the government of Nigeria presidents.

01:11:45

That is that Albert law

01:11:51

tribunal will not perhaps going

01:11:54

to the pool is a

01:11:56

Toro model since the lock.

01:12:02

Rather than just sit back

01:12:04

and watch it unfold as

01:12:08

we're dealing with Emerging Markets.

01:12:56

Is it appropriate for the

01:12:58

trip? Why aren't you not

01:13:08

be all that happy? Why

01:13:23

is it that special? first

01:14:00

Do no harm Sister discrimination

01:14:31



and oppression by there about

01:14:44

that song Day by the

01:14:48

majority of alcohol. Well, I

01:15:09

I am going to thank

01:15:11

you all for being here

01:15:12

today. Thank you to your

01:15:14

Palace at all. I'm going

01:15:21

to not kick you off

01:15:23

track on the let the

01:15:24

next.