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Summary of Young-OGEMID Symposium No. 2: "Sound Off: How to Get a Speaking Slot in International Arbitration (February 2016)" by M. Craven

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TDM has become the hub of a global professional and academic network. Therefore we invite all those with an interest in Investment arbitration and Dispute Management to contribute. We are looking mainly for short comments on recent developments of broad interest. We would like where possible for such comments to be backed-up by provision of in-depth notes and articles (which we will be published in our 'knowledge bank') and primary legal and regulatory materials.

If you would like to participate in this global network please contact us at info@transnational-dispute-management.com: we are ready to publish relevant and quality contributions with name, photo, and brief biographical description - but we will also accept anonymous ones where there is a good reason. We do not expect contributors to produce long academic articles (though we publish a select number of academic studies either as an advance version or an TDM-focused republication), but rather concise comments from the author's professional 'workshop'.

TDM is linked to **OGEMID**, the principal internet information & discussion forum in the area of oil, gas, energy, mining, infrastructure and investment disputes founded by Professor Thomas Wälde.

Summary of Young-OGEMID Symposium No. 2: “Sound Off: How to Get a Speaking Slot in International Arbitration (February 2016)”

by Meredith Craven*

General Summary

Young-OGEMID’s second virtual symposium advised junior practitioners and academics on how obtain a seat at the speaker’s table during conferences and symposia. As YO moderator S.I. (Stacie) Strong advised when introducing the event, “Junior members of the international dispute resolution community are often told that getting speaking engagements is a good way to further their careers. However, getting on a presentation panel can be challenging for a young lawyer, particularly given the lack of transparency regarding the process.” Throughout the ten days of lively online discussion, practitioners and academics from around the world shed light on what organizers look for when selecting speakers, how to get noticed by conference organizers and how to utilize the speaking engagements you do obtain to create additional opportunities and continue to move your career forward. The event featured:

- *Chris Campbell, Assistant Director, Center for International Legal Studies (CILS);¹*
- *Sarah McEachern, Partner, Borden Ladner Gervais LLP;²*
- *Chris Drahozal, John M. Rounds Professor of Law, University of Kansas;³*
- *Shahla Ali, Professor, Deputy Head of the Department of Law, University of Hong Kong.⁴*

* Meredith Craven is an associate at Chaffetz Lindsey LLP, where she focuses on international arbitration and litigation.

¹ Chris Campbell is Assistant Director of the Center for International Legal Studies, Permanent Secretary of the International Business Law Consortium and a Director of the Foreign Direct Investment International Arbitration Moot. At CILS he shares responsibilities for a variety of professional conferences, graduate courses, clinical training programs, research and publishing projects. He has taught as an adjunct at law schools in Europe and the United States, and spoken at law conferences on six continents.

² Sarah McEachern is a partner at Borden Ladner Gervais LLP, a national Canadian law firm. She is based in Vancouver, British Columbia, and focuses her practice on helping clients find solutions to complex commercial and product liability disputes. She practices in all aspects of commercial arbitration, from the initial stage of drafting the arbitration clause in a contract, to obtaining interim court orders, through to the arbitration preparation and appearing before arbitral tribunals. She has also appeared in court to enforce international and domestic arbitral awards. Ms. McEachern is involved in a leadership capacity in various young international arbitration organizations (including YIAG, YCAP, and Y-ADR), she sits on the editorial board of the Commercial Litigation and Arbitration Review, and she has spoken at and organized several speaking events in the international arbitration arena.

³ Chris Drahozal is the John M. Rounds Professor of Law and Associate Dean for Research and Faculty Development at the University of Kansas School of Law. He is an Associate Reporter for the Restatement of the U.S. Law on International Commercial Arbitration and is on the Board of Directors of Arbitrator Intelligence, a non-profit working to improve the process for selecting international arbitrators. Professor Drahozal authored a casebook on commercial arbitration published by Lexis Publishing (now in its third edition) and a co-edited a book on empirical research on international commercial arbitration published by Kluwer Law International. He has made presentations on arbitration law and practice throughout the United States, Canada, Europe, and Asia.

⁴ Dr. Shahla Ali is an Associate Professor and Deputy Head of the Department of Law and Deputy Director of the LLM in Arbitration and Dispute Resolution in the Faculty of Law at the University of Hong Kong. She is the author of Consumer Financial Dispute Resolution in a Comparative Context (Cambridge University Press);

Speaker 1: The European Conference-Organizer Perspective

Speaking first, **Chris Campbell**, the Assistant Director of the Center for International Legal Studies (“CILS”) in Salzburg, Austria, explained what he and his colleagues look for when inviting speakers to the numerous international legal conferences CILS hosts throughout the year. An important first step in organizing a CILS conference is the selection of one or more conference chairs—usually non-CILS lawyers who have attained a high standing in the profession. Conference chairs who take a “hands-on” approach to organizing play an important role in structuring the event and selecting topics; and some chairs may already have speakers in mind for the program. Even if the conference chair is not “hands-on,” the conference may benefit from his or her association with the event and reputation in the legal community.

Once the structure and topic of the event is finalized, the organizers fill open speaker slots, initially by researching who—among CILS members, conference alumni and contributors—has written recently on the topic for which a speaker is sought. Once a few speakers are in place, the organizers ask the booked speakers to recommend additional speakers who offer fresh perspectives. Often this means someone from a different jurisdiction or with a diverse viewpoint, which may mean including a younger speaker like a YO member. According to Mr. Campbell, this “new blood” viewpoint may come from “a partner, associate, junior lecturer, PhD supervisee or research assistant, ... of someone in the ‘CILS clique;’ but often someone has just read an article by Ms X in an academic journal, in a bar newsletter, or even just a (series of) post(s) on a forum like OGEMID or even Y-OGEMID.” This means that writing—the subject of the first YO Virtual Symposium—is doubly important, because it gives conference organizers a way to get to know who you are and what topics you may be competent enough to speak on. Some conference organizers even begin the search for speakers by placing a call for papers.

Mr. Campbell was quick to reassure junior practitioners that you do not need to publish articles in top law reviews in order to land a speaking role: “you can be “discovered” – at least by CILS – by having, e.g., a decent SSRN portfolio, blog posts...and a good reference. And for the purpose of getting noticed for speaking opportunities, short pieces in newsletters and blogs can sometimes be more effective than long, deep academic publications.” In fact, conference chairs and organizers may be more inclined to invite you to give a ten-minute speech on a time-restricted panel if they have seen how cogently you can express your ideas in a short newsletter item or blog post.

Another way to get noticed, Mr. Campbell suggested, is to go to conferences and ask thoughtful, productive questions during the Q&A. Mr. Campbell advised YO members, if

International Commercial Arbitration in Asia (Juris) and Resolving Disputes in the Asia Pacific (Routledge) and writes for law journals in the area of comparative dispute system design drawing on empirical and comparative methods. Dr. Shahla Ali specializes in the resolution of cross-border commercial disputes in the Asia Pacific region. She has over 10 years of experience in commercial arbitration, mediation and IP dispute resolution. She is a bilingual arbitrator (English/Chinese) with FINRA, HKIAC (ADNDRC), and SCIA; a conciliator with WTC Macau; and a mediator with the HKMC, HKMAAL and the HK Building and Lands Tribunal. She has studied and practiced in China, Hong Kong SAR, Israel, the US and Switzerland and speaks English, Chinese and Farsi. She is qualified to practice law in California. Prior to moving to Hong Kong, Shahla was an attorney with Baker & McKenzie, LLP where she focused on international trade, corporate transactions and regulatory compliance. She received her JD and PhD from UC Berkeley in Jurisprudence and Social Policy, her MA in Conflict Resolution from Landegg University and BA in International Relations and Chinese Language from Stanford University.

you have a good question or a point to make, “speak clearly and concisely (wait for the mic, stand up, step into the aisle...) and start by saying your name and affiliation, - and linger a little after the session in case someone wants to get your card.”

Finally, Mr. Campbell suggested ways in which you can leverage the public exposure you do secure to obtain further opportunities to speak. Most importantly, junior speakers should understand the general parameters of the speaking engagement, including who the audience is, who the fellow speakers will be, what the format is and how time will be allocated. Easing into other conference roles by volunteering as a rapporteur, discussion panelist, moderator, lecturer, etc. is a great way to get exposure. Acting in a supporting role to the speakers can be just as rewarding, but you will be less on the spot; and if you listen carefully to the speakers, you can acquire expertise you may not already have in the presentation subject matter. Choose the supporting role that best suits your demeanor and interests, and leverage your experience today for a speaking engagement tomorrow.

Q&A Session

During the Q&A session that followed, Mr. Campbell’s comments sparked a lively debate on the subject of Q&A itself. **Stacie Strong** suggested that good questions are “short, to the point, on the topic of the presentation but [take] the discussion in a new direction or [add] a new gloss to the analysis.” As a practical matter, Mr. Campbell advised YO members to be aware if there is a special procedure to ask a question; for example some conference rules require participants to write questions down and submit them in advance or during the presentation. Not knowing the protocol can mean missing out on the Q&A.

Participants agreed that questioners should be mindful not only of how much time they take in asking their question, but also how much time it will take to answer the question. All participants agreed that the single most important rule of Q&A—regardless of the identity of the questioner—is: *actually ask a question; don’t make a speech.*

Mark Kantor provided a set of ten commandments of Q&A, which included:

1. Ask short focused questions with good grammar.
2. Be polite.
3. Add useful information for the audience.
4. Make sure the information you add is accurate.
5. Listen carefully to the answer to your question.
6. If appropriate, ask a question that links to information from earlier panels.
7. Consider asking one panelist to respond to another panelist’s competing view.
8. Consider asking a panelist to respond to a contrary opinion.
9. Ask a question that discusses a new development.
10. Ask a question that you are sincerely interested in.

In addition to Q&A protocol, how you moderate can also be an important way to get noticed—for better or worse. According to Mr. Campbell, good moderators come prepared having read the panelists’ outlines and papers, have strong but diplomatic personalities, and manage time effectively by making each panelist aware of what the “yield sign” looks like in advance.

Michael McIlwrath, Global Chief Litigation Counsel of GE Oil & Gas, suggested that posts on OGEMID are another important way to get noticed and get invited to conferences. He suggested that three particular kinds of posts get you noticed: (1) posts showing expertise in a particular area of practice or the law; (2) opinions about aspects of the practice from your point of view as a counsel, arbitrator, academic, institutional employee, in-house lawyer, etc.; and most importantly, (3) posts that opine on areas of the practice and suggest solutions from your position as an “expert.” Mr. Campbell echoed that combining opinion and expertise is a great way to make your comments interesting and get noticed as a potential speaker.

Finally, as a side discussion, a number of participants suggested that would-be speakers post independent video content online, discussing a legal issue or providing a mock example of a portion of an arbitration hearing.

Speaker 2: The Junior Practitioner Perspective

Next, **Sarah McEachern**, a Vancouver-based partner at the law firm of Borden Ladner Gervais LLP, offered five tips to get speaking engagements, from her perspective as a young practitioner in international arbitration:

1. Get involved

First, Ms. McEachern recommended that would-be speakers get involved in industry organizations and take part in event organizing, in order to make personal connections with the people selecting the speakers. Ms. McEachern herself organizes 2-3 events per year, as part of her role in organizing events for both YCAP (Young Canadian Arbitration Practitioners) and YIAG (Young International Arbitration Group of the London Court of International Arbitration). After the organizing committee decides on a format and topic for an event, the committee considers who would be well-suited to speak. The first names that come up are the people personally known to the event organizers, people they have heard speak at prior events, or people who have been referred to them as good speakers. This means that volunteering on an events organizing committee can be a great way to gain exposure and broaden your network and come to the attention of the committee members selecting speakers. According to Ms. McEachern, both YIAG and YCAP strive for diversity among speakers, including by selecting speakers of different genders, backgrounds, geographic regions, legal traditions and experience levels.

2. Get connected

Second, Ms. McEachern pointed out that getting connected by volunteering not only allows you to build connections with speakers and event organizers in the longer term; but it may provide a short-term pathway to a supporting role introducing speakers, introducing the organization or the event, or moderating a session. These supporting roles are a great way to get name-recognition and can lead to invitations to speak in the future. When you do have a speaking role, it is useful to arrive at events early to get to know the other speakers and attendees. It will ease your nerves, and during your presentation, you may be able to relate back to your earlier conversations to make the presentation more engaging. If you do not have a speaking role, it is still worthwhile to show up early and use the social portion of the event to make connections.

3. Update all versions of your CVs or bios

Third, Ms. McEachern advised all YO members to make sure that all online CVs and bios are up to date:

Once you go to all the work of publishing, presenting, coordinating events—don't forget to update all of your CVs and online bios (LinkedIn and so on) so that when event organizers look you up they can easily tell what experience you have. This gives you credibility, helps build your perceived expertise, and shows that you're not a complete newbie to the speaking world.

Personal connections are not the only way organizers find speakers, and it's important to get your name out and make sure that event organizers doing their online diligence will see references to your publications and prior speaking engagements.

4. Don't let imposter syndrome get in your way

Fourth, Ms. McEachern urged junior practitioners not to let “imposter syndrome” prevent you for accepting opportunities to speak. Ms. McEachern described one instance where she was invited to give a one-hour lecture as a substitute for a colleague who had to back out. Although the hour-long format was a bit daunting and she did not feel that she was truly an “expert” in the subject matter, Ms. McEachern was able to get up to speed using her colleague's materials and was able to keep the audience engaged by bouncing audience questions off of more experienced “experts” in the room. “These opportunities will come up from time to time and they are gifts—accept them!” Ms. McEachern advised. Early on in practice, you are likely to receive opportunities to speak purely by chance—cancellations, diversity needs, etc.—on topics in which you are by no means an expert. However, provided that you have sufficient time to prepare, you should be courageous and take up these opportunities:

You must convince your audience you are prepared and knowledgeable on a topic, but don't turn down opportunities just because you fear you're not experienced enough. Even if you're the most junior person in the room, you may know the most about the subject.

In a pinch, you can also reframe the topic you are asked to speak on, so that it more squarely lines up with your area of expertise. For example, if you are an international arbitration practitioner asked to speak on enforcement of foreign judgments, you could expand the discussion to compare judgment enforcement with award enforcement.

5. Speak up

Fifth and finally, Ms. McEachern instructed YO members to be bold and speak up! If you are willing to speak on a particular topic, let conference and symposium organizers know and forward your CV to them. Be sure to let organizers know if you are willing to travel to speak, as they may be hesitant to consider you if you are not located close to the conference venue and are not on the conference attendee list. Within your firm or university, let mentors and colleagues know if you are interested in speaking roles. You may be able to accompany a more senior colleague as a junior speaker. However, be forewarned that you will likely be drafting the presentation paper or PowerPoint!

Q&A Session

A number of the participants picked up on the idea of “imposter syndrome” and agreed that practitioners of any age should not be held back by self-imposed limitations. As **Stacie Strong** suggested, the person who invited you to speak clearly believes you are capable, so consider carefully before turning down an opportunity for fear of insufficient expertise.

Participants also suggested enhancing your online presence with a video on a topic you are an expert in. This can be particularly effective if you do get an opportunity to speak and the sponsors of the event agree to a video of your talk on their website. **Mark Kantor** suggested that this is a great example of “multiplier products.” If you have developed sufficient expertise to speak on a topic, multiply the effect by posting a video, composing a write-up for a newsletter or blog, and if possible, translating your write-up into another language for reprinting elsewhere. **Chris Drahozal** agreed that doing follow-up talks and CLE presentations is a great way to multiply the impact of all the effort you spent studying up on a topic.

Speaker 3: The American Academic Perspective

Next to speak, Professor **Chris Drahozal** of the University of Kansas outlined four basic categories of conferences at law schools and what tactics can help secure a speaking role at a law school conference:

1. Conferences with publication expectations

Law reviews in particular often host conferences where presenters are expected to publish the paper that they present, for example in the symposium issue of the law review. The main purpose of such a conference is to get papers for the law review to publish. The law review is edited and speakers are chosen by the students; but they often have a faculty member who helps them identify potential speakers for the symposium.

2. Conferences without publication expectations

While these conferences may involve presenting a paper, there is no requirement—and sometimes no option—to publish the paper in connection with the conference. Such conferences may be organized around a specific subject matter, or they may be fashioned around a methodology, for example, a Law & Ethics or a Law & Economics conference. They tend to be organized by the faculty or a committee within the school, although they may be student-run. Speakers are often chosen following a call for papers, seeking proposals from prospective speakers describing the paper they would like to present.

3. Faculty workshops

Law schools will frequently invite a series of speakers to present papers during an ongoing workshop or lecture series. The workshops can run anywhere from one hour to an entire day. Speakers are almost always faculty members at other law schools.

4. Presentations to student groups

Finally, student groups at law schools may invite speakers to present directly to the student group. Speakers are chosen by the students; but they may get suggestions from school faculty. Speakers may have to bear their own travel expenses, and faculty members at the school are much less likely to attend these presentations to student groups. However, talks to student groups typically do not require speakers to present a paper.

* * *

According to Prof. Drahozal, law schools have a tendency to invite faculty from other law schools to speak, rather than practitioners. Nonetheless, Prof. Drahozal suggested that you significantly improve your chances of getting invited to speak at a law school if you follow five pieces of advice.

First, write articles. Prof. Drahozal stressed that law schools invite speakers based upon whether they have written interesting articles, so it is important to ensure that your articles are posted on SSRN or are otherwise accessible online from the date you submit them for publication—if not sooner. You may want to submit a draft of the article to a few select people for comments. While not all will respond, those who do can help you improve the paper, and they will be familiar with your work when they are looking for speakers in the future. Prof. Drahozal confirmed that he has invited speakers based solely on pieces they have written, without necessarily having heard them speak before. He suggested that, when considering inviting someone to speak based upon an article, he looks for “(1) a well-defined thesis; (2) a good discussion of the existing scholarly literature; and (3) a useful and well-supported contribution to that literature.” He considers the most important element of a paper to be the insight that paper adds to the scholarly literature.

Second, respond to calls for papers. Once you have an article to submit, you can take initiative and respond to calls for papers without having to wait to be selected and invited individually by conference organizers. You may even find opportunities if you merely have a proposal or if you have a work-in-progress article on a particular topic. Prof. Drahozal recalled that Stacie Strong organized several conferences based upon calls for papers, where speakers presented works in progress rather than finished papers, and the Institute for Transnational Arbitration has hosted similar conferences. The purpose of these conferences is to provide useful feedback for each presenter’s paper.

Third, go to conferences and meet people. This may seem daunting to people who are starting out in their careers, particularly those who are introverted. However, Prof. Drahozal advised, “[y]ou don’t need to be mercenary about it, just reasonably friendly.” You can strike up a conversation with the person sitting next to you in the audience instead of trying to approach someone at the conference reception, which may be too loud or crowded. Prof. Drahozal suggested preparing a standard set of questions that you can ask almost everyone you meet, for example, in the academic world: “where do you work?” “what do you teach?” and “what research are you working on” are quick and easy conversation starters. In addition, Prof. Drahozal advised young professionals to focus on meeting other junior people, who are also just starting out in their careers. You never know where speaking invitations or opportunities to collaborate may come from. Prof. Drahozal recalled that he met one of his long-time co-authors at an ABA meeting while he was a very junior faculty member.

Fourth, talk with your faculty mentor from law school. According to Prof. Drahozal, law schools are always keen to get their alums engaged in the school. They may be willing to have you come in and speak to a class or to a student group. Be sure to stay in touch with your faculty mentors, and if you publish an article, make sure to send copies to faculty members you know.

Fifth, start your search for speaking engagements with non-academic conferences, like those organized by the American Bar Association. They provide a greater number of speaking opportunities for non-academic speakers than law schools do, and will give you the opportunity to gain speaking experience, as well as get to know people who may someday invite you to speak elsewhere.

Finally, Prof. Drahozal added a few words of advice on how—once you do have an opportunity to speak—to ensure that your presentation is effective and interesting and your demeanor encourages future speaking invitations. He advised speakers to never be rude to the audience: “That is a cardinal sin and would keep me from ever inviting that person to speak again.” In addition, he suggested that PowerPoint can make—or more critically, break—a presentation. If you decide to prepare a PowerPoint, you should be sure not to put too much information on each slide and not to use too many slides. Prof. Drahozal suggested that each slide contain one key point from a case or commentator, and that you average one slide per two minutes of talking. Most importantly, speakers should never read from PowerPoint slides. Prof. Drahozal opined: “Some of the worst presentations I’ve ever seen were by people who had too many slides and insisted on talking about every single one of them.”

Q&A Session

Other participants agreed that PowerPoint presentations can be hazardous territory for speakers. **Chris Campbell** emphasized that, depending upon the size or sight-lines of the venue, the identity of the audience and the format other speakers intend to use, a PowerPoint may not be the most effective manner for getting your point across. PowerPoint works well in a large venue to explain difficult concepts to a relatively uninitiated audience; but it may detract more than it adds if you are speaking to a small group of other experts in the subject matter, or if you are the only member of a panel discussion who chooses to use PowerPoint. **Stacie Strong** echoed these concerns and also warned that you should “expect technology to fail.” At every conference, there will be at least one technical glitch, and if you are not prepared to proceed without your PowerPoint slides, you may fall victim of the glitch of the day. Good speakers are prepared, polished and professional, even when their preferred presentation approach fails.

Speaker 4: The Asian Academic/Practitioner Perspective

Finally, Professor **Shahla Ali** of the University of Hong Kong advised YO members from her perspective as an Asia-Pacific-based academic and arbitrator. She agreed with many of the points raised by the preceding panelists, and recalled that she was recently asked to co-chair the 2016 Annual ITA Workshop on Interim Measures in International Arbitration. As an initial tool to find speakers, the ITA Workshop organizers prepared a bibliography of articles related to the conference theme, and they found many speakers through relevant publications cited in the bibliography.

The ITA Workshop co-chairs considered diversity of the panelists extremely important. Ms. Ali described a number of studies showing that diversity in teams (and therefore on speaker panels) improves decision-making and problem-solving, because diverse members offer a variety of viewpoints and a wider range of experience. Ms. Ali cited to the 2015 McKinsey Report, “Why diversity matters” which found that: “companies in the top quartile for gender-diversity are 15% more likely to outperform those in the bottom quartile, while those in the top quartile for ethnic diversity are 35% more likely to outperform peers.” In addition, Ms. Ali indicated that diversity on teams (and therefore on speaker panels) encourages “out of the box” thinking and galvanizes creativity. This means that a panel representing a range of levels of experience and gender, ethnic, geographic or subject matter viewpoints, makes for a more interesting presentation. Ms. Ali suggested that from the “clash of opinions” we come closer to truth: “as one thinker described, a group can approach “the shining spark of truth... “ through “the clash of differing opinions.”

Q&A Session

During the Q&A, participants picked up on Ms. Ali’s references to diversity and queried whether a more scientific method can be used to create more diverse panels. There was consensus that the typical methodology is imprecise and involves simply assessing whether a partially-formed panel reflects mainly one gender, one geographic origin or one viewpoint, and striving to fill the remaining slot with a speaker who “mixes up” the balance of the panel. **Stacie Strong** commented that international arbitration tends to be a rather closed community and asked whether the community should make a greater effort to include viewpoints that challenge the basic tenets that arbitration practitioners and academics take for granted, and how that might best be accomplished. Ms. Ali replied that questions of policy, such as transparency in arbitration, consistency of investment awards, public regulation and investment protection, might be ideal areas to bring in a viewpoint that challenges the norm in the arbitration community. She suggested that the most productive way to do this is for both the speaker holding the challenging viewpoint and the speaker being challenged to “share their opinions with honesty, detachment, tact, and frankness with the objective of finding just/appropriate/fair/sustainable solutions.”

Moderator **S.I. (Stacie) Strong** closed the symposium by thanking each of the four speakers and the audience participants for their thoughtful questions and illuminating comments.

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