

July 2024

Message from the Chair

David E. Sharp FCI Arb



Dear Members,

I hope all are well and staying cool. For those of you who are in the USA, I wish you and yours a great Fourth of July.

First, the CI Arb Board of Trustees has decided to hold next year's Congress in Qatar, likely in November 2025. I want to thank all those who labored on NAB's bid proposal to hold the Congress in Houston. I have heard that ours was very well received although it was not successful. Some good news is that I believe that next year's annual NAB retreat can now be planned. Expect information about the location and timing soon.

Second, we need your help to publicize the next two Accelerated Route to Fellowship courses (ARFs). One will be in person in Atlanta on October 10th and 11th. There will also be a virtual course, which is tentatively planned for November 7th-8th and 14th-15th. Please help publicize the courses to those who may be interested: law firms who might send firm lawyers, personal acquaintances, in-house counsel, non-attorney arbitrators, etc. If they have the requisite 10 years of experience, NAB will welcome their registration for the ARF. Don't be shy about sending emails or making phone calls to promote the courses.

If you are a member who is 40 or younger, please contact NAB's YMG Chair, [Eugenie Rogers FCI Arb](#). She would love your help reinvigorating our Young Members Group.

Finally, if you are interested in serving as the NAB Historian, please [email me](#) to discuss further.

All the best,

David E. Sharp FCI Arb
NAB Chair



Have you paid for 2024 CI Arb dues?

A lot of our members had difficulty navigating the new payment system for 2024. Please contact membership@ciarb.org if you need assistance.

Register for July 10th Webinar

Exploring the Boundaries of the Validation Principle

July 10, 2024 at 12:00pm Eastern

Featuring **Dr. Matthew Secomb** and **Clemency Wang**
(White & Case, Singapore)

Join us for our upcoming NAB webinar featuring esteemed speakers Dr. Matthew Secomb, a partner in White & Case's International Arbitration Group in Singapore, and Ms. Clemency Wang, a dedicated member of the same group.

In the realm of international arbitration, a well-established principle is the presumption of validity for arbitration clauses, often referred to as the 'validation principle'. This principle is employed to interpret arbitration agreements in a manner that upholds their validity, sometimes pushing the boundaries of their original wording to make them effective. However, this raises critical questions about the limits of the validation principle. When does this approach go too far? What types of flawed arbitration clauses are likely to be upheld, and which are not? Additionally, do various jurisdictions interpret and apply the validation principle differently?

During this session, our panelists will offer invaluable insights into the complexities and subtleties of applying the validation principle in arbitration. Don't miss this opportunity to gain a deeper understanding of this important aspect of the arbitration process.



CIArb has several upcoming training opportunities and resources that may be of interest, including:

LET'S DISCUSS SERIES

[Let's Discuss Global Trends in AI Regulation](#)

July 4, 7am Eastern

[Let's Discuss Six Years of ISDS Reform](#)

July 11, 8am Eastern

WEBINAR

[Convergence Zone: Where climate change, the energy transition, and ESGs meet International Commercial Disputes](#)

July 18, 9am Eastern

AUDIOBOOK

[Resolving Disputes Today](#)

Membership News

Arbitration Highlight

Lionel M. Schooler FCIArb* ● Jackson Walker LLP

Global Arbitration Review (GAR) has published a recent article by **Les Schiefelbein FCIArb** entitled "*Case Management Issues in Aviation Arbitration: The Arbitrator's Perspective*", which is linked [here](#).

Congratulations to **Mark Cymrot FCIArb**, whose book "*The Case of the Welched Reward: Spies, the FBI, and Pursuit of Peru's Most Infamous Fugitives*" has been included in the Kirkus Reviews' June 2024 booklist of '40 Indies Worth Discovering'. The book is described as "[a] fascinating account of a spectacular legal drama."

Hats off to **Michael Massengale FCIArb**, who has been selected for the 2024 College of Commercial Arbitrators (CCA) Fellows Class.

Several of our Fellows were involved as faculty



Be Careful What You Wish For:

**Scope of Arbitrability
Delegation Based Upon
Private Arbitration
Provider Rules**

In Work v. Intertek Resource Solutions, Inc., 102 F.4th 769

members and co-chairs of the ABA Dispute Resolution Section 2024 Arbitration Training Institute, held in Atlanta on June 6-7. The course faculty included: **Tom Hanrahan FCIArb** (Institute co-chair), **Glenn P. Hendrix FCIArb**, **Merriann Panarella FCIArb** (NAB Boston Chapter Co-Chair), **Harrie Samaras FCIArb** (NAB Board Member), and **Usher Winslett FCIArb** (Institute co-chair).

C. Mark Baker FCIArb has been ranked by Chambers as a leading international arbitrator and counsel. Chambers ranked **Kevin O'Gorman MCIArb** (also of Norton Rose Fulbright) as a leading international arbitration counsel.

Congratulations to **Eugenie Rogers FCIArb**, who has been recognized by Legal 500 US (2024) as a Next Generation Partner in Dispute Resolution: International Arbitration.

Ava Borrasso, C.Arb, FCIArb has been recognized by SuperLawyers as a top-rated Alternative Dispute Resolution attorney in Miami, Florida. Congratulations!

Many of our members were involved in the Institute for Transnational Arbitration's Workshop and Annual Meeting held from June 19-21 in Austin. Speakers at the ITA Meeting included: **Laura Abrahamson FCIArb** (NAB Board Member), panelist regarding "*The Parameters of Due Process: What are the Defining Influences on Due Process?*"; and **John Bowman FCIArb**, panelist on "*Due Process and the 'Reasoned Award'*". Meeting attendees included: **Gordon Arnold FCIArb**, **C. Mark Baker FCIArb**, **Charles N. Brower C.Arb**, **John Buckley FCIArb**, **Gaela Gehring Flores FCIArb** (NAB Washington, D.C. Chapter Co-Chair), **Susan Franck MCIArb**, **Michael Goldberg FCIArb**, **Mark Kantor FCIArb**, **Mike Lennon FCIArb**, **Michael Massengale FCIArb**, **Barbara Reeves Neal FCIArb**, **Paul Neufeld FCIArb**, **Denton Nichols FCIArb**, **Kevin O'Gorman MCIArb**, **Denise Peterson FCIArb** (NAB Texas Chapter Co-Chair), **Cecilia Flores Rueda FCIArb** (presumptive NAB Chair, NAB Board Member, NAB Mexico Chapter Co-Chair), **Larry Schaner FCIArb**, **David Sharp FCIArb** (NAB Chair), and **Timothy Tyler FCIArb**.

(5th Cir. 2024), the United States Court of Appeals for the Fifth Circuit addressed for the first time the impact upon the issue of determining the scope of arbitrability when incorporating a private arbitration provider's Rules into an agreement to arbitrate.

In this case, the issue presented was the impact of the Agreement's delegation clause upon the "scope" of arbitrability; specifically, whether the delegation included the issue of class-wide arbitration.

The issue of the breadth and depth of delegation to an arbitrator has been an expanding phenomenon. This latest Fifth Circuit decision demonstrates how broadly the importation of an arbitration service provider's rules can affect delegation.

*Mr. Schooler is the immediate Past Chair of the Texas Chapter of the North America Branch of the Chartered Institute of Arbitrators.

[Read More](#)

Thank you to **Nelson Edward Timken FCIArb** for speaking on the June 12th NAB webinar, "Cross-Over Issues and Trends in International Arbitration". Thanks to Nelson as well for sharing his articles with our membership and posting these resources on our LinkedIn page, including most recently:

- [Essential Skills for International Arbitrators](#)
- [Choosing an Arbitrator](#)
- [Deliberative Secrecy in Legal Proceedings](#)
- [Dealing with Guerilla Tactics in International Arbitration](#)

- [Sustainable Public Procurement \(SPP\) and International Arbitration](#)
- [ESG Considerations in International Arbitration](#)
- [Cost-Control in International Arbitration](#)
- [Mediators & Subject-Matter Knowledge](#)
- [Understanding the Redfern Schedule](#)
- [ISDS in Action](#)
- [Tribunal Secretaries in International Arbitration](#)
- [Managing Expert Testimony in International Arbitration](#)
- [10 Ways to Enhance Your ADR Practice and Attract More Clients](#)
- [Discouraging Parties from Declaring Impasse](#)

Student Membership Drive



PROFESSORS! Do your students know that CIArb membership is FREE to anyone currently studying at a university or other institute of higher education? Student members can:

- Attend and network with experienced practitioners at our many global events
- Keep up-to-date with industry news through our Resolver magazine and our monthly eSolver newsletter
- Access CIArb's peer-reviewed, academic journal Arbitration: The Journal of International Arbitration, Mediation and Dispute Management

Please help us spread the word!

More information here:

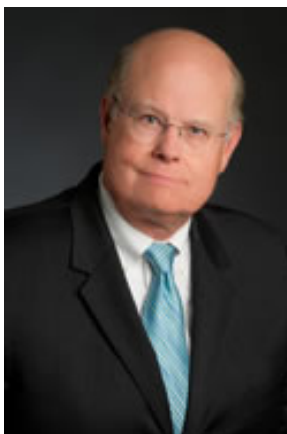
<https://www.ciarb.org/student-membership/>

Featured Members

This month's Featured Members are:

- **B. Christopher Lee**
- **Richard Levin**
- **Jesús Gerardo Agustín Ortega Téllez**
- **Lester Rennard**
- **Anastasiya Ugale**

Learn about them below and on the homepage of the [NAB Website](#).



B. Christopher Lee (Philadelphia, Pennsylvania)

B. Christopher Lee FCIArb has more than 40 years of experience representing clients in high-stakes complex construction disputes. Since 2006, Chris has been selected annually by The Best Lawyers in America as one of the top Construction Law attorneys in the Philadelphia region. He is currently of counsel to Kurtz and Partners, LLC in Philadelphia, and focuses his practice on serving as arbitrator and mediator of large complex construction disputes, foreign and domestic. In addition to being a Fellow in CIArb, Chris is a Fellow in the College of Commercial Arbitrators, the National Academy of Distinguished Neutrals, the Construction Law Society, and the

American Academy of Civil Trial Mediators. He is an arbitrator for International Centre for Dispute Resolution. He is a AAA Master Mediator and AAA Mega Construction Project Panel arbitrator. For twenty years he has been a member of the National Construction Dispute Resolution Committee which advises the AAA.



Richard Levin (Dallas, Texas - London)

Richard Levin FCIArb, C.Arb has been a principal of Richard Levin Arbitration LLC since 2018. Before that time, he practiced as a litigation partner at Akin Gump Strauss Hauer & Feld, heading the international arbitration initiative as well as litigating competition/antitrust cases in the US and the EU. Richard currently is an active member of many arbitration institutions, from Hong Kong to London to Vienna. He has arbitrated over 100 disputes, many going to award, with a specialty in intellectual property and competition matters, an area in which he has also published and spoken frequently.

Richard is a Chartered Arbitrator at the Chartered Institute, an arbitrator with the Court of Arbitration of Art in the Netherlands and serves on the “Tech List” at the Silicon Valley Arbitration and Mediation Center. He also represents children with learning disabilities on a pro-bono basis in their legal issues with their schools. His passions are classical music, tennis, and working out.



Jesús Gerardo Agustín Ortega Téllez (Mexico City)

J.G. Agustín Ortega Téllez FCIArb is an Associate at Garza Tello-Clyde & Co with over 15 years of combined experience in the private and public sectors. Last year, he was singled out in the firm’s Legal500 Tier 5 arbitration ranking. Agustín has acted as counsel in domestic and international arbitrations (LCIA, ICC, IACAC, ICSID, ICDR, LMAA, CANACO, CAM and ad hoc) and is listed as arbitrator and mediator (CANACO and CAM). He is a certified mediator by Mexico City’s Superior Court of Justice, a member of ANADE, Bar Association, has lectured at private and public institutions, and has collaborated in publications on arbitration and mediation. He holds a law degree from

Universidad La Salle and an LL.M. in Comparative and International Dispute Resolution from Queen Mary University London. In his spare time, he enjoys researching and practicing Historical European Martial Arts.



Lester Rennard (Clarkston, Georgia)

Lester Rennard, LLB, LLM, FCIArb is an independent neutral for international commercial dispute resolution, and SME on workplace disputes. He earned law degrees from UK and US law schools with postgraduate specialization in construction law, international arbitration law, international trade law, and oil and gas law. He is also knowledgeable in the adjudication of contract disputes under civil law and hybrid/mixed law systems and has been published on international trade topics by the International

Trade Committee of the ABA Section of International Law.

He has extensive training, certifications and experience in various forms of ADR practices applicable to managing and resolving conflicts such as in faith-based, family, and workplace settings. He is currently working on the development of a proprietary system designed to

avoid and prevent conflict and disputes before they arise.



Anastasiya Ugale (Washington, D.C.)

Anastasiya Ugale MCIArb has over a decade of experience in international law and dispute resolution, focusing on Eastern European and CIS disputes. She represents diverse clients in investor-State and commercial arbitrations and advises on public international law. Anastasiya co-authored the 2022 ICSID Rules and Regulations commentary and continues to serve as an editor of Jus Mundi's Investment Law and Arbitration Wiki. Fluent in Russian, Ukrainian and English, she adeptly handles multilingual and multijurisdictional disputes. Anastasiya's entrepreneurial venture, One Joule LLC, merges law with digital innovation, enhancing arbitration practices globally. Anastasiya also practices as an arbitrator, bringing a wealth of multijurisdictional knowledge, as well as technological prowess to the proceedings. Her multifaceted career reflects a commitment to legal excellence and technological advancement, positioning her as a leader in international arbitration.

Member Engagement

Join the Senior Lawyers Group



CIARB NAB is launching a new "Senior Lawyers Group" for CIARB NAB Fellows who are looking to grow their arbitration practices. **Michael Diamant FCIARB**, who has been an arbitrator and mediator for over 40 years, has generously agreed to lead our group. Our intent is that new arbitrators will be able to learn from each other and from more experienced arbitrators through a series of structured discussions. Our second gathering is scheduled for **Monday, July 1, at 4:00pm Eastern**, via Zoom. In addition to organizational issues, we will address the topic "*Which institutions appoint first-time arbitrators?*"

If you are a CIARB NAB Fellow and would like to participate in the Senior Lawyers Group, please contact [Julia Sullivan FCIARB](#). If you are interested in the Senior Lawyers Group but you are not yet a Fellow, watch this space for upcoming Advanced Route to Fellowship programs.

NAB Los Angeles Chapter Executive Committee (Proposed)

We are in the process of forming a NAB Los Angeles Chapter Executive Committee to plan and execute events, increase member engagement, and recruit new members. Please email [Peter Neumann FCIARB](#) if you are interested in serving.

Reaching Across the Aisle: In-House Counsel Initiative

Please join us as CIARB NAB considers how to better reach out to our in-house

Get involved with a NAB Committee

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 be directed to the right person(s).

Student Members

Student Members, please share the information about free student memberships with those of your classmates who have not

colleagues and offer programming that meets their needs. On behalf of the Board, [Laura Abrahamson FCI Arb](#) will be heading this initiative. Please contact her if you would like to participate.

joined. More details are available on our [website](#).

Report Your Good News

NAB's monthly Newsletter reports news about Members. If you have something to report, please email us at newsletter@ciarbnab.com. To ensure the newsletter goes out the first business day of each month, please submit information for the **August 2024** newsletter by **July 15**.

Reminders

New Email Address

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

Lexology

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 publish without copyright or other legal restrictions, send it to our Lexology contact, [Ava Borrasso C.Arb, FCI Arb](#).

Newsletter Sign-Up

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

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

Connect on Social Media:

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(public page)

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(NAB members only)

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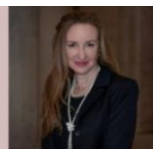
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Instagram



Eugenie Rogers FCI Arb
Baker McKenzie

Vice Chair, Communications
Chair, NAB YMG



Julia Sullivan FCI Arb
Law Office of Julia E. Sullivan, LLC

Vice Chair, Membership
Vice Chair, Social Media Subcommittee

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