

JANUARY 2023 NEWS AND EVENTS

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Branch



Happy New Year NAB Members!

I hope everyone had a great holiday season unless you were flying last week and subject to canceled flights. Let's be proactive in 2023 on networking with other NAB members. Make it one of your New Year resolutions to register and attend our **First Annual Members Retreat in April 2023**. See below in this newsletter for the registration links and more details. Hope to see you in Santa Fe in April!

Read about the *Coinbase, Inc. v. Abraham Bielski* case now pending in the U.S. Supreme Court. The question presented

per the Court's docket is:

Under § 16(a) of the Federal Arbitration Act, when a district court denies a motion to compel arbitration, the party seeking arbitration may file an immediate interlocutory appeal. This Court has held that an appeal "divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam). The question presented is: Does a non-frivolous appeal of the denial of a motion to compel arbitration oust a district court's jurisdiction to proceed with litigation pending appeal, as the Third, Fourth, Seventh, Tenth, Eleventh and D.C. Circuits have held, or does the district court retain discretion to proceed with litigation while the appeal is pending, as the Second, Fifth, and Ninth Circuits have held?

All briefs are available on the U.S. Supreme Court docket and can be accessed [here](#).

Congratulations to our 2 featured members this month for their accomplishments and profiles in our Newsletter!

*Steven J. Cologne FCI Arb
NAB Newsletter Editor
Vice Chair / Communications*

A Message from NAB Chair, David E. Sharp FCI Arb

Happy 2023 to all of you! I am humbled to be the Chair of an organization that counts so many top professionals among its members. As Chair, I have an "open door policy" by which I mean that members should feel free to contact me anytime with ideas for events or ways to make NAB better for its members. My email is dsharp@sharplawhouston.com or you may contact any NAB Director or Chapter Chair, all of whom have contact information on the NAB website on the Board of Directors or Chapters pages under the "About" tab.

I hope that as many of you as possible will register and attend the First Annual Members Retreat that will be held in Santa Fe



on April 14–16. There is a fabulous educational component planned along with an opportunity to get to know NAB members from all across NAB's vast geographic area. And, the setting is fabulous. There will be other great programs this year, including continuation of the *Ask the Arbitrator* webinar series. For now, I hope you will join me in Santa Fe, get involved with NAB, and contact me or other NAB leaders with your suggestions and ideas.

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

Upcoming Events & Featured Programs



The January "Ask the Arbitrator" event will be **Wednesday, January 11**, at 12:00 p.m. EST/9:00 a.m. PST: "Reflections and Recommendations of an International Arbitrator with expertise in International Business and Technology Law", an interview with **Gary L. Benton C.Arb.** Gary will be interviewed by **Ms. Anqi Luan**, an LL.M student with the White & Case International Arbitration program at the University of Miami, School of Law, Florida. **This program is free.** For additional details and to register, go [here](#).

The NAB is co-sponsoring a Lunch and Learn presented by ICC Dispute Resolution Services on **January 12** at 12:00 p.m. MST: "Building a Dispute Resolution Toolbox for Your Business." **Claudia Solomon**, President of the ICC International Court of Arbitration and **David B. Wilson FCIArb** will present an interactive discussion that will help corporate counsel and law firm practitioners to decide which dispute avoidance and resolution tools are right for their businesses and clients. This **free** event will be held in person at Sherman & Howard in Phoenix, Arizona and online. Additional details and registration can be found [here](#).

Les Schiefelbein FCIArb is pleased to announce Claudia Salomon (President, ICC International Court of Arbitration) as the Keynote Speaker for the 5th Annual Schiefelbein Global Dispute Resolution Conference. The Conference will feature internationally recognized dispute resolution practitioners on four panels to discuss: Catastrophic Sovereign Events; Innovation in Investor-State Arbitration; Pharma & Life Sciences Disputes; and Nontraditional International Arbitration Claims. The Conference will be held on **January 13** at the Sandra Day O'Connor College of Law, Arizona State University. You can register at the following link: <https://events.asucollegeoflaw.com/schiefelbein/>. The Conference is part of the Schiefelbein Global Dispute Resolution Program at the Sandra Day O'Connor College of Law. The

Program also provides scholarships to law students who are interested in international law and international dispute resolution.

CIArb's Italian Chapter of the European Branch presents a hybrid event: "Arbitrating Construction Disputes" on **January 20** at 15:00–18:30 Central European Time. This event will be presented in English only. Pre-registration is required for this free event and details can be found [here](#).

FIRST ANNUAL NAB MEMBERS RETREAT APRIL 14–16, 2023 IN SANTA FE, NEW MEXICO



Join other CIArb members in beautiful Santa Fe, New Mexico for networking along with educational programming!

The event will be held at the Inn at Loretto in downtown Santa Fe, just off the historic Plaza which dates from more than 400 years ago.

Click here for event registration: <https://www.ciarbnab.com/santa-fe-registration>

Early bird rate of \$500 per person for early registrants. The rate will be \$650 after **February 1, 2023**. Registration includes a place for one at the Friday evening dinner along with admission to the Saturday morning session and Sunday morning farewell breakfast. **Hotel costs are extra and to be borne by attendees** See hotel charges below and register for the Inn at Loretto here: [Inn at Loretto](#)

***CIARB NAB has, arranged for a block of rooms, first come first served, at the Inn at Loretto for a base rate of \$269/night plus a resort and amenity fee of approximately \$30/night and taxes.

***Spouses or significant others may register for an additional \$250 which covers all of the same events, including Dinner on Friday night.

***Registration is open to any CIArb member, regardless of Branch, and their spouses or significant others. **Registration for the Members Retreat does not include the Speakers Dinner at Geronimo which requires separate registration and an additional fee.**

AGENDA

Friday, April 14, 2023 – 6:00 p.m. – Dinner at the Inn at Loretto, featuring a Key Note by John Garman FCIArb, a former Chair of NAB

Saturday, April 15, 2023 – 9:00 a.m. – 4:00 p.m. – An informative plenary session featuring presentations from:

- Murray Smith, Q.C., LL.M., FCIArb,
- John McArthur FCIArb and Northern California Chapter Chair,
- Amb. (Ret.) David Huebner FCIArb, CIArb Trustee for the Americas and former Chair of NAB,
- Ann Ryan Robertson C.Arb, FCIArb, former President of CIArb, and
- A distinguished panel of NAB members from Mexico led by Reynaldo Uriaga, Chapter Chair for Mexico.

Saturday evening, April 15, 2023:

Option A: 6:00 p.m. – Speakers Dinner (Geronimo Dinner) at the fabulous Geronimo Restaurant for \$175 per CIArb members and spouses/significant others. (Reservations will be accepted on a first-come-first-served basis and space is limited). This is an additional event with a separate registration fee. Geronimo Dinner Reservations are available during the retreat registration process Or,

Option B: Enjoy a night out on your own or with others in Santa Fe at one of the many gourmet restaurants within a short distance (Make dinner reservations well in advance to avoid any possible complications). Saturday afternoon is free time to enjoy sightseeing and pleasures that Santa Fe has to offer. Check the Santa Fe Visitor's Center website at <https://www.santafe.org> or call the concierge at the Inn at Loretto at 505.988.5531.

Additional information will be provided to registrants as appropriate when available. CLE has not yet been obtained, but the plan is to seek it for certain jurisdictions.



Thank you to **Lonnie Schooler FCI Arb**, Texas Chapter Chair, and to **Merriann Panarella FCI Arb**, Boston Chapter Co-Chair for their service on the NAB Board of Directors. Both are continuing as Chapter Chairs.

Rebecca Kolb MCI Arb, Atlanta Chapter Chair, and **Reynaldo Urtiaga MCI Arb**, Mexico Chapter Chair, have been appointed to the NAB Board of Directors for one-year terms to fill two of the Chapter Chair seats on the Board. **David Wilson FCI Arb**, Rocky Mountain Chapter Chair, and **Wendy Venoit**, Co-Chair of the Boston Chapter, were reappointed to the NAB Board for another year.

In December, **Trey Bergman FCI Arb** presented his program “**Let's Talk About It – Best Practices in Managing the Arbitration Process**” at a virtual round-table organized by the Houston office of the American Arbitration Association.

Ann Ryan Robertson C. Arb FCI Arb has authored “Locke Lord QuickStudy: ICDR Publishes Guidelines on the Use of Arbitral Tribunal Secretaries” which is on her firm’s website, lockelord.com.

In addition to new NAB Chair, **David E. Sharp FCI Arb**, the following officers were elected at the December NAB Board of Directors meeting: **Tom Cunningham FCI Arb** and **Reena Soni FCI Arb** as Co-Vice Chairs/Programs; **James Reiman FCI Arb** as Vice Chair/Training; **Ava Borrasso C. Arb, FCI Arb** as Vice Chair/Membership; **Sunu Pillai FCI Arb** as Treasurer; **Steven J. Cologne FCI Arb** as Vice Chair/Communications; and **Blanca del Carmen Martinez Mendoza** as Secretary.

NAB Members: Don’t miss an opportunity to promote yourself by publishing in Lexology! Lexology has a broad reach. If you wrote something that you are legally allowed to have published without copyright or other legal restrictions, send it to our Lexology contact, **Ava Borrasso C. Arb, FCI Arb** at Ajb@ajborrassolaw.com.

John McArthur FCI Arb and Northern California Chapter Chair has written a new, scholarly book, *The Reasoned Arbitration Award in the United States: Its Promise, Problems, Preparation, and Preservation*. Receive a 10% discount on online orders by using the code **NABCIARB**. Learn about the book and order here: <https://arbitrationlaw.com/books/reasoned-arbitration-award-united-states-its-promise-problems-preparation-and-preservation>. John’s book explains his view that that “silent” awards are not less prone to challenge and not necessarily cheaper to prepare than reasoned awards, criticizes six ways awards often fail to give meaningful reasons, and argues that U.S. courts have improperly tended to uphold such awards as “reasoned.” The work has John’s extensive analysis of each ground of vacatur and its success rate based on his study of vacatur opinions in Westlaw for 2010–2017 with a link to appendices with synopses of the vacatur opinions for exceeding powers, manifest disregard, violating public policy, and evident partiality. It also has appendices for awards he treats as well reasoned and for those he views as not so. John will be speaking on awards at the upcoming NAB Members Retreat in Santa Fe in April.

You can now invite non-members who might be interested to sign up for the newsletter

CIArb dues for 2023. Remember, dues for 2023 should be paid if you have not already done so. You should have received an email with a dues invoice on December 14. Check your spam folder if you have not received one. If you have not received an email from CIArb with your dues invoice, please contact memberservices@ciarb.org.

Featured Members. This month's Featured Members are: Hon. Charles N. Brower and Michael S. Goldberg. Learn about them below and on the homepage of NAB's website [NAB Website](#).



Hon. Charles N. Brower (Chevy Chase, MD; The Hague; London)

Charles Brower became The Acting Legal Adviser of the State Department for months at the end of four years in that office; has been a Judge of the Iran–United States Claims Tribunal for 40 years; is the most appointed of the only five Americans to serve as Judge ad hoc of the International Court of Justice; has served as Judge ad hoc of the Inter–American Court of Human Rights; served in the White House as sub–Cabinet Deputy Special Counsellor to President Reagan dealing with the Iran–Contra affair; has been an Arbitrator Member of Twenty Essex Chambers in London since 2001; and spent 34 years as associate, partner and special counsel of White & Case

LLP for 30 years in New York and Washington, D.C. His memoirs, “JUDGING IRAN – A Memoir of The Hague, The White House, and Life on the Front Line of International Justice,” are available on Amazon.



Michael S. Goldberg (Houston, TX and New York, NY)

Michael Goldberg, FCIArb, specializes in international arbitration and disputes in Baker Botts’ Houston and New York offices. Michael has handled arbitrations both as arbitrator and as counsel throughout the world and within most arbitral institutions. Among his honors, he was inducted into the initial Legal 500 Hall of Fame for international arbitration, was recognized as a Trailblazer for White Collar Litigation by the National Law Journal and was presented the Light of Justice in Action Award by the Texas

Defender Service. He has served as Chairman of Holocaust Museum Houston and as General Counsel for various sports teams, including the Houston Rockets. Michael is also an adjunct professor of international arbitration at the University of Texas School of Law. Michael graduated Magna Cum Laude and Phi Beta Kappa from Rice University and with honors from the University of Texas School of Law.

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 February 2023 newsletter be submitted by January 17, 2023.**

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.

* * *

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
FCIArb

NAB Vice Chair /
Communications



JULIA SULLIVAN
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Vice Chair / Social
Media Subcommittee

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