

NAFTA 2022 COMMITTEE
2016 ANNUAL REPORT OF OUTREACH SUB-COMMITTEE

At the 2015 annual meeting, the Outreach Sub-Committee presented its annual report and proposed outreach framework. This framework was developed after all members agreed that implementing some sort of strategy moving forward would be useful so that outreach could be maximized with little funding. Upon completing its presentation, the Sub-Committee was tasked with prioritizing some of the suggested goals under the proposed framework. The work undertaken towards these goals and the suggested next steps are completed below.

The Outreach Sub-Committee was also tasked with creating language to submit to the FTC in hopes that they would adopt a Resolution endorsing International Commercial Arbitration in Judicial Training. The draft version of this language is included below for discussion and approval.

1. Outreach Framework

a. Current Goals

The proposed outreach framework was discussed in terms of outreach versus in-reach. Outreach was defined as what the Committee would like to do with those outside of the Committee and in-reach was defined as the goal to increase the flow of information between those within the Committee between meetings. Both of these items were again discussed by the Outreach Sub-Committee during the 2015-2016 work year and certain steps were taken to prioritize and pursue some of the suggested goals under the proposed framework. Currently, the Sub-Committee has determined that the following two activities should be prioritized for completion. After these items have been accomplished, the Sub-Committee will re-explore the other projects and determine what should follow.

- Creation of an internal list of associations/organizations each Committee member is involved with to facilitate more open communication and collaboration
- Creation of “NAFTA 2022 Committee Information Packet”

b. Potential Future Projects

- Creation of “Potential Collaborator List” that includes organizations and institutions that host conferences or seminars which include the topic of ADR or NAFTA
- Creation of “Organized Speaker’s Bureau”

c. Next Steps

In pursuit of the identified current goals, the Sub-Committee circulated a survey to all Committee members that asked the following questions:

- What other associations/organizations are you a member of that work to promote ADR or have an ADR component in their programming?
- Would any of these associations/organizations be a good forum for collaboration with the NAFTA 2022 Committee?

- In the past two years, what presentations or speaking engagements have you given on ADR?
- Did your presentation mention the NAFTA 2022 Committee or use any of the resources developed by the NAFTA 2022 Committee?
- Would the creation and distribution of a packet of NAFTA 2022 resource materials be helpful for you when attending these speaking events?

The answers to these surveys are included as Annex I to this report. The Sub-Committee hopes to briefly review these answers during the 2016 Annual Meeting and use them to formulate next steps.

2. Language to Submit to the FTC

The Outreach Sub-Committee has created the following draft language to submit to the FTC in hopes that they would adopt a Resolution endorsing International Commercial Arbitration in Judicial Training. This recommendation was to ask for statement from the FTC that encourages judicial training institutes to include commercial arbitration agreements within their training topics. Below is the draft text of this proposed resolution:

NAFTA 2022 ADVISORY COMMITTEE ON INTERNATIONAL PRIVATE COMMERCIAL DISPUTES RESOLUTION

RESOLUTION AND BACKGROUNDER

***Recognizing that* an essential requirement for the provision of effective private commercial dispute resolution procedures is the effective cooperation of the judiciary, at all levels, in each member country and that such procedures have an important role in furthering the liberalization of, and increase in, the trade in goods, services and capital;**

and

***further recognizing that* knowledge and competence of the judiciaries of each member country of the Free Trade Area are essential to ensuring the effectiveness of private commercial dispute resolution procedures;**

BE IT RESOLVED THAT the Free Trade Commission encourages and endorses efforts by the NAFTA 2022 Advisory Committee on Private Commercial Disputes to cooperate with the judiciaries of each country to discuss best practices in educating judges in implementing alternative dispute resolution mechanisms in the Free Trade Area.

What other associations/organizations are you a member of that work to promote ADR or have an ADR component in their programming?	Would any of these associations/organizations be a good forum for collaboration with the NAFTA 2022 Committee?	In the past two years, what presentations or speaking engagements have you given on ADR?	Did your presentation mention the NAFTA 2022 Committee or use any of the resources developed by the NAFTA 2022 Committee?	Would the creation and distribution of a packet of NAFTA 2022 resource materials be helpful for you when attending these speaking events?
<ul style="list-style-type: none"> • AAA Council • ICDR Advisory committee • Trustee Chartered Institute of Arbitrators 	All	<ul style="list-style-type: none"> • AIPN/LCIA (oilfield services disputes) • WCAAS (appeals in arbitration) • IADC (drafting arbitration clauses) • ICDR • ICC (emerging issues) • US-Mexico Bar Association 	No	Perhaps
<ul style="list-style-type: none"> • Instituto Mexicano de Arbitraje (current President) • Arbitration and Mediation Commission of the Mexico City National Chamber of Commerce (CANACO) • World Arbitration Commission of the ICC • Arbitration Commission of ICC Mexico (Vice president) • International Court of Arbitration of the ICC Mexican Alternate member • ADR Professor Escuela Libre de Derecho 	<ul style="list-style-type: none"> • Instituto Mexicano de Arbitraje • CANACO 	<ul style="list-style-type: none"> • Seminar ITA-CANACO Mexico City • Tenure program on ADR Escuela Libre de Derecho Arbitration Commission Mexican Bar Association • Universidad Panamericana Mexico City and Guadalajara Campus 	Almost in every case	Yes
<ul style="list-style-type: none"> • ICC • CIArb • CAM • CANACo 	Yes	15-18	Yes	Yes, very!

<ul style="list-style-type: none"> • ABA Section of IL • Cal Bar IL Section • Beverly Hills Bar Ass'n • LA County Bar Ass'n IL Section • American Law Institute • American Bar Foundation. 	Possibly	<ul style="list-style-type: none"> • ABA Section of IL • Cal Bar IL Section • American Law Institute • North American Consortium on Legal Education (NACLE) 	Always try to do, especially to point them to the resources	Yes, of course!
<ul style="list-style-type: none"> • International Chamber of Commerce Cámara Nacional de Comercio de la Ciudad de México • Institute for Transnational Arbitration • Instituto Mexicano del Arbitraje. 	Yes. Think all of them would be a good forum	I have had several speaking engagements, mainly before the ICC and ICDR	I use to comment on the 2022 when teaching at the University	Absolutely
<ul style="list-style-type: none"> • Toronto Commercial Arbitration Society (TCAS) • past member ADR Institute • past executive member Young Canadian Arbitration Practitioners (YCAP) 	Yes, TCAS in particular	Drafting Dispute Resolution Clauses (co-authored), June, 2015	No, I was not aware of the work of the Committee at the time.	Yes, it would definitely be helpful
<ul style="list-style-type: none"> • Ontario Labour-Management Arbitrators Association 	No	Several presentations on efficiency and delay in labour arbitration	No	Not for the events that I have attended in recent years. They have tended to be quite academic.
<ul style="list-style-type: none"> • Toronto Commercial Arbitration Society • Arbitration and Mediation Practice Group, The Advocates' Society • Ontario Bar Association 	Yes	<ul style="list-style-type: none"> • Co-Chair, "Arbitration Advocacy", The Advocates' Society, October 7, 2015 • "Beyond the Borders: Emerging Issues in Business Litigation", Speaker, DRI International/DRI Commercial Litigation Committee Seminar, June 5, 2015 	No	Yes
I am a Life Member of the Uniform Law Commission, which has promulgated uniform arbitration and mediation acts as well as acts dealing with the recognition and enforcement of foreign judgments. I am also a member of the American Bar Association Business Law Committee	Probably not but I can check.	None	N/A	N/A

<ul style="list-style-type: none"> • IBA • YCAP • ICC Canada National Committee • WCCAS • ICDR Canadian Advisory Committee 	Yes	<ul style="list-style-type: none"> • Driving Efficiencies in the ADR Process for Complex Construction Matters, Canadian College of Construction Lawyers Conference, St. John's 2016 • International Commercial Arbitration, BCAMI Conference, Vancouver, 2016 • Developments and Considerations for West Coast Seated Arbitrations, ICC West Coast Conference, San Francisco, 2016 • Practical & Ethical Considerations in Offshore Corporate Structuring, Fasken Symposium, Vancouver 2015 • ICC Spotlight, ICC Canada Conference, Vancouver 2015 • GAR Live Symposium" New York, 2015 • Arbitration vs. Litigation: Horses for Courses, Affinity Conference, Vancouver, 2015 • Hot topics in Arbitration, WCCAS Energy Arbitration Conference, Calgary, 2015 • Lessons Learned from Arbitration, The Advocates Society Symposium on Improving the Ontario Justice System, Toronto, 2015 • Effective Advocacy and the Merits Hearing, Northern California Arbitration Society Conference, Berkeley, 2015 	No	Possibly for the events focused on treaty arbitration
<ul style="list-style-type: none"> • International Finance Corporation (IFC), member of the World Bank Group • Dispute Prevention and Resolution Program, Université de Sherbrooke (Canada) • National Judicial Institute of Canada • ADR Institute Canada • Institut de Médiation et d'Arbitrage du Québec • Quebec Bar 	Yes. All of them	<ul style="list-style-type: none"> • "Psychology of Negotiation in Settlement Conference." National Judicial Institute Annual Settlement Conference Training for Quebec Judges. (Once a year since 2001, Montreal and Quebec). (In French) • "Overcoming Impasses in Settlement Conference. The Creativity Toolkit" National Judicial Institute Settlement Conference Training for Canadian Judges. (Once a year since 2010, Vancouver, Toronto, Montreal). (Bilingual French-English) • « Cooperation in Case Management. » Quebec Superior Court Annual Assembly, (May 2016 – Montebello, Quebec Canada) (In French) 	No. New Member of NAFTA 2022 since August 2016	Yes. For approximately half of them.

		<ul style="list-style-type: none"> • « What ADR Modes for What Justice? » Toulouse Court of Appeal (February 2016, Toulouse, France) (In French) • « ADR in the New Quebec Code of Civil Procedure. » Grand Collective Series. Thomson Reuters – Yvon Blais Editors. (November 2015, Montréal and Québec). (In French) • « Challenges for ADR in Quebec.” Quebec Institute for Mediation and Arbitration Annual Assembly (November 2015, Montreal). (In French) • « Collaborative Lawyering in Settlement Conference ». Montreal Bar (May 2015). (In French). • « Psychology of Cooperation in Mediation ». Annual Assembly of the French Society of Psychology and Law. (April 2015, Paris) (In French). • « Trust and Fairness Challenges in Mediation.” 10th Mediation Congress of Institut Catholique de Paris University (April 2015, France). (In French) • « Participatory Justice. A Canadian Perspective. » 40th Mediation Lecture series of Institut Catholique de Paris University (March 2015, France). (In French) • « Good Practices in Settlement Conference. Empirical Assessment and Recommendations. » Quebec Superior Court and Court of Quebec Lectures. (December 2014, Montréal and Québec). (In French) • « Success in Settlement Conference. Myth and Realities. An Empirical Assessment». Recent Trends in Business Law. Quebec Bar (November 2014, Montreal). (In French) • « Interactive Session on Factors influencing Success in Mediation ». ADR Institute Canada Annual Assembly (October 2014, Montreal). (In French) 		
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