

"Shaping the Future of Greener International Arbitration Conferences and Training"

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In association with:



KEYNOTE SPEAKERS: KEY TAKEAWAYS
and
ATTENDEE DISCUSSION GROUPS: KEY TAKEAWAYS



“Shaping the Future of Greener International Arbitration Conferences and Training”

KEYNOTE SPEAKERS: KEY TAKEAWAYS

Lucy Greenwood, International Arbitrator & CGA Founder

- Before the pandemic, arbitration practice could be quite wasteful due to carbon emissions from long-haul flights, mountains of bundles, and unnecessary travel to unnecessary meetings.
- Now that the world is experiencing a climate emergency, everyone must do their part to reduce their carbon footprint, including arbitration practitioners.
- The arbitration community needs to rise to the challenge of addressing climate change and not fall into the trap of arguing over which kinds of disputes emit more carbon and “small tweaks” about how we communicate the climate emergency.
- We do not have the luxury of that time.

Mathias Posch, President & Chairman, International Conference Services

- Organizers of conferences and meetings are rethinking conferences and meetings now that many have moved to virtual or hybrid (mix of in-person and virtual) formats:
 - 60 per cent of meeting attendees are still unsure if they want to travel for international events.
 - 75 per cent of large organizations are looking at organizing hybrid events, rather than exclusively in-person or virtual events.
- It is important for organizers of conferences and meetings to focus on and identify the purpose of the event they want to hold:
 - They need to focus on “the why”.



- Why should somebody get on a plane, travel halfway around the globe to receive something that they could easily get at home, with more convenience, at any time they want, and most likely, cheaper?
- The conference experience needs to be more active, rather than just sitting in a conference room listening to a lecture.
 - We need to do a lot more of the active part: discussions, practice by doing, and teaching others.
 - These are the elements that cannot be replicated online – they really need to be experienced.
- We need to look at content with context and tie the content to a unique experience, such as a field trip outside of the conference site, a discussion, or an expert session.
- The experience needs to be “curated and exclusive” and much more immersive and interactive – where the attendee gets to experience what the destination has to offer for the attendee’s field of interest.
- “Networking needs to be purposeful” – it cannot just be receptions and dinners where people are thrown into a room and told ‘now please talk’ – and hopefully they find somebody of interest.
 - The networking experience at online conferences needs to be curated through technology, such as matchmaking apps for conferences and designing the meeting space so that there are spaces where people who are like-minded and with similar interests can meet.
- “Hybrid” does not simply mean recording a session and streaming it out – organizers need to incorporate the virtual audience into the physical audience.

Roger Martin, Strategic Advisor to CEOs

- Strategy is “choice.”
- Building up on the reason to organize conferences, Roger Martin emphasized that a company needs to ensure it is in the right space to organize conferences that are relevant to the community.



- There are five choices that an organization should make to become successful:
 - a winning aspiration;
 - where to play and where not to play;
 - how to win;
 - must-have capabilities; and
 - management systems to build and maintain those capabilities.
- The heart of a good strategy is deciding where you are going to play and how you are going to be better than anybody else in that space.
- The secret to success of any organization is picking a ‘where to play’ – where you can be the best at it.
- A winning strategy for organizations includes focusing in on what makes the organization distinct and leveraging that to reach goals.

**Deborah Enix-Ross,
American Bar Association (ABA) President-Elect; Debevoise & Plimpton**

- The ABA was very successful in offering remote programming before the pandemic (about 700 online programs per year) which went up during the pandemic (about 1200 online programs per year) – a 70 per cent increase in the number of programs offered and about a four and one-half fold increase in the number of online registrants.
- This increase in online programs has also contributed to positively impact the diversity policy of the ABA:
 - In 2016, the ABA adopted a resolution urging all providers of legal services, including law firms and corporations, to expand and create opportunities at all levels for diverse attorneys and further urged clients to help facilitate those opportunities.
 - In 2018, the ABA Dispute Resolution Section adopted a resolution that providers of domestic and international dispute resolution should expand their rosters with minorities, women, people with disabilities, and people of diverse sexual orientations and should encourage diverse neutrals.



- There are four broad categories of lessons learned and best practices arising from the pandemic:
 1. Logistics:
 - Practical things such as ensuring that a practice session is held for speakers and that speakers are logging on in advance so that they can test their equipment.
 2. Meeting Format:
 - While there is increased interest in hybrid meetings, there is a need to watch their cost and other challenges. Not only does one have to count the hotel space, videographers, etc., but hybrid, if not well done, can turn into a negative experience for both the in-person and virtual participant.
 - It is important that participants have their cameras on as otherwise it is really difficult to connect with people and to understand and read body language.
 - Interactive involvement in the meeting format is important, whether polling or calling on participants, as well as an effective use of breakout rooms.
 3. Outreach:
 - With a pandemic, there is the opportunity to reach a greater, younger and more diverse audience.
 - Time zones constitute a challenge, but it can be managed.
 4. Networking:
 - For a networking session to be an icebreaker, organizers could use trivia, wine tasting or other activities, and the networking could be focused so that participants who share certain attributes and interests can meet.
- A solution to the desire for in-person events would be to focus less on organizing the large conferences that we were accustomed to, and thinking about smaller, more locally focused groups so that participants do not have to travel far and can gather safely, in an economical and greener way.

Lara Nicholls, Senior Legal Counsel, Shell International Ltd

- Coming back to the “Why”:
 - In 2016, when oil prices dramatically dropped, Shell Legal needed to quickly adapt its ways of working quickly to conserve cash. The company embraced the possibilities of virtual conferences and for the first time, moved its annual extended leadership team meetings from in-person global conferences to an online virtual platform.

- Just like with the pandemic, the real reason behind making that switch was necessitated by external considerations rather than an active purposeful choice to go online. It was only a few months before the conference was to take place, Shell switched from an in-person conference with all its leaders flying in from around the world to one central hub to an online offering. There was a huge amount to learn in a short time from the transition of in-person to online offerings.

The obvious positives of this switch were reducing costs and the carbon footprint. There were also unexpected gains around increased diversity, as Shell found it could better manipulate who broke out into the small groups and it could invite speakers, many more junior members from outside of the established leadership list of invitees in online forums. But there were also many challenges.

- The key tip from Shell's experience shifting to virtual events was to avoid attempting to replicate an in-person conference offering with a virtual one.
- Inclusiveness:
 - For many, especially those with young children, traveling to and attending conferences and training can be difficult. For others, the cost of travel is problematic. These can be prohibitive and hard to justify now that we are in an increasingly online world.
- Diversity:
 - Online or hybrid ways of working not only promote creativity, but they also assist with a more diverse audience and speaker lineup. Shell has used virtual events to promote diversity across its teams and virtual panels. Bringing different voices, experiences, values, and perspectives into a team makes good business sense. Having diverse speakers at conferences can help companies to know potential arbitrator/mediator candidates, thereby improving diversity of appointments.
- Networking:
 - Shell was particularly keen on promoting ways to make it cheaper and more accessible for everyone to attend conferences, thereby also helping to have a more diverse pool of candidates for arbitrator and mediator appointments. A virtual room, in many cases, creates an easier room to enter, so the advantage of an online offering is simple, environmental, and less expensive.
- Many of the activities that we undertake have a lasting and significant environmental impact. Reducing travel is a clear way in which all of us can help to decarbonize. Whilst there may be many challenges to doing so and, it might not be appropriate in every case, given all the clear benefits of providing targeted and purposeful conferences and trainings online, virtual rather than in-person should be the default.



Jim Reiman, Principal, Reiman ADR

- There are three best practices for running virtual programs insisting that online programs can generate fatigue and difficulties to stay focused for the participants (“Zoom fatigue”):
 1. Be comfortable with the technology
 - Have the right equipment, both camera and microphone, and sufficient bandwidth.
 - As a program or discussion leader, ensure that you have a quiet room with no distractions.
 - Use breakout rooms, screen shares, videos.
 - Be familiar with the technology so that you can help the program participants with any issues.
 2. Adapt your program to avoid Zoom fatigue:
 - Organize shorter sessions.
 - Have sufficient breaks.
 - Limit the number of participants in breakout rooms – six to seven participants are an ideal number.
 - Avoid lectures and keep the program interactive.
 - Use hypothetical problems, discuss solutions, and engage participants in role play.
 3. Organize, organize, organize
 - Organization in a virtual environment is even more important than in an in-person environment.
 - Send all material in advance. Not just “14 days” in advance, but immediately before the session begins and again when the session starts so that the email with the materials is at the top of the participant’s mailbox.
 - Have clear rules of proceedings for a better learning experience (e.g., regarding the recording of chats and the use of shared information).

ATTENDEE DISCUSSION GROUPS: KEY TAKEAWAYS

1. Diversity and Inclusion

- The accessibility of virtual conferences allows for a greater variety of guest speakers, panelists, and attendees from different locations and backgrounds, which in turn diversifies sources of knowledge.
 - This reduces the echo-chambers that exist when experts from a particular profession, industry, or area of expertise interact only or mostly with others from the same field.
 - Provides spaces and platforms to arbitration stakeholders that reside beyond the main arbitration hubs.
- Virtual platforms allow for more collaboration opportunities that otherwise would have been unlikely due to distance and cost.
- Younger arbitration stakeholders benefit from virtual conferences and trainings that would otherwise not have been possible if in-person because travel expenses are eliminated.
- Less tech-savvy individuals may have felt disempowered in using new technologies.
- There is a concern that we may lose the diverse audiences we have gained in the virtual world. It was suggested that having hybrid events, scholarships for younger attendees, reduced membership costs and/or a multi-tiered approach to fees for conferences could help to avoid losing the progress that has been made.
- Also mentioned was the eagerness of professionals to return to some in-person activities. While many felt that need for in-person human connection, a hybrid approach where travel remains an option seems favoured.

Based on summary by Hannah Johnston (Queen's University), Abigail Korbin (Queen's University), and Simon Rollat (McGill)

2. Technology

- Stability, security and accessibility were identified as the most important aspects of the online platform chosen to host a virtual conference.
- Consider all-in-one platforms, such as Whova and others, because they offer the ability to design discussion spaces, icebreakers, attach conference documents, and “meet and greet” spaces.
 - Hosts’ familiarity and ease with the platform is paramount and so they should be properly trained in order to use it effectively.
- Polls are effective at engaging participants.
- Organizers should be mindful of “Zoom fatigue” and limit events to 90 minutes maximum in duration.
- Participants also discussed hosting physical breakout rooms or gatherings in "satellite cities" during a virtual conference to allow for some in-person networking where possible.

Based on summary by Paul Trinel (McGill) and Ryan Hicks (Freshfields)

3. Practical Issues

- Time zones are a challenge. Participants suggested having multiple online sessions to cater to particular time zones. For example, one event to capture all of the Americas time zones. They also suggested recording panels and speakers for viewing later.
- Organizers and participants should consider off-setting carbon footprints for in-person events. Those organizing the events would likely need to take initiative for this.
 - Suggestions included charging participants the off-setting costs as a part of the conference/training fee or including the cost in the annual membership fee of the organization.
 - Alternatively, a company may also already have a program in place through which it can off-set the carbon footprint created by attending an in-person event.
- Hybrid events, allowing participants to attend in-person or online, pose logistic challenges because they require organizers to organize for both the in-person and online platform.

- In addition, there is a concern that hybrid events will have an inequality in terms of participation level between in-person and online participants.
- There are an overwhelming number of conferences and webinars, some being scheduled at the same time, with an overlap of speakers and participants. Participants proposed major institutions coordinate among each other and consider separating panels from traditionally held conferences into stand-alone events.

Based on summary by Naren Somayaji (Queen's University) and Tanya Oberoi (McGill)

4. Economics

Registration fees

- Charging for a fully virtual or even for a virtual attendance at a hybrid conference is challenging given that attendees can interact with and learn from comparable arrays of speakers at free webinars.
- To overcome this reluctance, at least partially, organizers can provide paid events of a higher quality than the quality of free webinars (for example, more sophisticated topics, carefully designed to make them appealing and interesting).
- For hybrid programs, the price of attendance might range from 'discounted' to 'free', since the costs to the organizers often have been reduced.

Seeking Sponsorship of Conferences

- Reduced setup costs reduce the necessity for income, which negatively affects sponsorship for conferences. More interest in sponsoring hybrid or virtual conferences than in-person.
- Marketing and networking benefits for in-person conferences must be clear for sponsors.
- Organizers should identify marketing space under the virtual settings (virtual "goodie bags", physical advertising materials and e-books, logos on virtual background).

Digital Marketing Expenses

- Revenues from case management fees, memberships and ticket sales traditionally contributed to institutions expenses, causing revenue losses during the pandemic.
- As the costs of digital marketing have changed, arbitral institutions need to adjust their models.

Based on summary by Wilson Wang (Hughes Hubbard & Reed LLP), Yanique Russell (Yanique Russell Law Professional Corporation (PC), Meena Durrani (Queen's University), and Lucas Harrati (McGill)

5. Training

How to Attract More Participants to Sign up for Online Training

- Publicize remote training before the training and team up with other organizations.
- Consider tailor-made courses and networking events to fit the needs of participants.
- Emphasize that attending online training also allows to adapt to the future online arbitral proceedings.

How to Deliver a Better Virtual Training

For organizers:

- Select the platform that will work best for the training, such as Zoom, Whova, Caselines, and Hop-in.
- Hold practice rounds to make sure the training is adapted to the platform.

For trainers:

- To reduce “Zoom fatigue”, incorporate technologies and make the presentations interactive with polls, case scenarios and debates.
- Keep the audience focused from pre-agenda materials to post-training summaries and recording.
- Encourage questions through the chat function.

Based on summary by Wilson Wang (Hughes Hubbard & Reed LLP), Yanique Russell, Meena Durrani (Queen's University), and Lucas Harrati (McGill)

6. Networking

- Virtual networking has become an efficient alternative to in-person conference networking.
- A virtual event allows for enhanced diversity in terms of gender, geography and age, and enables younger lawyers to attend and be visible.
- Initiatives were launched to help participation in online conferences by providing scholarships.
- Virtual events attract larger and more diverse audiences and encourage quieter participants.
- The most effective virtual events tackle one issue at a time to allow in-depth discussion.
- To promote socialization and reflection, it is best to create small breakout rooms.
- In breakout rooms, encourage cameras and ensure that the moderator guides a discussion.
- Developing meaningful connections is a challenge. Online networking requires more ‘intentionality’, even if often breakout rooms are organized randomly.
- Follow up messages after virtual networking, virtual cocktail or coffee are essential.

Based on summaries by Roxanna Crihan (Université de Montréal), Sima Gaffari (YAF Representative), Hannah Johnston (Queen’s University), Abigail Korbin (Queen’s University), and Simon Rollat (McGill)