

OCTOBER 2022 NEWS AND EVENTS



CI Arb
evolving to resolve
North America Branch

Dear Members,

The tree leaves are starting to turn (hopefully in your area soon enough) and we think about quiet enjoyment with wine and good friends as Fall 2022 swings into high gear. Speaking of high gear (do you like that transition?), NAB has a packed October 2022 Newsletter. There are so many bold announcements, you will be hard pressed not to calendar more than one item for attendance and review. I emphasize in this fourth newsletter the **April 14–16, 2023 NAB Members' Retreat** (see below).

Read about the latest arbitration case from the U.S. Court of Appeals for the First Circuit, *The University of Notre Dame (USA) In England v. TJAC Waterloo, LLC; ZVI Construction Co., LLC*. The Opinion of the Court is [here](#).



Finally, a hearty congratulations to our five featured members this month for their accomplishments and featured profiles in our Newsletter.

Happy Halloween!

Steven J. Cologne FCI Arb
NAB Newsletter Editor

New Email Address? If your email address changes, please remember to advise memberservices@ciarb.org and communications@ciarbnab.com

Upcoming Events & Featured Programs



IT IS NOT TOO LATE TO REGISTER for the Americas Conference, hosted by the 7 Branches in the Americas, taking place in-person and virtually, in and from Miami on October 7, 9:00 a.m. to 5:15 p.m. Eastern. REGISTRATION until noon Eastern on October 6 and full details: [CI Arb - CI Arb Americas Conference](#) (1.0 hr. CLE, no ethics is presumptively approved in several states). Cost: in-person: £100 (member), £50

(student), £150 (non-member), or virtually: £45 (member), £15 (student), £80 (non-member). **And don't miss the concluding Americas Conference Networking Reception, hosted by CI Arb, NAB, and the Florida Chapter of NAB.**

NO REGISTRATION OR FEE IS REQUIRED FOR THE AMERICAS CONFERENCE NETWORKING RECEPTION in Miami on **October 7** which, like the Americas Conference, will be held at the offices of Bilzin Sumberg, 450 Brickell Avenue, 23rd Floor, Miami, Florida 33131, starting at 5:00 p.m. Eastern. Join the event if you are in Miami, starting at 5:15 p.m. Eastern. Join the event in-person even you didn't register for the conference!

The Mediation Symposium is **October 4** (hybrid, London and Singapore) and **October 6** (virtual, Miami) and has moved to virtual on **October 6** in Miami. If you registered by noon Eastern today, remember to attend: <https://na.eventscloud.com/ereg/index.php?eventid=682197&>

The highly acclaimed Accelerated Route to Fellowship (International Arbitration) Assessment Course will be presented in-person in Washington, D.C. on **October 7–8** at Williams & Connolly. NAB is presenting this outstanding course along with CPR Dispute Resolution. The ARF is designed for practitioners with substantial experience in the field of dispute resolution, typically those with at least 10 years' experience in complex litigation and/or ADR. The cost is \$2,250 (a \$300 discount is available for current members of NAB or CPR). For further information regarding one's qualification to participate, contact **Jim Reiman**, Program Director (jreiman@ReimanADR.com). More details are available [here](#).

NAB's Capacity Sharing Program (CSP) is virtual and in-person **October 10–14**. CSP promotes domestic and international arbitration through education and networking programs with the University of Miami School of Law as an educational partner. CI Arb–CSP 2022 (again hosted with the Brazil Branch) will be **virtual and in-person in Goiania and Manaus from October 10–14, 2022**. The programs are identical in each city and the second day of the program in each city is only in Portuguese. Registration is [here](#). Last year, there was a phenomenal turnout. Let's see about topping that this year! More details are here: <https://www.ciarbnab.com/capacity-sharing-program-set-for-brazil-october-10-14/>. If you have questions, please contact one of NAB's CSP co-chairs: **Mauricio Gomm FCI Arb** at mauricio.gomm@gstillp.com or **Rose Rameau FCI Arb** at rrameau@gsu.edu

NAB is a cooperating entity entitling NAB members to discounted registration for these events of the DR Section of the ABA: Ombuds Day (**October 13**, Learn more and register [here](#) using *discount code* **CE1050**, **Mediation Week Event: Winning from the Beginning** (**October 19** at 1:00 p.m. Eastern – virtual), register [here](#) using *discount code* **CEDR2022**, and the **19th Annual Advanced Mediation and Advocacy Skills Institute** (**December 1–3**, Learn more and register [here](#) using *discount code* **CEMED22**). Claim your discount by following these steps when registering: (1) on the registration page, select the cooperating entity to which you belong from the drop-down menu; and (2) use the appropriate discount code for the particular program when registering.

The October "Ask the Arbitrator" event will be Wednesday, **October 19**, at 1:00 p.m. EDT/10:00 a.m. PDT: "How I Got My Start," an interview with Arbitrator **Jean Kalicki** moderated by **Blanca del Carmen Martinez Mendoza**, Secretary of NAB. Register for the October webinar [here](#).

NAB is supporting the Miami International Arbitration Society's First Annual LATAM Investor–State Arbitration Conference on **October 30** in Miami. NAB members receive a discount by using the code **CIARB20**. Tickets and more information are available [here](#).

SAVE THE DATES – April 14–16, 2023, for the NAB Members' Retreat in Santa Fe, New Mexico

NAB will hold a Members' Retreat in Santa Fe, New Mexico from **Friday, April 14 – Sunday, April 16, 2023**. The event will take place at the Inn and Spa at Loretto near the Plaza in Santa Fe. Full details are still being planned and will be announced by the Fall of 2022. It will be a chance to meet and network with other NAB members and enjoy the culture and sights of Santa Fe, New Mexico. There will also be some educational opportunities. **PLAN ON BEING IN SANTA FE TO ATTEND APRIL 14–16, 2023!**



MEMBERSHIP NEWS

Gary McGowan FCIArb of McGowan Arbitration and Dispute Resolution in Houston has been recognized in the 29th edition of *The Best Lawyers in America*[®] for his work in Arbitration and Mediation.

Rose Rameau FCIArb, Effie Silva FCIArb, Kirsten Teo MCIArb, Bryan Branon ACIArb, M. Cristina Cárdenas FCIArb and Florida Chapter Chair and **Katherine Smith Dedrick FCIArb** and NAB Chair will be speaking at the Americas Conference in Miami on **October 7**.

John J. Buckley, Jr. FCIArb and CPR Distinguished Neutral, **Derrick Carson FCIArb, Gaela Gehring Flores FCIArb, David Harrell FCIArb, Merriann Panarella FCIArb** and CPR Distinguished Neutral, and **Kenneth Reisenfeld FCIArb** will be on the faculty of the October Accelerated Route to Fellowship (ARF) being presented this month in Washington, D.C. **Jim Reiman FCIArb** is Program Director for the ARF.

Prof. Charles T. Kotuby Jr. FCIArb spoke at the Eradicate Hate Global Summit in Pittsburg during September and has been named to the Academic Council of the Institute for Transnational Arbitration (ITA). Charles is Co-chair of NAB's Ohio and Pennsylvania Chapter.

Katherine Smith Dedrick FCIArb and **Jim Reiman FCIArb** will be speaking at the NAB's Capacity Sharing Program (CSP), **October 10–14**.

David E. Sharp FCIArb has had an article, "Fifth Circuit's Tax Doubleheader Allows \$200 Million of \$1.5 Billion Refund Claim," published in the Institute for Energy Law's Oil and Gas E-Report.

Nelson Edward Timken LLM, FCIArb has joined NAB's Communications Committee and its Social Media Subcommittee. Nelson is an attorney, mediator, and arbitrator. He is Co-chair of the NYCLA ADR Committee and a member of NAB's Florida Chapter.

Olajide Olagunju, Ph.D., FCIArb, FICMC, Prof. of Conflict Resolution at Bakke Graduate University is a person to contact about two on-line courses being offered: 1. BGU Certified Mediator Certificate Course; and 2. BGU Certificate of Achievement in Conflict Resolution. These special certificate courses in conflict resolution are intended to equip non-professionals and professionals with greater knowledge of effective conflict resolution at home, at work, in business, at their place of worship, and elsewhere. Details are available from Prof. Olagunju at olajide.olagunju@bgu.edu.

Charles Woode MCIArb will be speaking at the African Arbitration Association's conference in Accra, Ghana, in November on the topic "Interplay between Arbitration And Litigation: The Important Role Played By Domestic Courts In Safeguarding Disputing Parties' Choice To Resort To Arbitration."

You can now invite non-members who might be interested to sign up for the newsletter at [CIArb North American Branch Newsletter](#).

Featured Members. This month's Featured Members are: **Arif H. Ali, William G. Arnot III, Trey Bergman, Javier Rubinstein, and Karen Brown Willcutts**. Learn about them below and on the homepage of NAB's website [NAB Website](#).



Arif H. Ali (Washington, D.C. and London)

Arif Hyder Ali is the co-chair of Dechert's international arbitration practice. He has served as lead trial counsel and arbitrator under all major arbitral regimes, the laws of over 50 jurisdictions, international law and Shari'a law. He has received numerous awards, including *Law 360's* MVP Award, the Minority Corporate Counsel's Rainmaker Award, *BTL's* Client Service All Star Award, and the *Financial Times' Most Innovative Legal Practitioner in North America Award* and was decorated with the Order of Bahrain for his role in Bahrain's dispute with Qatar before the International Court of Justice. Mr. Ali has published more than 50 articles on international arbitration, and is the lead author of *The International Arbitration Rulebook: A Practitioner's Guide* (2019); *Investment Protection in International Banking and Finance: Legal Principles and Arbitral Practice* (2021); and *Protección Inversiones Españolas* (2017).



William G. "Bud" Arnot, III (Houston, TX)

Bud Arnot has enjoyed flying various WWII aircraft – fighters, bombers, trainers, bi-planes – over his lifetime and has included a photograph piloting a North American AT-6 trainer from WWII. Bud graduated from the University of Texas, the Baylor Law School, and the University of Virginia School of Law, receiving an LLM. He served as a justice on a Texas Court of Appeals for twenty years and was honored to be inducted into the Hall of Fame for Chief Justices of State Courts of Appeal. Bud has been actively serving as an arbitrator for the last sixteen years in energy-related matters both domestic and international. Bud is a Fellow of the Chartered Institute of Arbitrators and a Fellow in the College of Commercial Arbitrators. He is also on the large and Complex Commercial Arbitrations Panel, Energy Panel, and the Appellate Panel of the American Arbitration Association and the International Center for Dispute Resolution.



Trey Bergman (Houston, TX)

Trey Bergman has arbitrated and mediated more than \$100 Billion in international and domestic disputes since 1990 with emphasis on complex multi-party commercial and energy cases. Trey is a CIArb Fellow, former Board Member of the NAB and an accredited Tutor. Trey is also a Fellow and Board member of the College of Commercial Arbitrators. Trey is past national president of the Association of Attorney Mediators, past chair of the ADR Section of the State Bar of Texas and Board Certified in civil trial law by the Texas Board of Legal Specialization. Trey is a former adjunct professor at Pepperdine School of Law and South Texas College of Law Houston teaching classes in mediation and negotiation. Trey has conducted scores of trainings and spoken in more than 30 cities in 10 states and 5 countries. Trey is also a licensed sailplane pilot, licensed skydiver, certified cave diver, competitive open water swimmer, competitive pie eating champion, avid snow skier and golfer.

<https://www.BergmanADRgroup.com>



Javier Rubinstein (Chicago, IL)

Javier Rubinstein is a partner in the international arbitration group at King & Spalding LLP, based in Chicago, where he concentrates on international commercial and investment treaty arbitration. Javier has practiced international dispute resolution for more than 30 years. Javier was born in Argentina and is natively fluent in Spanish; he was raised and trained in the United States. In addition to his practice as an outside counsel, Javier served 10 years as the Vice Chair and Global General Counsel of PricewaterhouseCoopers International. In that role, Javier managed a variety of commercial, regulatory and other disputes in jurisdictions all over the world. Javier also is a Lecturer at the University of Chicago Law School since 1996, where he teaches international commercial and investment treaty

arbitration. Javier regularly sits as arbitrator in international arbitrations, conducted in English and/or Spanish, covering a wide range of industries, including energy, natural resources, banking, telecommunications, manufacturing, distribution, joint ventures, life sciences and taxation.



Karen Brown Willcutts (Dallas, TX)

Hon. Karen Brown Willcutts (Former) combines over 35 years of experience as a trial lawyer, judge, mediator, and arbitrator with her efficient case management skills to effectively resolve a wide range of matters at JAMS. She is a Fellow of the Chartered Institute of Arbitrators, an Advisory Board Member at the Center for American and International Law's Institute for Energy Law, and a former chair of the Antitrust and Business Litigation Section of the State Bar of Texas. Judge Willcutts has arbitrated, mediated and litigated complex commercial matters including multiparty oil and gas disputes, environmental clean-up, antitrust, securities fraud, franchise, deceptive trade practices, insurance class actions, trade secrets, tortious interference, covenants not to compete, partnership dissolutions, breach of fiduciary duty, and a myriad of employment disputes involving termination, discrimination, harassment, retaliation, disability, and wage and hour claims. See, <https://www.jamsadr.com/willcutts/>

News About Members

The newsletter has expanded to report news about Members. If you have something to report, please email that information to newsletter@ciarbnab.com. **To ensure the newsletter goes out the first business day of each month, it is requested that information for the November 2022 newsletter be submitted by October 14, 2022.**

When participating in a program or event of another organization, please remember to include in event fliers and publications, if possible, your post-nominal designations such as **FCIArb**. In addition to showcasing credentials you have earned, doing so helps all members by raising recognition of CIARB and, by association with you, helping to demonstrate that CIARB members are highly qualified individuals who have been credentialed by what in our opinion is the world's leading ADR credentialing organization.

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Get involved with one (or more) of the NAB Committees. Communications (and its social media subcommittee), Programs, and Training would definitely appreciate help. Contact information is on the website or email communications@ciarbnab.com to get directed to the right person(s).

Young Members should become part of the young members group (YMG). If you are not on the YMG's membership roster, contact Imad Khan at lkhan@winston.com.

Student Members, please share the information about free student memberships with those of your classmates who have not joined. More details are available on our [website](#).

Finally, don't forget to join, if you have not, the [NAB LinkedIn Group](#). **This group is open to all who may be interested in ADR (not limited to NAB members)**. If you have friends who ought to join, let them know about it. There are currently over 280 members, mostly NAB members. There, you can post questions, articles, and anything that might be of interest to members and comment on our monthly "What Do You Think?" feature about ADR.



STEVEN J. COLOGNE
FCI Arb

NAB Newsletter Editor
and Board Member



DAVID E. SHARP
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NAB Vice Chair /
Communications



JULIA SULLIVAN
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Media Subcommittee

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