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Summary of Young-OGEMID's First Virtual Symposium: "Writing for Publications and Competitions"

by S. Kamerow

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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's First Virtual Symposium: “Writing for Publications and Competitions”

by Salua Kamerow

Conference Summary

This summary presents a nine days' panel discussion that started on October 18, 2015, of the virtual symposium on “Writing for Publications and competitions”. This virtual symposium was organized by Young-OGEMID and addressed particular topics of interest to the members' community. It is also inspired in part by the James Crawford Prize.

During this first event, that lasted until October 28, 2015, the panelists' presentations were submitted, critiqued and discussed thoroughly between the listserv members.

Welcome and Opening Statements

The symposium began with a written and online event by Prof. S.I. (Stacie) Strong, Manley O. Hudson Professor of Law at the University of Missouri School of Law. She emphasized the two rules governing the virtual symposiums; the Chatham House Rule, and the ability to send anonymous comments to “foster a free and full discussion” among YO members. Also, she introduced the inaugural topic by raising a well-known conundrum concerning conflicting advice from senior attorneys to junior attorneys in the field; whether to write articles in the field to establish a voice in international dispute resolution or to remain unpublished to prevent future conflicts of interest. Moreover, she indicated that once a young practitioner decides to write an article, he/she may face challenges out of this practice; such as, what kind of topic to choose, how to get it published, how do co-authorships operate, etc.

Furthermore, Prof. Strong introduced the panelists and the topics they would discuss, and also highlighted that all of the panelists are winners of the prestigious James Crawford Prize.

Finally, she introduced Professor Joshua Karton, who is an associate Professor in the Law Faculty of Queen's University in Canada. He graduated from Yale in 2001 with a BA in International Relations and Humanities and he graduated with a JD degree in 2005 from Columbia. Professor Karton then earned his PhD from Cambridge in 2011. (For more information about his career, please visit the last page of this article with information about the panelists)

First Session: How to Pick A Place to Publish

Professor Karton opened the panel expressing thanks to Prof. Strong for inviting him to participate in this symposium.

He discussed a common situation for the Young-OGEMID members: many participants have an idea for an article or a draft sitting in their computers waiting to be published, but do not know where to submit it for publication or how to go about doing so. He described a roadmap, explaining that he won't be able to say which journal an article should be submitted to for publication, but instead set forth factors that might guide the submission.

Prof. Karton focused on the importance of adapting the article to where it is going to be submitted. In his opinion, the intended audience is the most important factor. He thinks that there is no point writing an article if no one will want to read it. So, a few questions to be asked are: "Why am I writing this piece?", "Who do I hope will read it"?, and "What do I hope it will accomplish?". Answering these questions will narrow the list of potential journals.

Next, Prof. Karton discussed in depth a few factors to be considered when planning to write and submit an article.

Practitioner-focused v. Academic-focused journals

Specialist v. Generalist

He noted deciding between these two categories of journals is the main choice to be made. For instance, abstract, theoretical, historical or interdisciplinary articles may not be well-received in a publication directed to practitioners. Conversely, peer reviewers for academic journals might reject an article without a sufficiently strong theoretical component. It is a question of knowing the audience. Practitioners turn their attention to articles that have information that can be applied to a "live dispute". If the practitioner works in a specialty field, such as construction arbitration, he/she will likely start with the specialist journals of the field because they will contain such "actionable" articles. When an article is written describing and assessing recent developments, whether the piece is meant to change that decision or just to boost the writer's career, the article won't be published unless it will be useful to the practitioner audience. Good options for placement of such articles, highlighted by the panelists, include International Arbitration Law Review, Construction Law Journal, International Business Law Journal, and ASA Bulletin.

Bycontrast, if the writer's motivation is to advance the theoretical debate, Prof. Karton stated that he or she might be better off submitting to a more academic-focused journal, such as a university-based international law journal or generalist law journal. This option might help to impress senior academics who may be willing to write a letter of recommendation if one seeks an academic position or needs a review of original research to apply for tenure or a promotion. Relatedly, Prof. Karton highlighted the unusually "rich interplay between academia and practice" In the field of international arbitration, which means that the line between practical and academic writing is less clear than in other arenas. He suggested a few journals that tend to publish academically rigorous articles that also explore practical implications, such as: Journal of International Dispute Settlement, International &

Comparative Law Quarterly, American Review of International Arbitration (an arbitration-specific journal), Arbitration International (publishes more theoretical and interdisciplinary pieces), or the Journal of International Arbitration (publishes more practical pieces).

Peer-Reviewed Journals vs. Non-Peer-Reviewed Journals vs. US Law Reviews

Prof. Karton explained that the author's aspirations and professional ambitions influence the choice between a practitioner-focused journal and an academic-focused journal. If the author seeks to start or advance an academic career, articles should be submitted to academic-focused peer-reviewed journals. i.e., generalist or specialist journals that have a broader mandate than just international arbitration. International law and dispute resolution journals might be good options. A relevant consideration, however, is the prestige of the journal. The prestige of a journal is not solely measured by "bibliometrics", but these are used by many authors and hiring committees. Some bibliometric resources can be found at <http://guides.library.harvard.edu/c.php?g=309907&p=2070141>. The more prestigious the journal which publishes an article, the more impact it will likely to have on the academic debate and on the author's professional ambitions. However, the more prestigious the journal is, the more likely an article will be rejected given competition is stiff in the most prestigious journals. More experienced academics can be particularly helpful in estimating how "high" to aim in selecting a journal.

Related to this second point is the question of whether to publish in a US Law Review. Publishing in an American journal can magnify the scope of the audience, increasing the article's influence on academic discussion and the number of times it is cited in future literature. For practitioners, the most important goal is to get peer-lawyers to read the articles and make use of the information in their practices, so targeting a more focused readership is more likely to accomplish a bigger career impact, such as a publication in the Journal of Intellectual Property Law and Practice. Also of prime importance is to submit to journals that are also found in major database such as Westlaw, Lexis, or HeinOnline.

Another important factor mentioned by Prof. Karton is the length of the article. Academic journals are more likely to publish pieces over 8000 words. Alternatively, if the article is 6000 words or so, and it does not meet the requirements of a case comment, it will likely be rejected by academic journals although there are some journals like the Chicago Journal of International Law and International & Comparative Law Quarterly that publish shorter articles. In contrast, some journals in the United States, and even others around the world, are unlikely to publish anything over 15,000 words. For those who are not familiar with submission to US law reviews, the panelist recommends a series of blog posts on the Profsblawg (<http://prayfsblawg.blogs.com/prawfsblawg/2012/04/underneath-the-law-review-submission-process-part-ix-fall-submission-timing.html>.)

One last aspect to include from this category is the time between submission and actual publication. For many authors, there's nothing more frustrating than waiting to hear back from peer reviewers. Once the reviews are received by the journal's editors, it may take a couple of months for the revisions to be approved, and yet more months until the article is actually published. There are, however, major publishing companies that operate practitioner-focused journals, and these are typically the fastest. US law reviews, which do not rely on peer review, will typically give an answer much faster, within a month if the article is

submitted at the right time. Therefore, it is often faster to receive a decision of publication from US law reviews rather than peer-reviewed journals.

Prizes

It should be noted that this virtual symposium is inspired in part by the Crawford Prize. For Prof. Karton, “Prizes look pretty” on a Curriculum Vitae and may be valuable in both academia and practice. Furthermore, he shared his experience in regards to the two prizes he has won, ICLQ and JIDS prizes. He noted that his universities spread the news all over their websites and he received congratulations from people with whom he had never previously had any contact. He encouraged Young-OGEMID members to participate in contests because, even if they do not win, submitting an article for a Prize might be a great motivation to finish off a piece of writing.

For some prizes, the reward is not publication itself, but may be an invitation to the winning papers at a conference, and many such papers are subsequently accepted by exceptional journals. Prizes with this feature include the Nappert Prize administered by McGill University (sponsored by OGEMID’s own Sophie Nappert, and two Prizes given by the Younger Comparativists Committee of the American Society of Comparative Law (the Colling Picker Prize for graduate students and the Phanor Eder Prize for JD/LLB students). Prof. Karton also mentioned the Gillis Wetter Prize, which is awarded every other year by LCIA to a shorter piece under 6000 words.

Questions & Answers

The panel discussion that followed was guided by the first question posed by Mr. Christian Campbell. Other participants, whose names have been protected under the Chatham House Rule, addressed subsequent questions and comments. (These participants included Metka Potocnik, Stacie Strong, Heba Hazzaa, Michael McIlwrath, William Lowery and Victoria Shannon Sahani)

Question: Some YO practitioners are reluctant to debate substantive issues on Young-OGEMID because their firms have policies against it. If that is the case, wouldn’t they be even more reluctant to publish? This participant also asked Prof. Karton whether he has any thoughts on how to address such situations.

Answers: The answer provided by one participant, Michael McIlwrath, was that the *raison d’etre* the group is to exchange views and get participants into the game. Mr. McIlwrath also suggested that more exposure might be a goal that associates’ firms would “actively encourage.”

Prof. Strong jumped in to share her experience. When she was a junior associate, she went to her higher-ups for permission to publish, first for pieces not related to arbitration and then for arbitration-oriented pieces. She was never told to not submit an article.

A YO follower cited a case where a Mexican lawyer lost a case after his counterpart cited a book written by him expressing an opposing thought compared to his defense strategy in the same case he was defending.

Another participant, William Lowery, added that he did not believe there is a prohibition in regards to responding to Young-OGEMID emails, as long as the emails do not commit the firms to positions in any particular case. He actually thinks partners would encourage substantive discourse. On the other hand, this member thinks that a risk of posting on a listserv is that there should be some prudence - once the post is sent, lawyers do not forget and emails “can be readily searched.” One member quickly replied to this comment noting that nowadays it is impossible to ignore the relevance of social media. He highlighted the lack of members' participation in the group. Prof. Strong added to this comment that once members begin to write responses, they become more proficient and less nervous about being cited. She remarked that it is an opportunity to be noted by peer-professionals, who in the future, perhaps, will be their coworkers, colleagues or employers.

The panelist replied that in any case, “the benefits outweigh the risks.” Moreover, he thinks that the risks are limited to situations where something said might be senseless. He, however, does not suggest to any associate to violate their law firms’ policies. Prof. Karton expressed sadness in regards to the Mexican lawyer's story; he thinks a lawyer's obligation is to their client, so their personal opinion should not come into question in a case.

Question: In regards to the new “Open Access policies”, to what extent should people be aware of them, while approaching journals for publications?

Answer: Prof. Karton remarked that this is gradually becoming a more prominent issue. “Publishing is a highly consolidated industry, and as with any oligopoly, prices have gone up and availability down.” He added that “under creative commons or similar license, most publications are accessible. Journals, however, work by subscription. Thus, there is tension between the goals of the researcher who wants to maximize readership, if possible, and the objectives of the publisher, who wants to increase subscriptions by limiting free accessibility.” About this issue, Prof. Karton proposed more public funding for organizations that make articles available to the public free of charge.

Moreover, many universities and research institutes maintain large databases with free access to their researchers' work, such as: SSRN, SelectedWorks, and Academia.edu. The problem with these sites is that the works may often not be cited unless they are also published in proper journals.

Publishing in an open access journal might be an option. He noted that open access journals come in two forms; “true” open access journals and “hybrid” open access journals. Nonetheless, there are two complications with these kind of journals. Many of them are seen as low-prestige forums for publication. The second drawback is that they often charge a fee to the author for publication, called an “article processing” charge, and some may amount to “vanity presses”. For a list of reputable open access journals, go to this website: <http://oaspa.org/>

Academic publishers have reacted to these changes by maintaining open access journals alongside traditional venues of publication. They have also included policies of “optional open access,” allowing the author to pay a fee to make their article available freely online straightaway. These charges, however, can be expensive. For instance, at OUP, such charges range between USD\$1000 and \$2500. OUP open policies are available here: <http://www.oxfordjournals.org/en/oxford-open/index.html>

Question: The exclusive submission policy for peer-reviewed publications is very frustrating. Could peer reviewed journals do better?

Answers: Prof. Karton thinks that peer reviews have “severe pathologies;” One of the issues is that there is an overwhelming number of journals requesting academics to review articles, so prominent academics become overburdened. Another issue is that academics are less and less willing to perform this unpaid service to the community, especially those senior academics who also serve as editors. On this matter he shared a link about a discussion between the Editors of AJIL and EJIL, recorded for EJIL. <http://ejil.org/episode.php?episode=17>

Additionally, Prof. Karton added that speed and quality of reviewers are significant challenges to the publication process. He shared an experience concerning his Crawford prize-winning article. Both peer reviewers actually rejected his article, but he reworked it with the guidance of JIDS’s excellent editor-in-chief, Thomas Schultz and it was ultimately published. He mentioned an article intended for non-academics that discusses proposals to improve peer review: http://www.slate.com/articles/life/education/2014/07/the_easy_way_to_fix_peer_review_require_submitters_to_review_first.html.

Question: Prof. Strong asked Prof. Karton to describe his experiences with regard to the revisions he had to make for the prize-winning piece. She noted that all pieces need to be edited before publication. What was the scope of the requested revisions? To what extent are authors willing to make changes to their pieces in order to be published?

Answer: Prof. Karton shared an experience with the group. Last year, he was asked to review the edits to an article accepted for publication by the Queen’s Law Journal. The student editors of the journal were struggling with the article, which had very interesting ideas but was “atrociously written and confusingly organized.” The author of the article, a professor, was unwilling to make the changes suggested by Prof. Karton and the student editors. After much negotiation, the piece was published with most of the changes that Prof. Karton and the student editors suggested. Less seasoned authors often have less leverage than those with stature, so journals will often not compromise with them.

Prof. Karton said that the process of getting his prize-winning article published was “highly irregular” and he considers himself “very fortunate.” The two peer-reviewers praised the quality of his writing and the thoroughness of his research. They said, however, the problem he identified in his article was non-existent, so both recommended that the journal reject the publication. The EIC, nevertheless, agreed that the problem identified in the article in fact existed and was willing to consider a revised article that addressed the skeptics. Prof. Karton spent four months modifying the article, which was frustrating, but he admitted that the article finally published was far superior to the one he first submitted.

Question: Rather than thinking where to publish, a question might be “how to find the time to write a piece?”

Answer: Prof. Strong shared her experience with the group. She advised to take a period of time either in the morning, afternoon or at night to sit and advance a piece that is unfinished. She said that, ever since she was a junior associate, she spends at least 30 minutes every

morning working on a piece of interest. She suggested the YOers, moreover, check with their law firms if they have an “attributable hour.” Attributable hours are the time that law firms consider legal writing to be a public service. It has a billing code for the time spent in writing. Even if they are not “billable,” however, they may be “attributable.”

A panelist recommended following Prof. Strong’s advice in regards to setting aside time every day to do some writing.

Other Comments

One of Young-OGEMID’s members mentioned a few details about the “unique system in the U.S.” Most U.S. journals are student-run, and they are few in numbers. These journals are aimed at academics and judges and less to practitioners. U.S. law reviews apply Bluebook for citations as a unique format for citations. Moreover, the submission process for U.S law reviews is different from peer-reviewed journals. In the first instance, the article can be submitted to as many journals as possible, while in peer-reviewed journals there is a waiting period until the review is complete.

This member also mentioned that there are two premiere submission services: ExpressO and Scholastica. The latter is more expensive than the former. Some schools and law firms, however, pay for subscriptions to these services. She also added that the major submission cycle is February-March of each year and it is more difficult to get an offer for publication between July through September.

The panelist added to this post his perspective of non-US academic journals. He finds rankings of US academic journals by the Washington & Lee Journal (W&L) useful to stratify US academic journals but a similar ranking of non-US academic journals is lacking. In this regard, when there’s an offer between multiple journals, W&L might be an option. Also, he remarked that non-US and US academic journals vary in their impact and volume of citations.

Another member of Young-OGEMID, a prestigious editor, commented thoroughly on the value of peer review, more specifically double blind peer review. He switched from a system of editorial discretion to one of double blind peer review. He added that it is remarkably difficult to find reviewers willing to perform peer review. He advised, furthermore, for those who have a piece outdated more than a year, to not submit to peer-reviewed journals. On the other hand, peer-review has great benefits. One of them is that the piece submitted will be polished by the end of the process. For instance, he highlighted that those pieces he submitted for peer-review turn out to be some of his best articles.

In reply to this member's comments, Prof. Karton added a list of other journals that might be useful while hunting for a journal for submit a manuscript related to investment arbitration; the Journal of World Investment and Trade, the Journal of International Economic Law, Investor State Law Guide or Investment Arbitration Reporter, and ICSID Review-Foreign Law Journal.

He agreed that double-blind peer review is “the gold standard.” He regretted the fact that many journals have not yet adopted double-blind review to screen manuscripts. Double-blind review ensures the manuscript is reviewed on its merits rather than on the resume or

popularity of the author, as the reviewers neither know the author's name nor his resume. In addition, the recommended changes tend to be more thorough, honest and less geared to the reviewers' personal agendas because the reviewers do not know whether the author is a student, senior professor, government official, etc.

Second Session: How to Pick a Subject in Which to Write

On October 22nd, after completing 5 days of the conference, Prof. Strong proceeded to introduce the second panelist, Fuad Zarbiyev, who is Counsel in the International Arbitration group of the law firm of Curtis, Mallet-Prevost, Colt & Mosle in New York. He also has a PhD in International Law from the Graduate Institute of International and Development Studies in Geneva, Switzerland. For more information about his career, please visit the last page with information about the panelists.

Mr. Zarbiyev initiated his written presentation by pointing out that most publication venues hold practitioners to the same standards as academics even though practitioners are usually busy with their practices while academics have more time to devote to research.

The first piece of advice offered by Mr. Zarbiyev on how to pick a topic was to prioritize the general over the particular, meaning to focus on a wider issue instead of the specifics of a case with no broader implications. He explained this point in light of a recent ICSID award, *Quiborax S.A. v. Non Metallic Minerals S.A. Plurinational State of Bolivia*. In that case, the respondent had failed to comply with the tribunal's decision on provisional measures, decision that was found by the tribunal to be binding. However, the tribunal did not find a breach of the duty to arbitrate in good faith on the part of the respondent on the ground that "given the text of Article 47 and the relatively recent evolution of international law with respect to its interpretation . . . Bolivia may not have been aware of the binding nature of these provisional measures when it failed to comply with them." The panelist invited the YOers to reflect about the case: if every interpretation is by definition retroactive, and an arbitral decision does not create law, how is it possible that the respondent "may not have been aware" of that law? According to Mr. Zarbiyev, thus framed, the issue cannot be said to be limited to *Quiborax* or even to investment treaty arbitration. One could, for instance, write a general piece identifying circumstances under which judicial and arbitral decisions in international law can go beyond the declaratory effects traditionally assigned to such decisions.

The second piece of advice Mr. Zarbiyev provided was to approach a good topic with a "mindset conducive to academically focused writing." He referred to it as "academicizing" the topic, using the definition of the latter provided by Stanley Fish. Writing should be done keeping in mind that writing for publication is not a move performed before a court or a tribunal and that its point is not necessarily to explain what rules a tribunal should apply, but provide an analytical account of a phenomenon, experience or situation.

Questions & Answers

Joel Dahlquist, Doctoral candidate in international investment and trade law, Uppsala University, and visiting scholar at the Georgetown University Law Center at the time of the symposium, initiated the second panel discussion that followed. Other participants also addressed successive questions and observations.

Question: To what extent should an aspiring scholar try to publish before obtaining a doctoral degree, and on what?

Answer: Mr. Zarbiyev replied to the extent that is possible because it will help to increase self-confidence and build credentials. Having a publication record is a must for aspiring academics, but it may also be an asset for those considering moving to private practice.

Mr. Zarbiyev noted that a good start for a publication might be a chapter of an ongoing dissertation. Nevertheless, publications about interesting topics that are not related to the scope of the PhD can evidence a broader extent of the expertise of the candidate.

Prof. Karton added that nowadays having multiple publications might be a necessity for candidates seeking a full-time academic position. He explained that 20 years ago the situation was different, but that currently “research potential” is not enough for academics. Publications will show a hiring committee that a candidate can set their own “academic agenda” and actually accomplish it.

Finally, Prof. Strong added that publishing book reviews (which have been part of the candidate’s extensive research while working on a dissertation) is always a good idea.

Question: How did the last two or three article topics come up?

Answer: The panelist shared the experience of his last publication. He had always wondered about the following paradox: while state consent has a major role in the making of international law, intentionalism is relegated to a secondary place in treaty interpretation. He researched the issue and concluded that the explanation had something to do with the very structure of international law and its intellectual history. Mr. Zarbiyev added that this experience shows that one should not hesitate to revisit what is commonly thought to be a widely investigated area.

Third Session: How to Handle Co-authorship Relations

The final topic in this virtual symposium, on October 26th, 2015, was presented as well by Prof. Strong. The panelists invited to present the matter in this session were Ms. Lisa Niro, and Dr. Richard Oppong. Lisa Niro is an associate with Bell Alliance in Vancouver. She practices in areas of real estate and estate planning. She graduated from law school at Thompson Rivers University Faculty of Law.. Dr. Richard Frimpong Oppong is an Associate Professor at the Faculty of Law, Thompson Rivers University. He was educated at the University of Ghana, Ghana School of Law, University of Cambridge, Harvard Law School, University of British Columbia, and Dalhousie University. For more information about their careers, please visit the last page of this article.

Both panelists jointly wrote the post of the virtual symposium. It discussed the pros and cons of co-authorship. They started sharing their experiences of the publication that won the James Crawford Prize. The prize-winning article started at a meeting for a paper that was going to be presented at the 5th Journal of Private International Law Conference in Madrid, Spain, in 2013. That paper was the stepping-stone for the piece that won the James Crawford Prize.

The pros of co-authorship were described as a paper that is “well thought out, researched, with a good flow and a novel perspective.” Likewise, having a co-author makes a final product better since the co-author functions as a peer-reviewer.

The cons of co-authorship, however, include the lack of contribution, differing opinions, unnecessary conflict, inability to meet deadlines, and inability to create a final text.

Dr. Opping and Ms. Niro discussed the key points to not fail in co-authorship relationships; organization, communication, selection of authors, and hierarchical versus collaborative co-authorship.

- **Organization:** For the panelists, organization needs to follow an outline, division of tasks and timelines. The first element divides the information to be researched and written; the division of tasks will give the co-author a portion of the work for which he/she will be responsible; and the last element, which also is linked to division of tasks, will make the co-authors accountable for the duties divided previously.
- **Communication:** one of the benefits of having good communication is not only to prevent further frustration, but to ensure “the team runs smoothly.” Ms. Niro said she works well under pressure while her co-author, Dr. Opping, is used to finishing his draft and reviewing the changes over time.
- **Selection of Authors:** This process will transform the experience into an amazing and rewarding experience or into never co-authoring again. The main characteristics to keep in mind while choosing a partner to co-author is to find someone respected and who can be a good team player. They stated that “co-authorship should never be a forced enterprise.” Furthermore, they explained that co-authors provide different views and sharing different views results in excellent results. Finally, on this point, familiarity is vital in the sense that work habits and comfort in taking opposing views are essential in a partner for an article.
- **Hierarchical versus Collaborative Co-Authorship:** The panelists thought this choice is linked to the selection of authors. A frequent question is “which name will appear first or last?”

They agreed, however, that one of the authors would lead the research and the writing of the manuscript. In their view, a collaborative model will result in a better manuscript than a hierarchical model. Keep in mind that the co-author’s ideas or perspectives will enrich one’s own ideas in a more intelligent way. They finally compared the collaborative approach with the benefit of peer-review.

To conclude their panel, they noted that co-authorships could be very rewarding and that the common prejudice that co-authorships require less work is fallacious; in fact, they require more coordination and collaboration than working alone.

Questions & Answers

Question: Juniors may feel uncomfortable about approaching a peer or a senior person about co-authoring a piece. What is an advice for them?

Other Comments

The last panel discussion had an anonymous comment under the rules mentioned above. A YOer was sharing his/her experience when he was a junior partner in a law firm in Turkey. He/She was asked by a senior attorney to co-author a manuscript. Moreover, he/she described the relationship as hierarchical because the senior attorney defined the subject of the research and did nothing else to culminate in a publication. This Young-OGEMID wrote several articles and even a book that was presented in a conference solely by the senior attorney. He/she had co-authored at least 30 pieces. Moreover, he/she remarked how beneficial the co-author's comments were to improve the article. He/she found working with a co-author very rewarding because it enhanced his/her capabilities as a writer.

Mr. Christian Campbell commented on that experience pointing out that co-authorship is a usual practice not only by law firms, but also in academia. Actually, he remarked that it is not only a common practice but approved of when it is accomplished within limits.

Finally, he added that hierarchical co-authoring requires, for the sake of the supervisor and the supervisee, understanding by both parties as to their relationship which will be sustained throughout the piece's production.

About The Panelists

Professor Joshua Karton

Joshua Karton is an Associate Professor in the Law Faculty of Queen's University in Canada. He is Canadian by birth, American by legal training, and British by academic training (BA in International Relations and Humanities, Yale, 2001; JD, Columbia, 2005; PhD, Cambridge, 2011). His research and teaching interests include international dispute resolution (especially commercial and investor-state arbitration), comparative and international contract law, conflict of laws, and globalization of law. In general, his research explores what happens when actors from varied backgrounds meet in the international legal arena, often from an interdisciplinary perspective. He is the author of numerous publications on these topics and related themes, including one book, *The Culture of International Arbitration and the Evolution of Contract Law* (OUP 2013).

Professor Karton's writing has been recognized by the Journal of International Dispute Settlement (James Crawford Prize, 2015) and International & Comparative Law Quarterly (Young Scholar Prize, 2009), and his teaching has been recognized by the Queen's Law Student Society (Excellence in Teaching Award, 2012). Before commencing his doctoral studies, he practiced as an associate in the dispute resolution group of Cleary Gottlieb Steen & Hamilton in New York, and he continues to keep one foot in practice by occasionally serving as a consultant or expert witness. In 2015-2016, Professor Karton is a Visiting Professor at the National Taiwan University and the Chinese University of Hong Kong. He is a native speaker of English, and also speaks Chinese and French.

Fuad Zarbiyev

Fuad Zarbiyev is a Counsel in the International Arbitration group of the law firm of Curtis, Mallet-Prevost, Colt & Mosle in New York. He holds a PhD in International Law from the Graduate Institute of International Studies in Geneva, an LL.M. from Harvard Law School and the Diploma of the Hague Academy of International Law.

Prior to joining Curtis, Mr. Zarbiyev was a Senior Research Fellow at the Graduate Institute of International Studies in Geneva and a Global Research Fellow at the NYU School of Law. His prior experience also includes serving as Legal Advisor to the Costa Rican Government before the International Court of Justice in the Dispute regarding Navigational and Related Rights. He has published on various issues of international law. In 2012, he was awarded the James Crawford Prize for his article on judicial activism in international law published in Journal of International Dispute Settlement and the Graduate Institute Alumni Association Prize for the best PhD thesis. Earlier this year, he published a book in French titled *Le discours interprétatif en droit international contemporain: un essai critique* and wrote a chapter for the book *Interpretation in International Law* published by Oxford University Press, entitled "A Genealogy of Textualism in Treaty Interpretation".

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