

Kluwer Arbitration Blog

New York Arbitration Week 2021 Redux: Options, Opportunities, Pivots, and Challenges in an International Arbitration Career

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This year's theme for the New York Arbitration Week ("NYAW") was "getting it right." It invited ArbitralWomen and the Young International Arbitration Practitioners of New York (YIAP-NY), the latter in partnership with the New York International Arbitration Center (NYIAC), to reflect on the challenges but also new opportunities that the past year has presented to the arbitral community. In this context, ArbitralWomen and YIAP-NY hosted a series of discussions revolving around the changing demands of users, mental health, technology, and career options, intending to inspire attendees to reflect on the impact of the last year and lessons for the future.

The ride is certainly not without challenges, especially for diverse lawyers. Getting together to share our own experiences, views, and feelings is a safety net that makes us stronger. This post shares some highlights of discussions held over two days in the hopes of inspiring the reader to continue thinking deeply on these crucial topics.

New York Stories: Career Options, Opportunities, and Challenges in International Arbitration

ArbitralWomen's program focused on the available career options and opportunities, as well as the accompanying challenges faced by international arbitration practitioners. The panelists shared stories about their professional changes and career transitions they have observed in the field.

The panel was moderated by **Yasmine Lahlou** (Chaffetz Lindsey LLP & Board Member, ArbitralWomen) and **Louise Woods** (Vinson & Elkins LLP & Vice President, ArbitralWomen). Louise Woods introduced the panel with very appropriate words by the famous poet, Robert Frost:

"Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference."

The panelists included **Chris Alberti** (Saudi Center for Commercial Arbitration); **Lorraine Brennan** (Independent Arbitrator, JAMS & Adjunct Professor, Georgetown Law School); **Dana MacGrath** (Independent Arbitrator, MacGrath Arbitration & President, ArbitralWomen); and **Dr.**

Friedrich Rosenfeld (Hanefeld Law Firm & Global Adjunct Professor of Law, NYU Law School in Paris).

The discussion focused on four key concepts which influence the international arbitration field, and concluded by addressing the constant need for practitioners to track their career progression:

Key Concept 1: Changing Demands of Users

Arbitration is a service industry which adapts to the needs and demands of its users. Those needs and demands have changed over time. Economies have become more globalized, and this globalization has led to the development of the arbitration practice in all parts of the world. This requires lawyers to be culturally intelligent while transacting with clients. Moreover, increasing diversity in the business community directly aligns with the need for a diverse arbitration community.

Key Concept 2: Relevance of Technology

Technology has altered international arbitration practice in several ways, by enabling virtual hearings and submissions and environmentally-friendly practices. In addition, due to technological advancements, there is greater transparency regarding arbitrators' experiences as counsel and arbitrators in various matters. E-discovery has in many cases led to greater effectiveness and cost efficiency for clients. Technology has also assisted younger practitioners globally in launching initiatives, creating mentoring opportunities, and providing them with an opportunity to participate in virtual webinars.

Key Concept 3: Regulatory Competition

The New York Convention is the most important and widely ratified treaty in international arbitration. Domestic arbitration legislation has become more arbitration-friendly in more than 100 jurisdictions. Arbitration institutions regularly update their rules and compete against each other while emphasizing cost and time efficiency. This has made the arbitration route more attractive to clients and efficient for counsel.

Key Concept 4: Giving back to the Arbitration Community

The panelists emphasized the need to give back to the arbitration community through coaching, mentoring, and sharing advice, as well as the importance of networking. Greater engagement in these activities by senior practitioners would help younger practitioners and those interested in this field learn about the reservoir of available resources and opportunities, which are pertinent for one's professional development. The panelists also encourage practitioners not only to be a member of committees relevant to their areas of interest but also to be an active participant in their activities.

Conclusion

Finally, the panelists emphasized a recurrent theme – the need to rethink and dare to change even at the risk of failure. A career journey must involve a plan and constant reflection on its development. Being open to taking risks often goes hand-in-hand with becoming more entrepreneurial. It is important to recognize underrepresented areas and develop a niche practice in these areas if they are in line with practitioners' interests.

Getting it Right – Arbitrating in the Post-COVID Virtual Arena

In a three-part series event, YIAP-NY and NYIAC invited attendees from around the globe to

listen to a brief presentation and participate in guided networking sessions held at multiple times of day to accommodate participants from the different continents.

Each event focused on contemporary topics relevant to practicing international arbitration in the post-COVID virtual arena (although the authors of this post are still considering whether it is possible to refer to a “post-COVID” world in light of recent events). Those topics were:

- Mental health in the virtual world, featuring **Desi Vlahos** (Mentor and Lawyer, Practical Legal Training, Leo Cussen Centre for Law)
- Lessons learned from the virtual battlefield, featuring **José María de la Jara** (ODDS Legal, Co-Founder)
- Getting the experience needed to advance your career post-COVID, featuring **Chris Campbell** (Baker Hughes, Senior Counsel; Tales of The Tribunal, Curator & Host)

Desi Vlahos opened the day of discussions by defining what “good mental health” means: not just the absence of mental illness but the ability to lead a life of value. In this context, she discussed with attendees the key factors at work that can impact negatively on mental health – pressure, workload, lack of work-life balance, among others – and how these have gotten worse during the pandemic. Nonetheless, Desi remarked that just as these factors became accentuated, so did the institutional response to overcome them. Organizations such as the New York State Bar Association Taskforce have prepared recommendations including making sure lawyers take all vacation time, encouraging parents to take leave, and addressing (and training on) the importance of recognizing mental health issues and wellbeing. But the response cannot come only at an institutional level: individuals also need to be proactive about their mental health, engaging in regular self-care.

José María de la Jara continued the conversation in the afternoon focusing on virtuality, and how this has affected the players in the arbitration field: for centuries, we relied on face-to-face communications, and now we have been reduced to little boxes on a screen. However, technology is here to help, and it is necessary to think outside the box to embrace innovative solutions while adapting to the new reality. As part of the conversation, José María queried whether physically returning to the office is in fact essential to providing better services to clients, searching for more collaboration, or training lawyers. The answer is not clear-cut: the same achievement levels can be obtained by capitalizing on tech-based solutions.

Chris Campbell closed the event by discussing the impact of the COVID-19 pandemic on career development, and how to make the most of it to advance in our profession – especially considering that many do not have the luxury of in-person encounters. Chris commented that to gain more experience in the field, young practitioners need to make sure “they are out there.” Some practical tips he shared with the audience were preparing and publishing articles; actively engaging in virtual events; trying to keep in touch with contacts; and preparing podcasts on topics of interest. Although there is no recipe to succeed in the profession, these steps can definitively contribute to attaining such goal.

After each presentation, attendees engaged in meaningful networking sessions supported by young arbitration practitioners organizations from the different regions of the world in a remarkable global collaboration across young practitioners organizations: the Asian International Arbitration Centre Young Practitioners Group; Young Singapore International Arbitration Centre; Paris Very Young Arbitration Practitioners; London Very Young Arbitration Practitioners; German

Arbitration Institute under-40 group; Colombian Very Young Arbitration Practitioners; Uruguay Very Young Arbitration Practitioners; and ICDR Young & International. Their representatives, together with YIAP-NY and NYIAC, acted as facilitators guiding the discussions in the networking groups, in which participants discussed the topics presented by the speakers, and had a candid, open dialogue sharing experiences, views, and feelings.

Concluding Remarks

The panelists in the ArbitralWomen event concluded by sharing ways to diversify the international arbitration practice. Senior practitioners could, for instance, provide young arbitration lawyers with advocacy opportunities and/or involve associates as tribunal secretaries on matters, making them visible to the institutions that play a significant role in the appointment of arbitrators. The panelists also emphasized the need to acknowledge that diversity extends far beyond gender diversity. Finally, the panelists shared the sentiment feeling view that international arbitration is one of the few fields of legal practice where lawyers are genuinely content with the practice which makes the community stronger.

The YIAP-NY members in their event series shared the same sentiment: the arbitration community is more than willing to help others to thrive, as these conversations have demonstrated. There was also a common thread among the topics covered by both events. Part of being able to advance and succeed in this field is to be mindful of the challenges that the COVID-19 pandemic has brought (mental health; a new reality posed by virtuality; lack of in-person meetings) and see them as an opportunity to grow. Embracing challenges means that young practitioners do not see them as an obstacle, but instead as an opportunity to improve as growing, young professionals.

More information about the program is available [here](#) and [here](#) and Kluwer Arbitration Blog's full coverage of New York Arbitration Week is available [here](#).

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