

THE 13TH DUBLIN INTERNATIONAL
ARBITRATION DAY
CONFERENCE **2025**

FRIDAY, NOVEMBER 21, 2025
RADISSON BLU ROYAL HOTEL DUBLIN
GOLDEN LANE, DUBLIN 8, IRELAND



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On Friday, November 21, 2025, Arbitration Ireland held its 13th annual Dublin International Arbitration Day. Over 150 delegates, comprising leading legal practitioners, members of the judiciary, arbitrators, expert witnesses, and others from the international arbitration community, attended the conference this year.

The conference was held in the Radisson Blu Royal Hotel in Dublin. This year’s conference welcomed leaders in international arbitration to discuss a number of topical issues, including awards for corruption and the enforcement of arbitral awards, sports arbitration, and the role of AI in international arbitration.

Event:	13 th Dublin International Arbitration Day (DIAD)
Date:	Friday, November 21, 2025
Venue:	Radisson Blu Royal Hotel, Golden Lane, Dublin 8
Sponsors:	Diamond Platinum Gold Sponsors Cornerstone Research EY, Veritext FTI Consulting, JAMS eScribers, Gwen Malone Stenography, Pemberley, DAC Beachcroft



David Herlihy SC, A&O Sherman.



Paul McGarry SC, The Bar of Ireland.

OPENING ADDRESS AND WELCOME FROM THE PRESIDENT OF THE EXECUTIVE COMMITTEE

David Herlihy SC (A&O Sherman – Dublin) opened the event with a warm welcome to the conference delegates. He thanked the conference sponsors, without whom this event would not be possible, and said that this year's conference had a stellar line-up of speakers, including current and former Supreme Court judges and the President of the ICCA. David highlighted Dublin's unique advantages as a modern global hub for finance, aviation, tech, pharma, and life sciences. He also outlined Ireland's strong position for international arbitration as the only English-speaking and common law jurisdiction within the EU, with a modern and robust arbitration law, and a judiciary with increasing expertise in complex recognition/enforcement matters.

PANEL 1 – KEY GLOBAL DEVELOPMENTS IN INTERNATIONAL ARBITRATION

Paul McGarry SC (The Bar of Ireland – Dublin) moderated the first panel of the conference and the ensuing discussion on some of the key developments in the international arbitration space.

Lucinda A. Low (Low & Kinnear Dispute Resolution – Washington DC) spoke about the current sanctions landscape with a particular focus on the EU, the UK and Canada. She highlighted the different approaches taken to sanctions, from broad country embargoes to targeted, sectoral and personal sanctions applicable to the tech, energy and finance sectors. Recent sanctions have had an impact on international arbitration, for example the requirement for Office of Foreign Asset Control (OFAC) licences in the US causing delays and uncertainty. As a result of these sanctions, arbitration institutions and tribunals increasingly require ownership/control tracing.

Genevieve Poirier (LALIVE LLP – London) spoke about AI developments and arbitration institutions. She outlined the CIArb Guideline on the Use of AI in Arbitration and the AAA-ICDR Guidance, which focuses on

arbitrators' ethical use of AI tools. She discussed the core principles on the use of AI across the various bodies, including human oversight and accountability, transparency, confidentiality, data protection and verification. Genevieve recommended the use of clauses that amount to AI guardrails, directing what tribunals will and won't do. It is also important to recognise the resource imbalances that can exist between parties to an arbitration.

Laurence Shore (Seladore Legal – London/Milan) provided insight into issues relating to witness statements. He noted that in practice, witness statements are often ghost authored and, therefore, they are of limited value for arbitral tribunals. This is evidenced by the fact that they are seldom quoted in awards. He proposed replacing written witness statements with video-recorded direct testimony with a Q&A format. This would be submitted with memorials. However, he also gave a caveat that this would not be suitable for highly technical disputes.

Audley Sheppard KC (Twenty Essex – London) spoke on the subject of damages and, in particular, loss of chance and contingencies. He noted that arbitral tribunals for commercial matters are often wary of granting damages for loss of chance. However, it can be useful in claims relating



Panel 1 (from left): Paul McGarry SC, Lucinda A. Low, Genevieve Poirier, Laurence Shore, and Audley Sheppard KC.



Panel 2 (from left): Benoît Keane, Susan Ahern SC, Jeffrey Benz, Emily Devlin, and Philippe Cavalieros.



Brian McMullen and Ian Talbot.

to multi-contingent projects. Audley also outlined some recent cases in which option value was applied, and the first reported case of multiplies on sunk costs in an arbitration. He advised that arbitral tribunals should probe quantum rigorously and appoint damages experts if needed.

PANEL 2 – THE “ACHMEA” OF SPORTS

Susan Ahern SC (*The Bar of Ireland – Dublin*) moderated the second panel of the conference. This panel provided insight into recent developments in the sports arbitration space.

Philippe Cavalieros (*Simmons & Simmons LLP – Paris*) spoke about the application of the decision in *Achmea* and the potential effect this could have for sports-related arbitration. He then referred to the *Komstroy* judgment, and noted that the incompatibility of bilateral investment treaties established in *Achmea* has now extended to energy charter treaties. Philippe noted that, more recently, the European Court of Justice has considered recourse to Court of Arbitration for sport (CAS) arbitration sitting outside the EU as creating immunity, which may be contrary to EU law. In Philippe’s opinion, these are concerning developments.



Panel 2 (from left): Susan Ahern SC, Philippe Cavalieros, Benoît Keane, Emily Devlin, and Jeffrey Benz.

Emily Devlin (*FIFA – Zurich*) gave an interesting and insightful presentation on the role of the CAS and how arbitral clauses may be drafted to include the CAS. She outlined some of the benefits of the CAS, including its uniform global application, which avoids fragmented national court outcomes. She also noted that the CAS can operate expeditiously, which was evidenced from the recent FIFA Club World Cup where a dispute was referred to the CAS shortly before the start of the tournament that would decide its participants. The CAS provided a decision before the tournament started so that it could proceed without any delays.

Jeffrey Benz (*JAMS Global – London*) spoke on the requirement to be expeditious when dealing with disputes and where EU law comes before the CAS. He referred to the *ad hoc* division of the CAS, which can provide decisions within 24 hours – something that is not possible from any other international arbitral tribunal. Jeffrey also noted that the World Anti-Doping Code has harmonised doping regulations across jurisdictions. However, the exceptionalist position taken by the EU is a threat to this harmony. He asked the question: if the US took the same position, how many people in sport would be comfortable in a State trial in Alabama? Ultimately, his belief is that the EU’s position arising from *Achmea* needs to be rectified.

Benoît Keane (*Keane Legal – Brussels*) addressed the application of EU competition law by the CAS. He confirmed that the CAS has long applied EU competition law. He also outlined the concerns regarding the application of EU competition law in the CAS as the seat of arbitration is in Switzerland, meaning that there is effectively no appeal to the Swiss courts of a CAS award relating to EU competition law. However, Benoît noted that there is an alternative route, under the New York Convention, whereby the recognition of an award from the CAS, relating to EU competition law, can be challenged by an EU entity in their own domestic courts.



Panel 3 (from left): Judge Dominique Hascher, The Rt Hon. Lady Arden of Heswall DBE, and Mr Justice Donal O'Donnell, Chief Justice of Ireland.

PANEL 3 – JUDICIAL SPOTLIGHT PANEL: REVIEW OF AWARDS FOR CORRUPTION ISSUES FROM A COMPARATIVE FRANCO-BRITISH PERSPECTIVE

Mr Justice Donal O'Donnell (Chief Justice of Ireland) moderated a fascinating panel in which members of the judiciary spoke on the issues relating to the review and enforcement of awards where corruption has been alleged.

Judge Dominique Hascher (Former Judge of the Court of Cassation – Independent Arbitrator – France) spoke about the review of arbitral awards for corruption in France. He offered a comparative analysis of this process by referencing the Court de Cassation's decision in *Alstom*. Following this, it is clear that the courts may review fresh evidence and rely on and red flags/indicia to infer corruption. It is also clear that the Court's review at the enforcement stage is independent of the parties' conduct at arbitration. Ultimately, the French courts did enforce the award granted in *Alstom*, albeit seven years after it was first sought.

The Rt Hon. Lady Arden (Former Judge of the Supreme Court of the United Kingdom – Member of the Permanent Court of Arbitration – London) focused on the fundamental issue of whether the Court enforcing the award should review the evidence, some of which was already before the arbitral tribunal. She also referred to the *Alstom* decision from the UK court's perspective. Ultimately, the UK courts determined that the bribery allegations raised in that case were merely incidental to the case. Therefore, there was no justification in withholding enforcement. Where allegations of corruption exist, it is advisable for arbitrators to raise suspicions early, use targeted disclosure and consider court assistance.



Panel 4 (from left): Prof. Rachel Cahill-O'Callaghan, Prof. Emilia Onyema FCI Arb, Duncan Matthews KC, Dr Crina Baltag FCI Arb, and Mamadou Gacko.

PANEL 4 – NAVIGATING BIAS, DIVERSITY AND INCLUSION IN INTERNATIONAL ARBITRATION: CHALLENGES AND OPPORTUNITIES

Duncan Matthews KC (Twenty Essex – London) moderated the fourth panel of the day, which provided a thought-provoking discussion on the issues of diversity, inclusion and bias.

Prof. Rachel Cahill-O'Callaghan (Cardiff University School of Law and Politics – Cardiff) spoke on why diversity matters. She outlined three diversity 'lenses' that provide benefits. Firstly, the lense of demographics, which has the benefit of widening the talent pool. Secondly, the lense of language and culture can raise the quality of decisions. Finally, the cognitive lense enhances problem reframing and deliberation quality.

Prof. Emilia Onyema (SOAS University of London – London) gave an interesting presentation on how practical progress in this space can be measured. She noted that there has been visible improvement across conferences, institutions and expert communities. However, this progress can seem uneven and, occasionally, tokenistic. She also



Matthew York, Veritext Legal Solutions.



From left: Colin Liew, Charlie Caher, Nora Fredstie, Matt Fritzsche, Kate Cervantes-Knox, The Hon. Mr Justice David Barnville, Ronnie Barnes, Matthew York, and George Burn.

outlined some of the initiatives taken by SOAS, which include research on African arbitration ecosystems.

Dr Crina Baltag (Associate Prof. in International Arbitration in Queen Mary University – London) spoke on the data available regarding diversity and intersectionality. She referred to the data available on the European legal profession. This has demonstrated that senior legal roles among practitioners and the judiciary remain uneven and male skewed. The intersectional findings from this data show that women are more frequently appointed to lower-value disputes and there are also fee disparities for women when compared to their male peers.

Mamadou Gacko (DLA Piper – Paris) spoke about the issues of legitimacy and cultural sensitivity. He noted that for many Africa-related disputes, seated and staffed outside Africa, there are limited inclusions of African lawyers and arbitrators. He posed a number of solutions to this, including encouraging diversity metrics in rankings. He also recommended training for arbitrators on cultural sensitivities, and expanding hirings beyond elite schools and ‘traditional’ jurisdictions.



Mr Gavin Woods, DLA Piper LLP, Ireland.

PANEL 5 – QUICK FIRE ROUND

The Hon. Mr Justice David Barnville (President of the High Court of Ireland) moderated the fifth and final panel, which provided an informative and highly entertaining quick-fire round covering a number of thought-provoking topics.

George Burn (Bryan Cave Leighton Paisner LLP – London) spoke on the ISDS and EU sanctions package from this year. He noted that the EU’s 18th sanctions package compels member states to resist enforcement of ISDS awards brought by sanctioned Russian and Belarussian entities. As such, member states may have to act against their prior international obligations. George argues that the EU could litigate and win in such claims on the merits, rather than on pre-emptively outlawing them.

Matt York (Veritext Legal Solutions – New York) spoke on the topic of private equity in alternative dispute resolution. He noted that the legal sector was once seen as ‘uninvestible’. However, it is now considered the last unconsolidated professional sector. He referred to the litigation funding boom that has taken place in the UK and the US. Matt also noted that there is a recurring need to attract capital in litigation with each new dispute. He predicted that there will be an expansion of platforms integrating alternative dispute resolution funding in the future.

Matt Fritzsche (EY LLP – London) gave some practical advice on how to get the most from your expert in an arbitration. In particular, he noted that careful selection can be very beneficial. Rather than trying to select the #1 expert in an area, who will have limited time, an experienced #2 with bandwidth for your case can be the best option. He also advised engaging experts early to shape disclosure and client expectations. Finally, he presented advice for experts: keep it simple and rigorous, and push back against overreach from clients and lawyers.

Ronnie Barnes (Cornerstone Research – London) presented a cautionary tale on the use of AI for expert witnesses via whimsical dialogue. In particular, his example demonstrated how AI models can hallucinate and miss the all-too-important real-world context. Ronnie outlined the



Duncan Matthews KC (left) and Paul McGarry SC.

bottom line for experts, practitioners and arbitrators: AI can be a powerful 'co-pilot' but humans must captain. We must provide the necessary wisdom, context and accountability that AI lacks.

Colin Liew (*Providence Law Asia LLC – Singapore*) spoke on the potential for the International Commercial Courts to be a viable medium to resolve disputes. He noted that the International Commercial Courts have specialised divisions for cross-border disputes. He also outlined a number of advantages for the Courts, including their speed, avoidance of *ad valorem* fees, and their procedural tools. Overall, the International Commercial Courts offer a hybrid path appealing to parties seeking public adjudication, reasoned precedent and globally experienced benches, alongside efficient case management.



Susan Ahern SC (*The Bar of Ireland*) and David Herlihy SC (*A&O Sherman*).



Colin Liew, *Providence Law Asia LLC*.

Nora Fredstie (*DAC Beachcroft LLP – London*) gave an insightful presentation on the International Bar Association's (IBA) guide to emergency arbitrations, which was published in November of this year. The intention is for the guide to act as a starting point for anyone involved in emergency arbitration. Nora then outlined some of the highlights from the guide. This included not ruling out acting *ex parte*, avoid challenging the arbitrator to save time, and that some jurisdictions will refuse to enforce an award if it is called an 'Order'.

Kate Cervantes-Knox (*Independent Arbitrator – London*) spoke about some of the recent challenges to arbitral awards under section 68 of the Arbitration Act 1996. She noted that this recent jurisprudence has shown that there is little justification for due process paranoia. She specifically referred to the decision in *Collins v Wind Energy Holding Co*, where the court held that tribunals should not be expected to grant lengthy or open-ended adjournments and they do not have to address every point or piece of evidence in their awards. Kate also referred to two recent judgments where the section 68 challenges were successful. She outlined the key take away from these decisions: if a tribunal intends to rely on an issue not raised by either party, it must put that issue to the parties and allow them the opportunity to address it.

Charlie Caher (*WilmerHale – London*) gave the final presentation of the conference and raised the proposition that arbitration submissions should be shorter. While there is no empirical evidence that we can point to, the widely held view in the arbitration community is that written submissions are now so long that arbitral tribunals cannot be expected to read them. Charlie suggested that it is the responsibility of tribunals, as much as counsel, to find a solution. Tribunals should take a more activist approach to case management and utilise mid-stream conferences to advise parties on the issues in dispute. Tribunals could also impose costs sanctions on a party that has created unnecessary costs through excessive submissions.

CLOSE OF CONFERENCE

David Herlihy SC (A&O Sherman – Dublin) closed the conference by thanking the fantastic panellists, moderators and contributors. He also gave a special thanks to the conference sponsors and to Rose Fisher, the Executive Director of Arbitration Ireland, for her hard work, without whom this event would not be possible.



The conference speakers for DIAD 2025

Opening Address

David Herlihy SC (A&O Sherman – Dublin)

Panel 1

– Key Global Developments in International Arbitration

Paul McGarry SC (The Bar of Ireland – Dublin)

Lucinda A. Low (Low & Kinnear Dispute Resolution – Washington DC)

Genevieve Poirier (LALIVE LLP – London)

Laurence Shore (Seladore Legal – London/Milan)

Audley Sheppard KC (Twenty Essex – London)

Panel 2

– The “Achmea” of Sports

Susan Ahern SC (The Bar of Ireland – Dublin)

Philippe Cavalieros (Simmons & Simmons LLP – Paris)

Emily Devlin (FIFA – Zurich)

Jeffrey Benz (JAMS Global – London)

Benoît Keane (Keane Legal – Brussels)

Panel 3

– Judicial Spotlight Panel: Review of Awards for Corruption Issues from a Comparative Franco-British Perspective

Mr Justice Donal O’Donnell (Chief Justice of Ireland)

Judge Dominique Hascher (Former Judge of the Court of Cassation – Independent Arbitrator – France)

The Rt Hon. Lady Arden (Former Judge of the Supreme Court of the United Kingdom – Member of the Permanent Court of Arbitration – London)

Panel 4

– Navigating Bias, Diversity and Inclusion in International Arbitration: Challenges and Opportunities

Duncan Matthews KC (Twenty Essex – London)

Prof. Rachel Cahill-O’Callaghan (Cardiff University School of Law and Politics – Cardiff)

Prof. Emilia Onyema (SOAS University of London – London)

Dr Crina Baltag (Associate Prof. in International Arbitration in Queen Mary University – London)

Mamadou Gacko (DLA Piper – Paris)

Panel 5

– Quick Fire Round

The Hon. David Barniville (President of the High Court of Ireland)

George Burn (Bryan Cave Leighton Paisner LLP – London)

Matt York (Veritext Legal Solutions – New York)

Matt Fritzsche (Ernest & Young LLP – London)

Ronnie Barnes (Cornerstone Research – London)

Colin Liew (Providence Law Asia LLC – Singapore)

Nora Fredstie (DAC Beachcroft LLP – London)

Kate Cervantes-Knox (Independent Arbitrator – London)

Charlie Caher (WilmerHale – London)

Close of Conference

David Herlihy SC (A&O Sherman – Dublin)

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