Arbitration Conference Fatigue

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One of the defining features of the international arbitration community is the plethora of international arbitration conferences. Every month the calendar is full of opportunities to travel the world to attend conferences. This month it is Frankfurt, Lausanne, The Hague, and Washington. Last month it was Paris, Dubai, Vienna and Bonn.

It's not exactly *normal* for extraordinarily busy partners in law firms to travel the world for continuing legal education. But international arbitration conferences are like CLE on steroids. International trade lawyers don't do it. Neither do international lawyers who practice tax, securities, human rights, or any number of other subjects. And unlike other disciplines, where lawyers groan about completing their CLE hours before the deadline, international arbitration practitioners are anomalies if they are not part of the regular conference circuit. What gives? Why are there so many arbitration conferences?

There are several possibilities. The most obvious theory is that the arbitration community is unusual in that our colleagues are also the source of business. A partner becomes a major arbitrator based on reputation, and that reputation is solidified by other practitioners and the staff of arbitration institutions. An arbitrator is selected based on recommendations from his colleagues or institutional staff, and one's competition is also the source of one's livelihood. Every conference has a different theme, but the subplot always includes the same basic message: "pick me."

Another theory is that the calendar is full not because of the lawyers but because of the arbitration institutions. The institutions are service providers and arbitration lawyers are the consumers. Each conference is an advertisement for the institutions, and the consumers are spending precious time and money to absorb the advertisement. Every sponsored conference has the hidden message from the arbitration institution: "pick me."

Another possibility is the "black box" theory. All the hard work that an arbitrator or arbitration counsel performs is hidden in a black box of confidentiality. The briefs, the hearings, the orders, the awards—they are all shrouded in a veil of secrecy. Arbitration conferences provide a degree of transparency that we use as a proxy to judge quality. This theory is reinforced by the highly unusual practice of partners writing law review articles, something that is exceedingly rare in other disciplines.

Finally, there is the possibility that arbitration is so complex and so fast-paced that we must breathlessly travel the world to learn the latest developments. This theory seems highly implausible given the pace of arbitration decisions relative to other fields, which move just as quickly and are just as complex. And there are far more efficient ways to gather information than attending numerous conferences in every corner of the globe. One can gather most of the major developments through journals, newsletters, and the Internet. One could also have one or two giant conference each year with dozens of panelists addressing all the major developments.

There is, of course, a huge upside to the arbitration conference phenomenon. The people are wonderful. The arbitration world is filled with truly interesting, smart, and engaging people. If you spend enough time on the arbitration circuit, you are blessed with many relationships that reflect genuine friendship. I am not aware of another area of international law in which the practitioners have such high regard and fond affection for each other. The arbitration world should consider itself fortunate indeed, if it were not so exhausting.

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