

MAY 2023
NEWS AND EVENTS

ciarb.
North America
Branch



Hello NAB Members,
M–Make this month count.
A–Accomplish your goals.
Y–You can do this.

We already accomplished a big goal—in April! The First Annual NAB Members' Retreat was a big success. On a personal note, big thanks to fellow Board Member **Tom Cunningham FCIArb** and former Chair **Ann Ryan Robertson C.Arb FCIArb**. Both showed great leadership to help the organization make sure the networking

and educational programs were inclusive, fun and substantial. A hearty congratulations to **John Garman FCIArb** for his many contributions. See the recap on his award below. For those who missed it, you can come next year! One of our faithful members who attended was **Amb. (r.) David Huebner, FCIArb, C.Arb, CollArb** who submits his Trustee's report also below. Congratulations to our six Featured Members who are profiled in this month's newsletter. A lot of substantive items in this month's newsletter including a message from NAB Chair **David Sharp FCIArb**, so read on!

Happy Mother's Day!

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

Trustee's Report by Amb. (r.) David Huebner, FCIArb, C.Arb, CollArb



CIArb colleagues, I am the regional trustee for the Americas on the Chartered Institute's global board of trustees ("BoT"). NAB's newsletter editor has invited me to provide an update on BoT activity in recent months, which follows:

Charter/By-Law Changes. At last autumn's CIArb global annual general membership meeting ("AGM"), members present (by Zoom) approved a package of proposed changes to the Institute's Royal Charter and Bye-Laws proposed by BoT. Under the terms of our Royal Charter, such changes can only take effect if approved by the King. We submitted the package to the Privy Counsel shortly after the AGM. In February we were advised that King Charles had signed the necessary order.

The package approved by the King comprised a variety of changes to our governing docs, including the following which I believe are particularly important: (1) five "appointed" trustee slots were added to the board of trustees (all trustees are currently elected regionally, including our 1 trustee slot in the Americas), which will allow BoT to recruit candidates from any jurisdiction with diverse backgrounds and expertise (including in management, finance, restructuring, consulting, etc.) of use to Institute governance; (2) new Governance and Nominations Committees of the board were formed; and (3) a number of structures/functions/requirements were moved from the

Charter and By-Laws (which require Royal assent to change) into the Institute's Regulations (which can now be revised by the BoT any time).

This has been a major focus during my time on BoT, and I believe that the changes and new flexibility will facilitate and accelerate necessary change in the Institute to make us more efficient, effective, responsive, inclusive, and successful. We have already taken long-overdue steps using the new flexibility.

My Role on BoT. The trustee position requires, on average, 10 to 12 hours of my time each week, which increases significantly in the immediate run-up to each of the 4 BoT meetings each year.

I spent the past two years as the Institute's treasurer and chair of the BoT's Audit & Risk Committee ("ARC"), which involved, in part, commissioning, reviewing, and then tracking implementation of several internal audits of procedures and controls at CIArb headquarters each year. Those audits were focused on a diverse range of issues including risk management, data privacy, fraud prevention, cybersecurity, etc. The 2023 audit plan approved during my last meeting as ARC chair includes whistleblowing and staff performance procedures audits.

At the final board meeting of 2022 I was elected deputy chair of BoT as well as chair of the BoT's new Nominations Committee which will be conducting the search for and recommendation of candidates for the five new appointed trustee slots on BoT.

In those new roles, I am working daily with our new board chair, Marion Smith KC of London, and senior HQ staff.

Strategic Issues. Based on concerns which I have been raising, HQ has committed (a) to develop a formal volunteer management strategy (including recognition/ acknowledgment mechanisms and a bureaucracy reduction plan to reduce burden on our volunteers (including branch board members)), and (b) to overhaul the Chartered Arbitrator process to ensure that the necessarily high qualification standards are consistently applied and protected.

If you are asked to participate in a focus group zoom on either of those issues, please do make time, if possible. They are key parts of culture change efforts at headquarters.

The Institute's first-ever strategic plan is now in its 3rd and final year. Rather than begin the process of developing a new strategic plan, we have decided to take a year to analyze ways to better benchmark success by developing measurable metrics rather than simply relying on subjective staff impressions. We will pick a few elements of the old plan and focus on those in the coming year per newly developed benchmarks.

I have been advocating for a more systematic approach to reestablishing the Institute's reputation as an innovative "thought leader" in our sector, including by identifying and convening members with special expertise. Headquarters is forming advisory groups and launching new programs in areas such as technology in arbitration, climate change, and mixed mode ADR. If you are contacted or see a general invitation, please consider joining the effort.

YMG. Having formed one at NAB when I was chair, and having seen how dynamic and impactful it was, I am a big booster of the Institute's global Young Members Group ("YMG") program. (Thank you, Imad, for doing all the heavy lifting on forming the NAB YMG and serving as inaugural chair.) The BoT chair and I have worked to regularize the global YMG as a non-territorial "branch" of the Institute for budgeting, management, and policy purposes, which should increase its effectiveness and provide more support for branch YMGs.

Member Value Proposition. A major focus of BoT over the past two years has been on increasing the value of CIArb membership. In addition to steps mentioned above, we have funded a long-overdue technology systems overhaul at headquarters which will simplify member-related processes, create more efficiencies in management (including for branches), and create enhanced marketing and substantive benefits for members. I monitored that work closely as ARC chair. We expect key elements of the plan to go live

this summer.

Among other initiatives, headquarters has been engaging successfully with arbitral institutions, a number of which now will accept the CI Arb Fellow qualification as prima facie evidence of the level of expertise required for such institution's panel of arbitrators.

There is much more to share, but I don't want to go on too long. I am a very accessible trustee and am always happy to respond to email inquiries DHuebner@HuebnerArbitration.com

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



Dear Members, the First Annual Members' Retreat in Santa Fe was a huge success! Many remarked on how much they enjoyed meeting and socialising with other members and their spouses/significant others. A big thank you to **Tom Cunningham FCI Arb** and his wife **Jeanne**. Tom proposed Santa Fe and did the heavy lifting to put the event together. Jeanne and Tom also graciously hosted a cocktail party at their lovely Santa Fe home. Thank you to **John Garman FCI Arb** for an entertaining and enlightening key note speech at the excellent opening night dinner and to **Ann Ryan Robertson C. Arb FCI Arb** for the Arbitration Jeopardy Contest and all she did to make the event fabulous. And, thank you to **Murray Smith C. Arb FCI Arb**, **Ann Ryan Robertson C. Arb FCI Arb**, **Cecilia Flores Rueda FCI Arb**, **John Burritt**

McArthur FCI Arb, **Daniel Fabio Jacob Nogueira**, **Tom Cunningham FCI Arb**, **Amb. (r.) David Huebner C. Arb FCI Arb Coll Arb**, **Reynaldo Urtiaga MCI Arb**, **Jose Antonio Rodriguez-Marquez C. Arb. FCI Arb**, **Sofia Gomez Ruano FCI Arb**, and **Rene de Liux FCI Arb** for the high quality educational sessions on Saturday morning. Finally, thank you to **Norton Rose Fulbright**, **Benesch Friedlander**, and the **University of Pittsburgh School of Law's Center for International Legal Education** for arranging and processing CLE credit for many states. Ask someone that attended about the event; you'll want to attend the next one. As always, if you have suggestions for improving NAB, you may email me at dsharp@sharplawhouston.com.

Inaugural Fellow *Emeritus* Award Presented to John W. Garman FCI Arb



The Chartered Institute of Arbitrators, North America Branch met in Santa Fe, New Mexico for the First Annual Members' Retreat from April 14–16, 2023. The CI Arb North America Branch belatedly bestowed its inaugural Fellow *Emeritus* award to **John W. Garman, FCI Arb**. John was awarded this distinction in 2021; however, due to the pandemic, an in-person bestowment of the inaugural award was postponed and presented by **Amb. (r.) David Huebner FCI Arb, C. Arb, Coll Arb**, Deputy Chair of CI Arb's Board of Trustees, Americas at the Santa Fe conference.

The North America Branch proudly recognized **John Garman** for his long and distinguished record of service to the branch including his stewardship of the branch for many years, as well as his tutelage and oversight of the intensive Accelerated Route to Fellowship courses during his tenure. **John** served on CI Arb–NAB's Executive Board (2010–2018), twice as Branch Chair (2015–2017) and was

responsible for organizing and overseeing multiple NAB programs and conference participations throughout the U.S. He organized training programs from 2011 through

2019 in locations including Boston, the Cayman Islands, Chicago, Dallas, Denver, Houston, Las Vegas, Los Angeles, Miami, Montreal, San Antonio, San Diego, San Francisco, Seattle, Tijuana, Vancouver, and Washington DC. Those courses provided immeasurable benefit to the branch and its members.

John provided a lively keynote address during which he highlighted some of the many programs implemented by the North America Branch. The award was inscribed: "With great appreciation to John Garman FCI Arb, Inaugural Fellow *Emeritus*, for his dedicated service to the Chartered Institute of Arbitrators North America Branch."

Congratulations, John, on this singular achievement!

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

Upcoming Events & Featured Programs



The May "Ask the Arbitrator" event will be **Thursday, May 11** at 12:00 p.m. EDT/9:00 a.m. PDT: "**Journey of a Leading Arbitrator from Mexico**", and will feature **C.Arb., José Antonio Rodríguez-Márquez**. Mr. Rodríguez-Márquez will be interviewed by **Emilia Beuger**, a recent graduate of the University of Pittsburgh School of Law **This program is free**. Register here for the event:

https://us06web.zoom.us/webinar/register/WN_EPC0ZkjuQjKw_AtruYOgPg

The NAB wants its members to be aware of the ABA Section of Dispute Resolution's upcoming program below:

[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.

May 29 to June 1, Mexico Arbitration Week at the Marriott Reforma Hotel, Mexico City. NAB is proud to be a Sponsoring Organization of Mexico Arbitration Week. You can register and find program details [here](#).

We are pleased to announce that the NAB will be holding its **Accelerated Route to Fellowship** course in Austin on **June 12 and 13** at McGinnis Lochridge, just prior to the Institute for Transnational Arbitration's (ITA) Annual meeting that will be held in Austin starting on Wednesday and running through Friday, **June 14 to 16**. It would be nice to have a large contingent from Texas enroll! Any questions about the course should be directed to **Jim Reiman FCI Arb**, Program Director (jreiman@ReimanADR.com). Full course details and a registration link are available [here](#). Registration is also now open for the

ITA Annual meeting. Details about the Workshop and Annual meeting can be found [here](#).

A second **Accelerated Route to Fellowship** course will be in Miami on Thursday and Friday, **November 9 and 10**. The Miami program is being held before the start of the Miami International Arbitration Society's Arbitration Week on that Sunday and the ICC's Miami trainings and conference starting on Saturday, **November 11**, and running through Tuesday, **November 14**. More details on this course will be coming soon.

Registration for the CIArb Canada Branch's first in person **Accelerated Route to Fellowship** Course in over three years is now open. The Course will take place on **June 3 and 4, 2023** in Vancouver. The Accelerated Route to Fellowship program is designed for practicing lawyers with substantial and/or complex dispute resolution experience (10 years minimum is typical). Successful completion of the program permits participants to apply to become Fellows of the Chartered Institute of Arbitrators, which allows the use of the designation FCIArb. **Prof. Anthony Daimsis, FCIArb** is the Course Director and we are anticipating strong demand for the program. Full course details and registration information are available by clicking this [link](#).

**FIRST ANNUAL NAB MEMBERS' RETREAT
APRIL 14-16, 2023 – SANTA FE, NEW MEXICO**





Launch of CI Arb NAB Membership Program

The North America Branch of CI Arb 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 CI Arb NAB, Vice Chair of Membership, **Ava Borrasso C.Arb, FCI Arb** at ajb@ajborrassolaw.com if you are interested in participating as a mentor or mentee.



Former Branch Chairs in Santa Fe – Current NAB Branch Chair, **David E. Sharp FCI Arb** (far right), was joined by 5 Past Branch Chairs at the First Annual Members' Retreat in Santa Fe, New Mexico. From left to right are **José Antonio Rodríguez-Márquez C.Arb.** (April 2002–April 2004), **Amb. (r.) David Huebner C.Arb** and Deputy Chair of CI Arb's Board of Trustees (NAB Chair April 2019–May 5, 2020), **John Garman FCI Arb** (April 2015–April 2017), **Murray Smith K.C, C.Arb.** (April 2005–April 2008), and **Ann Ryan Robertson C.Arb.** and Past President of CI Arb (NAB Chair April 2008–April 2012)



Last month, students from the National University of Mongolia traveled to Washington D.C. to compete in the Jessup Moot Competition. **Joe Matthews, FCI Arb** and Chartered Arbitrator, worked with the team when they arrived. It is the first time the Mongolians have competed in this competition.



They were presented with the “Best New Team” Award. Kudos to Joe for his work with this team!

Sandra Jeskie was the panelist for the April Ask the Arbitrator: "STEM to the Root of ADR: Growing an Arbitrator's Profile." The event was moderated by Cariana Jones who is pursuing a Juris Doctor (J.D.) at the University of Pittsburgh School of Law. A recording is now available on the [NAB Website](#).

Last month, NAB members Joan Sterns Johnsen FCIARB, Edward Mullins FCIARB, and John B. Pinney FCIARB, along with Nancy Thevinin, presented a virtual ABA Litigation Section Roundtable on "Practice Tips for Litigators

Following the Supreme Court's Decision in *ZF Automotive v. Luxshare* (142 S.Ct. 2078 (2022))."

Blanca del Carmen Martinez Mendoza recently authored three articles for Lexology. Visit the links below to view these articles –

- Public, Private Sectors Can Work Together on Climate Change- [link](#)
- Commutations as an Opportunity to Improve Environmental Protection- [link](#)
- The Importance of International Cooperation for Regulators -[link](#)

The Cardozo Journal of Conflict Resolution announced it will publish "A Proposal to Establish an International Commercial Arbitration Ethics Panel and Hotline to Resolve Disclosure and Conflicts Issues" authored by Nelson Edward Timken JD, LL.M., FCIARB in Volume 24 of the Cardozo Journal of Conflict Resolution.

The CIARB D.C. Chapter held a "meet and greet" on April 20 at King & Spalding's Washington D.C. office. The event was co-sponsored by the D.C. Bar International Dispute Resolution Committee. Attendees included Judge Charles N. Brower C.Arb FCIARB, partners and associates at D.C. based law firms, academics, and law students. The event was well received and the D.C. Chapter is looking forward to holding more events like this in the future.

Lionel Schooler FCIARB and an Employment, Litigation and Arbitration partner at Jackson Walker in Houston, was recently installed as a member of the Board of Directors of the American Bar Association's Dispute Resolution Section. In that role, he will be attending the upcoming Board Meeting and Annual Section Conference in Las Vegas on May 10–13. Mr. Schooler is a frequent author and speaker on arbitration topics. His most recent publication is "Arbitration at the Supreme Court: A Record-Setting Term," an article that was published in the ABA's Dispute Resolution Magazine in its Fall Quarterly issue.

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 spoke on awards at the 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 in December 2022. 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: **James T. Guyer, Katie Hyman, Edward Lozowicki, Edward M. Mullins, Alejandro Osuna-Gonzales, and Jose Antonio Rivas.** Learn about them below and on the homepage of NAB's website [NAB Website](#).



James T. Guyer (Saint Petersburg, FL)

James Guyer FCIArb is a Civil Engineering graduate of the Georgia Institute of Technology with a University of London Master of Laws in International Dispute Resolution. His focus is on international and domestic Dispute Adjudication Boards which he has presided on over 100 projects over 20 years and has been an active mediator and construction arbitrator for over 30 years. A member in good standing on the American Arbitration Association's (AAA)[®] Roster of Arbitrators and Mediators since 1990, a DRBF member since 2002, a Fellow Member of Chartered Institute of Arbitrators, FCIArb since 2013. James also produces feature films both domestic and international co-productions.



Katie Hyman (Washington, D.C.)

Katie Hyman FCIArb is a partner at Womble Bond Dickinson (US) LLP. She is widely experienced in international dispute resolution, including multijurisdictional, shore, and investor-state matters. In addition, she is a data protection, privacy, and cybersecurity specialist. She is dual-qualified as an English solicitor and New York attorney and is admitted as a special legal consultant in the District of Columbia.

Katie represents a variety of clients, including in the energy and telecoms industries, in high-value, complex international commercial arbitration proceedings under the major arbitral rules worldwide, and in investor-state arbitrations. Katie accepts arbitrator and mediator appointments in addition to her practice as counsel. She is on a number of arbitration and mediation panels and serves as a mediator for the DC Superior Court.



Edward Lozowicki (San Francisco, CA)

Edward Lozowicki FCIArb is a well-known Arbitrator specializing in Construction, Energy, and Commercial cases. He has served as Panel Chair, Panel Member or Sole Arbitrator in numerous cases including complex multi-party disputes with damages of nine figures. He serves on the panels of the AAA, CPR, FINRA and the California Public Works Arbitration Program. Ed is a Fellow of the College of Commercial Arbitrators, the Chartered Institute of Arbitrators and the Construction Lawyers Society of America. He was Co-Chair of the Arbitration Committee of the ABA Dispute Resolution Section and is now a member of the Governing Council of the Section. Previously he was a business trial partner at three international law firms and has over 35 years' experience as a trial lawyer. He has tried many cases before judges, juries, and arbitrators. For further information: www.lozowickiADR.com.

Edward M. Mullins (Miami, FL)



Ed Mullins FCIArb is a partner at Reed Smith LLP. He handles commercial disputes in arbitrations and court including breach of contract claims, business torts, and class actions in various areas including financial services, corporate governance, energy, and media/intellectual property. He has over 100 appeals. He is Florida Bar board-certified in international litigation and arbitration. He has handled numerous international arbitrations, including multiple investor-state disputes. He also sits as an arbitrator in commercial disputes. He is co-editor of *Obtaining Evidence for Use in International Tribunals Under 28 U.S.C. 1782*, and is a Fellow of the

Chartered Institute of Arbitrators. Ed is a graduate of University of Florida for his undergraduate and his law school degrees, where he was valedictorian and served as the editor-in-chief of the *Florida Law Review*.



Alejandro Osuna-Gonzales (Mexico City, MX)

Alejandro Osuna-Gonzales, LLM, FCIArb, is a partner at Osuna Gonzales y Asociados, S.C. His practice includes international commercial arbitration and mediation, cross-border litigation, enforcement of foreign judgments in Mexico, international commercial transactions, foreign investments, Mexico corporations, and international law. He serves on the panel of neutrals of the International Center for Dispute Resolution, The Vienna International Arbitration Centre, The Arbitration Centre of Mexico, The International Chamber of Commerce (Mexican

Chapter), and The Arbitration Center of the Lima Chamber of Commerce. He currently chairs the Arbitration Committee of the Tijuana Chamber of Commerce. He has taught courses in private international law, commercial law, intellectual property law, foreign investment law, international commercial contract, and alternative dispute resolution in the United States and Mexico, and is fluent in English and Spanish.



José Antonio Rivas (Washington D.C.)

Dr. José Antonio Rivas, SJD, is an International Arbitrator, Founding Partner of Xstrategy LLP and adjunct professor at Georgetown Law. He has over 20 years of experience in international investment arbitration and matters involving infrastructure, transportation, energy and environmental matters. During his career, he has served as counsel, arbitrator, lead negotiator of investment treaties for the Republic of Colombia and ICSID Counsel. He currently represents a sovereign client in an investment arbitration, as well as corporate clients in enforcement procedures before US Courts. Dr. Rivas is a

member of the ICSID Panel of Conciliators and the arbitration panels of ICDR, CIAC, JAIAC and the Centers of Arbitration of Chamber of Commerce of Bogota and Medellin.

News About Members

This 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 June 2023 newsletter be submitted by May 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](#).

Facebook – Follow and like NAB's Facebook Page: [Chartered Institute of Arbitrators North America Branch - Home | Facebook](#). Interact with posts and comment on our monthly “What Do You Think?” feature about developments in ADR.

Twitter – Follow and interact with [NAB's Twitter account](#).

Instagram – Follow [NAB on Instagram](#) and help grow our presence on Instagram.

Finally, don't forget to join NAB's members only [Linkedin Group](#). It is open to all CI Arb 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. Also, check out NAB's public LinkedIn page: [Chartered Institute of Arbitrators - NAB | LinkedIn](#)



STEVEN J. COLOGNE
FCIArb

NAB Vice Chair /
Communications



JULIA SULLIVAN
FCIArb

Vice Chair / Social
Media Subcommittee

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