

JULY 2023
NEWS AND EVENTS

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Branch



**“If you’re not barefoot in July, then you are overdressed.”—
Unknown.**

Summer is here in San Diego. Not a cloud and a nice 71 degrees. Out of my office window looking at the harbor, there are four aircraft carriers in port. Wow! See the photo and story below on the recently completed ARF Course in Austin, Texas. We congratulate our featured members for July 2023. Be sure to read their bios to support our great members in the North America Branch. In addition to news and member events, we welcome recommendations for featured members to get profiled each month in the newsletter and website for 30 days.

In the much anticipated ruling in *Coinbase, Inc. v. Bielski*, the U.S. Supreme Court recently held, 5–4, that if a federal district court denies a motion to compel arbitration, and the arbitration proponent then prosecutes an appeal pursuant to Section 16 of the FAA, the district court must stay the proceedings pending the determination of arbitrability by the higher court. Read the decision of the court [here](#).

Happy 4th of July!

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

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



Hello members! I hope that all are enjoying the summer and that U.S. members have great Fourth of July celebrations. Our members in Mexico get to wait until cooler weather as September 16 is Independence Day in Mexico.

A successful ARF course was held in Austin in June just prior to the ITA conference. An outstanding group of 11 took the course. Hopefully there soon will be 11 new Fellows, mostly located in NAB. Those located elsewhere are encouraged to make NAB a secondary branch. Three more ARFs and a Members course are being planned: a virtual course in August, an ARF and Members Course in Mexico City on October 12 and 13, and an ARF in Miami in November on the two days prior to the ICC convention.

Finally, it would be nice to make this newsletter a fulsome collection of news about NAB members. To that end, please provide your news to newsletter@ciarbnab.com. Right now, too much of the membership news is generated by information that I or one of our few reporters happen to notice. If there is something you are posting about yourself on LinkedIn, send it to newsletter@ciarbnab.com. The same goes for other news about you such as new addresses/firms/ventures, publications, speaking engagements, professional recognitions, conference attendance,

etc. Others want to know about you and it is good publicity as well. And, if you change emails, remember to let membership@ciarb.org know as well as newsletter@ciarbnab.com. That will let London and NAB know where to reach you.

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

Upcoming Events & Featured Programs



The July "Ask the Arbitrator" event will be **Wednesday, July 26** at 1:00 p.m. EDT/10:00 a.m. PDT: "Best Practices in Commercial Arbitration – Tips from Leading Arbitrators and In-House Counsel (Part II)" and will feature **Brent Clinkscale, Esq., L. Tyrone "Ty" Holt, Esq., Jeanne Charles, Esq.** and CIArb Board member, **Chris Campbell MCIArb**, and will be moderated by **Dr. Katherine Simpson FCIArb**. Speakers will discuss the 30 days leading up to and including the hearing. **This program is free.** Register here for the event: https://us06web.zoom.us/webinar/register/WN_mWBCLvWhSz6CMYMixsskjw

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**. Any questions about the course should be directed to **Jim Reiman FCIArb**, Program Director (jreiman@ReimanADR.com). More details on this course will be coming soon.

CIArb NAB is pleased to present a moderated panel discussion by leading international arbitration practitioners on **August 25 from 1:00–3:00 p.m. EDT: "Never would I ever...Overcoming Resistance to Innovation in International Arbitration."** This discussion will be moderated by current CIArb NAB Chairperson, **David Sharp FCIArb**, speakers **Amb. (r.) David Huebner C.Arb FCIArb, Katherine Smith Detrick FCIArb, Peter K. Rosen FCIArb, and Peter Neumann FCIArb** will discuss the following topics: Overcoming Obstacles to Innovation, Arbitration in Dealing with Natural Disasters, Artificial Intelligence in Arbitration, and "Robo Arbitrators" for Retail-Level Cryptocurrency Disputes. Register here for the event: https://us06web.zoom.us/webinar/register/WN_FaRTMP8hRYysguhFAqZ9aw#/registration

Join the Membership Match Program

Participate in NAB's **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.



MEMBERSHIP NEWS

NAB is pleased to announce that next year's **Members' Retreat** will be in Southern California, probably in or about San Diego, Orange County, or Palm Springs at a date to be determined in **March, April, or May of 2024**. Details will be announced as soon as possible, but start planning to attend. If you missed last year's hugely well-liked event in Santa Fe, please don't hesitate to contact someone who attended. You will want to make the event in 2024. And, if you have a suggestion for a desirable venue in that general area that would be great to attend at a reasonable price, please let newsletter@ciarbnab.com know by email and your message will get to the appropriate people.

Amanda J. Lee FCIArb was the panelist for the June 23 Ask the Arbitrator: **'Navigating the World of Arbitration.'** Ms. Lee was interviewed by **Shakhzoda Tuchiaeva, Esq.**, who is pursuing the Doctor of Juridical Science Degree (S.J.D.) at the University of Pittsburgh School of Law. A recording is now available on the [NAB Website](#).

Prof. Charles Kotuby Jr., FCIArb and Co-Chair of the Ohio and Pennsylvania Chapter has been appointed Visiting Prof. of Law at the Kyiv School of Economics (KSE) in Ukraine. He joins **Tymofiy Mylovanov**, Associate Prof. of Economics at the University of Pittsburgh and the President of Kyiv School of Economics, to move both institutions toward greater cooperation. **Prof. Kotuby** is also actively representing Ukrainian clients with legal claims arising out of Russia's invasion of Ukraine and various pro bono legal reform efforts in Ukraine.

David E. Sharp FCIArb and **NAB Chair** reports seeing many NAB members in Austin for the ITA Annual Meeting last month. While not all may have made the event, at least the following NAB members were registered: **Hiro Aragaki FCIArb, C. Mark Baker FCIArb, Gary Benton C.Arb., John Bowman FCIArb, Hon. Charles N. Brower C.Arb., Derrick Carson FCIArb, Platt Davis FCIArb, Cecilia Flores Rueda FCIArb, Carl Ginsberg FCIArb, Sofia Gomez FCIArb, Michael Massengale FCIArb, John McArthur FCIArb** and Northern California Chair, **Gary McGowan FCIArb, Paul Neufeld FCIArb, Jim Reiman FCIArb** and NAB Board Member, **Barbara Reeves Neal FCIArb, Lisa Powell FCIArb, Ann Ryan Robertson C.Arb., Timothy Tyler FCIArb,** and **David E. Sharp FCIArb** and NAB Chair. If you were inadvertently left off the list, email newsletter@CIArbnab.com and advise that you were there so that you can be mentioned in next month's newsletter.

Thank you to **M. Imad Khan ACIArb** who has completed his service as the first Chair of NAB's Young Members Group. **Imad** was appointed in 2019 and held the position until his resignation in June.

NAB's Board has approved a Governing Document for NAB's YMG. It can be found on the YMG page of NAB's Website under the Programs tab.

Hon. Charles N. Brower C.Arb. has a new book out entitled *Judging Iran: A Memoir of The Hague, The White House, and Life on the Front Line of International Justice*. **Judge Brower** was also interviewed at the recent ITA Workshop and Annual Meeting in Austin, Texas.

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.

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

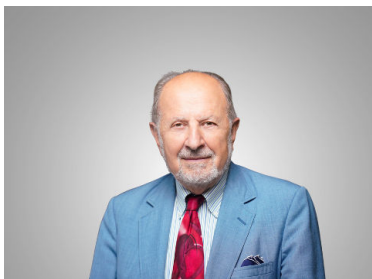
Excellent Class at Successful ARF Course in Austin, Texas

The Accelerated Route to Fellowship Course Plus Exam was held in Austin, Texas, on June 12–13. The course took place in McGinnis Lochridge's relatively new offices, and the discussion leaders have advised there was an exceptional and knowledgeable group. There is every reason to expect that there will be 11 new Fellows in due course. Pictured below are: **Israel Gaxiola** (McGinnis Lochridge staff), **David E. Sharp** FCI Arb, **David E. Harrell, Jr.** FCI Arb, **Willie Wood** FCI Arb, **John Pinney** FCI Arb, **Sarah Blair**, **Mark Schroeder**, **Paul D. Clote**, **Harvey Ideozu**, **Felicia Harris Hoss**, **C. Ryan Reetz**, **Gonzalo Rodriguez Matos**, **Ross B. Russell**, **Adam Wahlquist**, **Mohammad Zeeshan Adhi**, and **Jim Reiman** FCI Arb. Not pictured, **Ian Davis**.



FEATURED MEMBERS

This month's Featured Members are: **Jerry Cohen**, **Jennifer Morrison Ersin**, **Philip Allen Lacovara**, **Howard B. Miller**, **Azubike Okoye**, and **Loulan J. Pitre, Jr.** Learn about them below and on the homepage of NAB's website [NAB Website](#).



Jerry Cohen (Boston, MA)

Jerry Cohen, a long time Fellow of CI Arb NAB, is a partner in the Boston law firm Burns & Levinson LLP. Participating in its Intellectual Property & Corporate groups, he handles patent, copyright, trademark, trade secret, unfair competition, antitrust and IP misuse, licensing/franchising, publication law, business enterprise and not-for-profit formation, international trade,

litigation/ADR, and legal ethics matters. Jerry is the annual updating author of the Thomson Reuters books, "Modern Patent Law Precedent and International Trade Practice." He is a mediator/arbitrator at the JAMS, Inc. Boston Resolution Center and an adjunct professor at Roger Williams University Law School and UMass/Dartmouth Law School. He has spent many years in pro bono projects for the ACLU Massachusetts; the Massachusetts Bar Foundation, where he previously served as President; and the Center for Constitutional Rights, where he was a volunteer lawyer defending Guantanamo Bay detainees for 12 years. He is the recipient of the 2023 Access to Justice Pro Bono Publico Award from the Massachusetts Bar Association (MBA) and the Lifetime Achievement in Pro Bono Publico Activity Award from Boston Intellectual Property Law Association. He still continues Access to Justice work in addition to law practice, ADR and education.



Jennifer Morrison Ersin (Jackson, MS; Washington, D.C.)

Jennifer Ersin FCIArb focuses her practice on international disputes. She advises clients in international investment and commercial arbitrations across a range of sectors. She has acted in proceedings governed by the rules of arbitration of the ICC, UNCITRAL, ICSID, ICDR and LCIA. Jennifer has acted in arbitrations seated in jurisdictions around the world. Her experience includes advising clients on federal government construction contracts disputes, and arbitrating construction, energy, and agribusiness matters. Jennifer has particular experience in acting in disputes involving sovereign states. This experience extends to counseling contractors on how to best exit high-conflict states. Jennifer is also adept at handling matters before U.S. courts, particularly where those matters include an international element or a foreign party. In addition to her private practice, Jennifer taught university courses in international commercial and investment arbitration at Yeditepe University Law School in Istanbul, Turkey. She is licensed in New York & District of Columbia.



Philip Allen Lacovara (New York City, NY and Sanibel Island, FL)

Philip Allen Lacovara draws on extensive corporate and litigation experience in serving as an arbitrator in complex commercial disputes around the world. As the former general counsel of Morgan Stanley & Co., head of worldwide litigation for General Electric Co., and partner in the New York and Washington offices of two international law firms, he has been called upon to arbitrate matters throughout the US as well as in London, The Hague, Geneva, the Bahamas, Hong Kong and other major arbitration centers. His experience includes construction, telecommunications, technology manufacturing and licensing, pharmaceuticals, mergers and acquisitions, and finance. He is the former President of The District of Columbia Bar and held various senior positions in government. He is an enrolled solicitor of England and Wales as well as a member of the New York and DC bars.



Howard B. Miller (Los Angeles, CA)

Howard B. Miller FCIArb, JAMS Arbitrator and Mediator, is a past president of the State Bar of California, a former professor of law at the University of Southern California, and a long time commercial and intellectual property litigator. He was instrumental in the changes permitting foreign counsel to appear in California in international arbitrations. He has been at the center of the California legal profession since he clerked for Justice Roger J. Traynor of the Supreme Court of California.

Azubike Okoye (Miami, FL and Geneva, NY)

Azubike Okoye FCIArb is a dual licensed Attorney in Nigeria and the U.S. He holds LL.M. degree from the University of Miami School of



Law in International Arbitration. He routinely sits as a Mediator and has successfully represented clientele as a party representative/counsel in Mediation, Arbitration, and litigation proceedings where he was commended “[v]ery highly for (his) skill, industry, erudition, and depth of knowledge” by a Senior Judge of the High Court of Lagos State. He acted as an expert witness in Nigeria and the U.S. He was a recipient of multiple awards including the Young ICCA scholarship for his outstanding ADR professional and academic credential. He was a panelist, foreign professor, and speaker in ADR topics organized by the Centre for Management and Development, Nigeria; the Pontifical Catholic University of Parana Law School Brazil; and the American Bar Association.



Loulan J. Pitre, Jr. (New Orleans, LA)

Loulan Pitre FCIArb has extensive experience with the development, construction, operation, and decommissioning of energy, environmental, and infrastructure projects. He has represented energy and other industrial companies, real estate developers, financial institutions, ports, levee districts and other public entities, and participants in the construction and service industries such as contractors, engineers, and material suppliers. His work has included entity formation and governance, bespoke contracts, traditional and innovative financing methods, complex land rights issues, construction procurement and management, environmental and coastal permitting issues, and complex disputes. In addition to his traditional scope of complex work, in recent years he has developed deep industry knowledge in the business and legal aspects of the growing U.S. offshore wind energy industry.

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 **August 2023** newsletter be submitted by **July 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.

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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).

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 CIArb 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
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NAB Vice Chair /
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JULIA SULLIVAN
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