

# **Canadian Young Arbitration Practitioners Group**

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## **MINUTES OF FIRST MEETING**

**June 10, 2004**

**Ottawa, Canada**

### **PARTICIPANTS**

Naim-Alexandre Antaki, Gowling Lafleur Henderson LPP (Ottawa)

Babak Barin, Osler, Hoskin & Harcourt LLP (Montreal)

René Cadieux, Fasken Martineau DuMoulin srl/LLP (Montreal)

Patrick Flaherty, Torys LLP (Toronto)

The Honourable Benjamin J. Greenberg, Q.C., Stikeman Elliott LLP (Montreal)

Marc Henry, Lovells (Paris)

Ian Laird, Canadian Ministry of Citizenship and Immigration (Ottawa)

Nathalie Potin, ICC Secretariat (Paris)

Marie-Claude Rigaud, University of Montreal (Montreal)

David Roney, Schellenberg Wittmer (Geneva)

Lisa Talbot, Torys LLP (Toronto)

Todd Wetmore, Shearman & Sterling LLP (Paris)

Robert Wisner, Appleton & Associates International Lawyers (Toronto)

### **OPENING OF THE MEETING**

- The first meeting of the Canadian Young Arbitration Practitioners Group (“CYAPG” – a working title) opened at 4:00 p.m. with a welcome to all participants from the CYAPG Steering Committee members in attendance, including David Roney (who acted as chairperson of the meeting), Babak Barin, Ian Laird and Marie-Claude Rigaud.
- The CYAPG Steering Committee advised that there had been a very positive response to the e-mail invitation to the first meeting, as shown both by the diverse group of individuals in attendance and by the fact more than thirty other individuals had advised that they were interested in becoming involved in the CYAPG, but unfortunately could not attend the first meeting.
- The CYAPG Steering Committee advised the participants that the purpose of the first meeting was to provide an open forum for discussing and planning the mission, structure and future events and activities of the CYAPG.
- Accordingly, the CYAPG Steering Committee advised that it would begin by presenting its initial proposals and thoughts regarding each item on the agenda and then seek input from the participants, with the aim of developing a concrete action plan for the next year by the end of the meeting.

## **ISSUES DISCUSSED AND DECIDED**

### **1. Proposed Mission Statement of the CYAPG**

- As the first item on the agenda, the CYAPG Steering Committee proposed the following mission statement of the CYAPG for consideration and comment by all participants:
  - to promote international arbitration, particularly in Canada, among young lawyers working in private practice and in-house with corporations, government and other potential users, as well as among other interested young professionals;
  - to provide training and professional development opportunities for young lawyers and other young professionals with an interest in international arbitration; and
  - to provide professional networking opportunities for young lawyers and other young professionals with an interest in international arbitration.
- The participants agreed with this proposed mission statement of the CYAPG.

### **2. Organizational Structure of the CYAPG**

- As the second item on the agenda, the CYAPG Steering Committee discussed the organizational structure of the CYAPG.
- The CYAPG Steering Committee explained that the concept of forming a group of Canadian young arbitrators had initially been proposed at the meeting of the Arbitration Committee of the Canadian Council on International Business (“CCIB”) in November 2003.
- In preparing for this first meeting of the CYAPG, the CYAPG Steering Committee had considered several different organizational structures for the group, including structures such as a sub-committee of the CCIB Arbitration Committee or a sub-committee of the Canadian Bar Association.
- Ultimately, the CYAPG Steering Committee had reached the conclusion that the CYAPG would be best structured as an independent voluntary association, without any formal connection with any other association or group. The reasons for having reached this conclusion were as follows:
  - Operation of the CYAPG as an independent voluntary association would, from an administrative and organizational perspective, likely be much more simple, flexible and cost-effective.
  - Operation of the CYAPG as an independent voluntary association would avoid any potential confusion or difficulty in regard to the relationship between membership in the CYAPG and membership in a “parent” association or group such as the CCIB Arbitration Committee or the Canadian Bar Association.
- The participants generally agreed with this proposed approach to the organizational structure of the CYAPG.
- Given the origins, composition and interests of the CYAPG, the CYAPG Steering Committee nevertheless expressed a firm commitment and intention to maintain close, although informal, ties with the CCIB Arbitration Committee.
- The Honourable Benjamin J. Greenberg, Q.C., Chairman of the CCIB Arbitration Committee, expressed the interest of the CCIB Arbitration Committee in maintaining close ties with the CYAPG.

### 3. **Requirements for Membership in the CYAPG**

- As the third item on the agenda, the CYAPG Steering Committee proposed the following requirements for membership in the CYAPG for consideration and comment by all participants:
  - an interest in international arbitration and support for the mission of the CYAPG;
  - 40 years of age or less or new to the practice of international arbitration; and
  - payment of an annual membership fee.
- In addition, the CYAPG Steering Committee expressed the following views in regard to the requirements for membership:
  - there should be no nationality requirement for membership and the CYAPG should actively encourage non-Canadians interested in international arbitration to become members and participate in its events and activities; and
  - CYAPG events should be open to everyone who is interested in participating, whether or not they are CYAPG members or fall within the membership requirement of “40 years of age or less or new to the practice of international arbitration”.
- The participants discussed whether or not the CYAPG should have strict age limit of 40 years old or less, as do many young members groups of other arbitration associations. Ultimately, the participants concluded that the membership requirement of “40 years of age or less or new to the practice of international arbitration” would strike an appropriate balance between the desire for some degree of flexibility in regard to age and the need to provide a welcoming forum for interaction between younger and/or less experienced arbitration practitioners. Moreover, the participants agreed that there would be considerable “self-selection” in regard to participation in the CYAPG, which would avoid any risk of the CYAPG becoming dominated by older and very experienced practitioners.
- The participants agreed that, as a matter of principle, the CYAPG should have an annual membership fee to cover administrative costs, such as those related to communications, the creation and maintenance of a website and other marketing initiatives.
- After some discussion, the participants also agreed that the CYAPG should adopt the following structure for its annual membership fee:
  - Individual Member: CAD 85
  - Individual Student Member: CAD 40
  - Law Firm Member: CAD 500  
(with right to 8 Individual Members)
- In addition to membership fees, the participants discussed the possibility that the CYAPG may able to obtain some government funding for its activities. It was agreed that the CYAPG Steering would investigate the possibility and implications of obtaining such government funding.
- At the end of the discussion on these issues, the participants agreed to all of the above proposed requirements for membership in the CYAPG.

4. **Plan for Initial Operation of the CYAPG**

- As the fourth item on the agenda, the CYAPG Steering Committee proposed that its six members (listed at the end of these minutes) would continue to coordinate the initial launch and operation of the CYAPG over the next 12 months.
- During this 12 month period, the CYAPG Steering Committee would prepare draft by-laws for the consideration of and adoption by CYAPG members, as well as organize the administrative structure and first events and activities of the CYAPG.
- The CYAPG Steering Committee explained that this plan for initial operation was intended to ensure continuity and efficient organization in the first critical months of the CYAPG. In addition, the CYAPG Steering Committee emphasized that they would be actively seeking input and involvement from the participants at the meeting and other CYAPG members for the first events and activities of the CYAPG in the coming months.
- The participants agreed with this proposed plan for the initial operation of the CYAPG.

5. **Plan for CYAPG Events and Activities**

- As the fifth item on the agenda, the CYAPG Steering Committee proposed the following ideas for events and activities over the coming months:
  - a first seminar during the fall of 2004, combined with a social event;
  - a second seminar during the spring of 2005, held as a joint event with the newly formed USCIB Young Arbitrators Forum and combined with a social event;
  - a practice moot for Canadian law school teams participating in the Willem C. Vis International Commercial Arbitration Moot (also known as the “Vienna Moot”), in March 2005;
  - an e-mail newsletter with contributions from members and a calendar of events relating to international arbitration, to be circulated to members twice annually;
  - a website with basic information about the CYAPG, its activities and events, as well as the curricula vitae with photos of all members.
- The CYAPG Steering Committee expressed the hope that these CYAPG events and activities will provide a bridge for building contacts and relationships not only among Canadian young arbitration practitioners but also between Canadian young arbitration practitioners and those from other parts of North America and the world.
- The participants were very supportive of the concept of joint events and activities with the USCIB Young Arbitrators Forum. After some discussion of holding the CYAPG’s first event with the USCIB Young Arbitrators Forum, the participants ultimately concluded that it would be important for the CYAPG to hold its first event on its own in order to establish the CYAPG’s own identity and momentum, even if this meant that there would likely be fewer participants at this first event.
- The participants discussed potential dates for the CYAPG’s first event and it was concluded that the best date would likely be immediately before or after the international arbitration seminar being jointly sponsored by Ogilvy Renault and the LCIA on October 4, 2004. The participants agreed to leave the final decision on the date for this first event to the CYAPG Steering Committee, after they determine when the CCIB Arbitration Committee will hold its next annual meeting in the fall of 2004.

- After some discussion, the participants agreed that the CYAPG first event should adopt the format of three interactive sessions, with each session being devoted to a discrete topic identified in advance and led by different CYAPG members and with one or two distinguished senior arbitration practitioners acting as commentators throughout. It was felt that this format would have a sufficiently high profile to attract participants, while providing a good opportunity for CYAPG members to exchange ideas regarding international arbitration issues with one another. While several possible topics were discussed, the participants agreed that the CYAPG Steering Committee would seek further ideas and input by e-mail from all CYAPG members.
- At the end of the discussion on these issues, the participants agreed with this proposed plan for CYAPG events and activities.

**6. Name of the CYAPG**

- As the sixth and final item on the agenda, the CYAPG Steering Committee expressed the view that the CYAPG's current name (or "working title") was not satisfactory and sought suggestions for a better name from the participants.
- As the participants did not have any immediate suggestions for a different name, the CYAPG Steering Committee stated that they would give further thought to this issue and also asked the participants to send any suggestions for a better name to them by e-mail.

**CLOSE OF THE MEETING**

The meeting closed at approximately 5:45 p.m., with the CYAPG Steering Committee thanking all of the participants for their input and interest, and agreeing to circulate minutes of the meeting in due course.

**CYAPG STEERING COMMITTEE**

Babak Barin, Osler, Hoskin & Harcourt LLP (Montreal)

Ian Laird, Canadian Ministry of Citizenship and Immigration (Ottawa)

Marie-Claude Rigaud, University of Montreal (Montreal)

David Roney, Schellenberg Wittmer (Geneva)

Janet Walker, Osgoode Hall Law School (Toronto)

Todd Weiler, NAFTALaw.org (Ann Arbor)