

FEBRUARY 2023
NEWS AND EVENTS

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North America
Branch



Good Morning Members,

I am sure everyone is still talking about the referees in last week's NFL Championship games, right? But we all need to focus on the upcoming **First Annual NAB Members Retreat April 14-16**. Today, I mean today, is the last day for early bird rates on registration for the Retreat. See below for links if you have not already registered. In this month's issue, we

highlight our featured members as we get rolling through the new year. Speaking of members, there are a number of good bits in our Membership News Section. Please jump to it for more information. Out of respect for the teams not in the Super Bowl, I will conclude by simply wishing that the referees get it right for a fair game!

Read about the **Compañía de Inversiones Mercantiles S.A. v. Grupo Cementos de Chihuahua S.A.B. de C.V.** case recently published by the U.S. Court of Appeals for the Tenth Circuit.

The above case may be quite interesting. It involves a Rule 60(b) motion to overturn a judgment confirming an arbitration award based on a subsequent vacatur in the country (Bolivia) that was the seat of arbitration. The Tenth Circuit MAY balance against comity considerations (1) whether the annulment is repugnant to U.S. public policy OR (2) whether giving effect to the annulment would undermine U.S. public policy. Because the District Court did not abuse its discretion by refusing to vacate its confirmation judgment, the Tenth Circuit affirmed. The case is a split decision with the dissent suggestion that there is now a circuit split (which the majority denies). My guess is that the loser will seek Supreme Court Certiorari. Stay tuned. The case can be accessed [here](#).

Congratulations to our 7 featured members this month for their accomplishments and profiles in our Newsletter!

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

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

Upcoming Events & Featured Programs



The February "Ask the Arbitrator" event will be **Friday, February 24**, at 12:00 p.m. EDT/9:00 a.m. PDT: "Best Practices in Commercial Arbitration – Tips from Leading Arbitrators and In-House Counsel", and will feature **Dr. Katherine Simpson FCI Arb, Chris Campbell MCI Arb, Jeanne Charles, Brent Clinkscale, Ty Holt, and Angela Foster**. This program is free. Register [here](#) for the event.

NAB is co-sponsoring the 11th Annual International Arbitration Month of the Georgetown International Arbitration Society which takes place **February 2** through **March 2**. The events of the month include the Keynote by NAB's own **Charles N. Brower FCI Arb** (Twenty Essex) entitled the *'Future of ISDS and the UNCITRAL Working Group III'* on **February 2** at 5:00 PM EDT. Register for this event at:

<https://forms.gle/Sc5aSRrStegyBZDw6>;

February 2 – Panel discussion on *Implications of Russia Sanctions for Arbitration*.

Register here: <https://forms.gle/iu3PoT8gKzF9rSaF9>;

February 10 – Panel discussion on *Third-Party Funding and Transparency under the 2022 ICSID Amendments*. Register here: <https://forms.gle/TvJzv5rECFJYRxcgZ9>;

February 16 – Panel discussion on *Energy Charter Treaty: Modernization and Withdrawal*. Register here: <https://forms.gle/3xkx6dY174WfRWhR9>;

February 23 – Workshop on *Damages in International Arbitration*. Register here: <https://forms.gle/ChGA4bWhWyX8NsY96>;

February 28 – Debate on *Arbitrators should proactively address allegations or suspicion of corruption in commercial arbitrations' – Yes or No?* Register here:

<https://forms.gle/CnfWAwKF1hjUAUZD7>

CI Arb–NAB is a proud co-sponsor of the 2nd Asia Pacific Vis Pre Moot (APAC PM) Competition – **February 7–12**. 2nd Asia Pacific Vis Pre Moot is an exciting opportunity for lawyers and law students in the Asia Pacific region to improve their skills in advocacy and arbitration. It provides participants with an experience of the renowned International Vis Moot and trains them for International Commercial Arbitrations. 2nd Asia Pacific Vis Pre Moot will be conducted via virtual mode on the [Zoom](#) platform. The program aims to promote arbitration as a mode of dispute resolution in the Asia Pacific region. It is one-of-a-kind initiative to ensure diversity and inclusion of all law students by ensuring all materials available in braille, read-aloud texts, and offering the assistance of sign-language interpreters. The full agenda and registration for this event are here: <https://www.asiapacificvispremoot.com/#main>

NAB is co-sponsoring a two-part webinar entitled, *ESG in EU-Related Supply Chains* with others on **February 17** – 2:00–6:00 p.m. CET (4 hours), Part 1 and **February 24** – 2:00–6:00 p.m. CET (4 hours), Part 2. This webinar will cover upcoming EU Law, contractual drafting and cascading, damage claims, supply chain-related arbitrations, investment arbitrations, public claims and sustainability in EU trade agreements. Register separately for each part of the webinar using these links:

Registration Part 1:

https://us06web.zoom.us/webinar/register/WN_hxROkMLsQjip4OhhcgBR0A

Registration Part 2:

https://us06web.zoom.us/webinar/register/WN_l2dUFGrhSZaiujl2TZRjrw

The Florida Chapter advises that the Richard DeWitt Memorial Vis Pre-Moot is taking

place on **Saturday, February 18** in Miami with judges needed. Florida lawyers may receive up to 8 hours CLE. You can register here: <https://internationallawsection.org/the-richard-dewitt-memorial-vis-pre-moot/>

March 17 at 3:10 p.m. Pacific, NAB's hybrid program during California International Arbitration Week, is entitled "Never Would I Ever . . . Overcoming Resistance to Innovation in International Arbitration." The program panelists are **Katherine Smith Dedrick FCI Arb** and NAB Immediate Past Chair, **Amb. (r.) David Huebner C. Arb, FCI Arb** and CI Arb's Trustee for the Americas, **Peter Neumann JD, LLM (ICA), FCI Arb** and Los Angeles Chapter Chair, and **Peter Rosen FCI Arb** and NAB Board Member with moderator **David E. Sharp FCI Arb** and NAB's Chair. The hybrid event will be virtual and in-person at Squire Patton Boggs, 555 South Flower Street, 31st Fl., Los Angeles, CA 90071. Register and see details of California International Arbitration Week here: <https://calarb.org/ciaw/>.

The NAB is a partnering organization with the ABA Section of Dispute Resolution for these upcoming programs:

[Arbitration Institute](#) | **March 9–10** at Hogan Lovells in New York, NY

This two-day comprehensive training in advanced arbitration skills will be presented by nationally recognized experts. It will feature sessions on every stage of the arbitration process examined from the vantage point of neutrals, advocates, and in-house counsel. Plenary sessions will be coupled with small group break-out discussions to enhance learning and interaction with faculty and colleagues. Register [here](#) using discount code **Partner23** to receive the ABA member rate. When registering, select the cooperating entity (CIARB) from the drop-down menu.

[Spring Conference](#) | **May 10–13** at Caesar's Palace in Las Vegas, NV

Join us as we gather in-person for the first time in three years! The conference will offer attendees over 50 educational programs, separate court administrator and legal educator tracks, nightly networking events including an evening at the UNLV Boyd School of Law, a private tour of the Atomic Museum, and a game/fireworks with the Las Vegas Aviators Triple-A Baseball Team. Anticipated attendance is around 500 mediators, arbitrators, legal educators, ombuds, and practitioners. Register [here](#) using discount **SPECLV23** to receive the ABA member rate. When registering, select the cooperating entity (CIARB) from the drop-down menu.

FIRST ANNUAL NAB MEMBERS RETREAT

APRIL 14–16, 2023 IN SANTA FE, NEW MEXICO



Join other CI Arb 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.ciarnab.com/santa-fe-registration>.

The early bird rate of \$500 per person for early registrants ends today, February 1. 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 CI Arb 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 – 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 – 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:

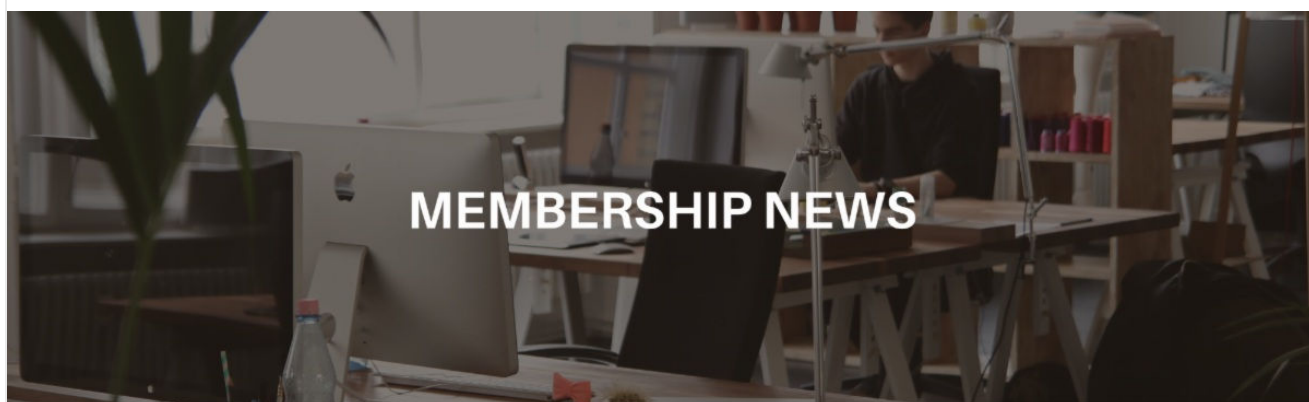
Option A – SOLD OUT: 6:00 p.m. – Speakers Dinner at Geronimo Restaurant. If there is sufficient demand by registrants, NAB will attempt to organize an alternative event for Saturday evening.

Option B is still a great option: 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 (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.

Launch of CIArb–NAB Membership Program

The North America Branch of CIArb is pleased to announce the launch of its **Membership Match** program. The program aims to add value to Associates and Members through mentoring with Fellows. Once a match is secured, the goal is to meet virtually for 30 minutes, 10 times per year to address issues unique to the mentees. The match is intended to last one year from inception but may be subject to renewal. Please contact CIArb–NAB, Vice Chair of Membership, **Ava Borrasso C.Arb, FCIArb** at ajb@ajborrassolaw.com if you are interested in participating as a mentor or mentee.



John Pinney FCIArb has been appointed to the NAB Board and elected by the Board to be Vice Chair/Training. John replaces **James Reiman FCIArb** in the officer position. **Jim Reiman** will remain an active and integral part of the Training Committee and remains on the NAB Board. Congratulations to John and a big thank you to Jim!

Mark Cymrot FCIArb spoke on January 18 at CPR's 6th Annual Houston Regional Meeting where the topic of the evening was "Structuring an Optimal Arbitration."

Sameer Shah ACIArb, who recently moved to the U.S.A., is organizing an international commercial arbitration pre moot event (2nd Asia Pacific Vis Pre Moot) between **February 7 and February 12**. The event is hybrid. Read all about it here: www.asiapacificvispremoot.com. Samir has also been the inspiration for ADR Bar

which can be found here: <https://adrbar.com/> . ADR Bar's mission is to make India an ADR Hub.

Terry Moritz FCIArb and Chicago Chapter Chair reminds all in the Chicago Chapter that Loyola University of Chicago's Pre-Moot 2023 will be **February 26** at 25 E. Pearson Street, Chicago, IL. Registration is required so contact loyolapremoot@gmail.com.

Ann Ryan Robertson C.Arb FCIArb 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 FCIArb**, the following officers were elected at the December NAB Board of Directors meeting: **Tom Cunningham FCIArb** and **Reena Soni FCIArb** as Co-Vice Chairs/Programs; **James Reiman FCIArb** as Vice Chair/Training; **Ava Borrasso C.Arb, FCIArb** as Vice Chair/Membership; **Sunu Pillai FCIArb** as Treasurer; **Steven J. Cologne FCIArb** 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, FCIArb** at Ajb@ajborrassolaw.com.

John McArthur FCIArb 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 at [CIArb North American Branch Newsletter](#).

CIArb dues for 2023. A reminder, 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: **Robert W. Berliner, Jr., Edward J. Fleet, Joseph Jeong, Edwin N. Álvarez Román, Patricia H. Thompson, Gilda R. Turitz** and **Willie Wood**. Learn about them below and on the homepage of NAB's website [NAB Website](#).

Robert W. Berliner, Jr. (Chicago, IL)

Bob Berliner is an active arbitrator, mediator and attorney, and frequently serves as an expert witness in matters involving real estate and/or alleged legal malpractice. He has been a principal in many real estate and other business ventures. He was a shareholder, Vice President and General Counsel of Jupiter Realty Corporation, a national real estate investment and development company, and Vice President, Secretary and General Counsel of Jupiter Industries, Inc., a family-controlled conglomerate. He has



been named an Illinois Super Lawyer (Alternative Dispute Resolution) for the years 2013–2023 and is a founding member of the Executive Committee of the Illinois Chapter of the National Academy of Distinguished Neutrals. He is a magna cum laude graduate of Harvard College and Harvard Law School and, as a Lieutenant in the U.S. Navy, served as Supply Officer of a nuclear-powered Polaris missile submarine.



Edward J. Fleet (Perth, Australia, formerly Honolulu, HI)

Edward Fleet FCIArb MRICS MCIQB is a Quantity Surveyor and Commercial Manager who originally started his career in the United Kingdom. Edward specializes in large-scale international arbitration and disputes, both worldwide and internationally. Having completed a master's degree in Construction Law at Leeds Beckett University in 2020, Edward's main role within arbitration has been that of a Quantum Expert Witness. However, Edward is keen to become an international arbitrator. Edward has also helped resolve and avoid multiple disputes on various high-profile live projects in North America.



Joseph Jeong (Los Angeles, CA)

Joseph Jeong FCIArb, is Associate Regional Director at FINRA Dispute Resolution Services for the western region. In his current role, he manages arbitration cases, strives to provide a fair and efficient dispute resolution forum to resolve securities disputes, and works closely with arbitrators from diverse backgrounds and professions ([Our Commitment to Achieving Arbitrator and Mediator Diversity at FINRA](#)). Prior to his role at FINRA, he held management positions at financial institutions, including Bank of America, Citibank, HSBC, City National Bank, and First Bank. Joseph holds an LLM in Alternative Dispute Resolution (“ADR”) from USC Gould

School of Law where he has been teaching as an adjunct professor. He also holds a JD from Southwestern Law School and a negotiation certificate from Saïd Business School at the University of Oxford.



Edwin N. Álvarez Román (Washington, D.C.)

Edwin N. Álvarez Román is an attorney admitted to practice in Mexico. He focuses on cross-border litigation and international arbitration, both investment treaty arbitration and international commercial arbitration. His current specialization areas are international contracts and sales, business transactions, mergers and acquisitions and venture capital. He is well-versed in administrative and contract litigation before Mexican courts and he has an excellent knowledge of U.S. Business and Contract law to represent and orient clients doing business in the United States.

He speaks Spanish and English. He is a member of the Chartered Institute of Arbitrators, North America Branch (ACIArb). Edwin will receive (summer 2023) his Master of Laws (LL.M.) degree at American University Washington College of Law, Washington, D.C. in International Arbitration and Business Law, and he is in the process to sit for the New York Bar.

Patricia H. Thompson (Miami, FL)

Patricia Thompson FCIArb arbitrates and mediates with JAMS



Miami, concentrating her practice in construction, employment, financial insurance matters, and other complex, commercial domestic and international disputes. Ms. Thompson is regularly listed by The Best Lawyers in America, Chambers USA Guide to America's Leading Business Lawyers, The International Who's Who of Construction and Business Lawyers, and similar Florida publications ranking attorneys in her areas of practice concentration. She is a Fellow of the Chartered Institute of Arbitrators and the American College of Construction Lawyers.

Before joining JAMS in 2017, Ms. Thompson enjoyed a successful career for 40 years as trial lawyer and arbitrator. She has long been active in the ABA, chairing the Fidelity and Surety Law Committee of the Tort Trial and Insurance Practice Section and co-chairing the Construction Litigation Committee of the Litigation Section. She is a frequent author and lecturer for both ABA sections, the Forum on Construction, and the Florida Bar Association.



Gilda R. Turitz (San Francisco, CA)

Gilda Turitz FCIArb, is an independent arbitrator and mediator of complex commercial disputes practicing in San Francisco and nationwide. Before establishing her neutral practice, Gilda was a business trial lawyer for 37 years and headed the litigation practice at Sideman & Bancroft LLP and previously at the San Francisco office of Graham & James. Gilda is a Fellow

and on the Board of the College of Commercial Arbitrators. Among other honors, in 2023 and 2019 she was named the Arbitration "Lawyer of the Year" for San Francisco by Best Lawyers in America® and received the ABA's "Golden Hammer Award" for efforts to shatter the glass ceiling. Gilda graduated from the University of Michigan with distinction, earned an MLS degree from the University of California, Berkeley, and graduated Order of the Coif from the University of California, Davis, School of Law.



Willie Wood (Houston, TX)

Willie Wood FCIArb, specializes in domestic and international arbitration and disputes, with an emphasis on energy industry matters, with some involving civil as well as common law. A majority of his global practice involves disputes arising out of Latin America and EMEA transactions and activities. He is a Partner with Pillsbury, after spending 35 years with Fulbright & Jaworski/Norton Rose Fulbright, and three years at McKool Smith. He has arbitrated ICC, LCIA, ICDR and UNCITRAL cases,

as advocate, and written and lectured on international arbitration and litigation, and on energy industry issues. Honors include election to the American Board of Trial Advocates, University of Houston Distinguished Alumnus, naming of the William D. Wood Advocacy Atrium at the University of Houston Law Center, and recognitions in Chambers, Super Lawyers, Best Lawyers, and Legal 500. He has served as President and Board Member of the UH Law Foundation, as a Board Member of the Houston and Regional Boards of the American Heart Association, and serves as a member of the 12th Man Foundation Board of Trustees. He received his BBA - Accounting, Texas A&M University, and his JD from the University of Houston Law Center. Born in Guatemala, and raised in a bi-cultural environment, Willie enjoys his international professional endeavors.

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 March 2023 newsletter be submitted by February 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
FCIArb

Vice Chair / Social
Media Subcommittee

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