

NOVEMBER 2022 NEWS AND EVENTS

ciarb.
North America
Branch

Dear Members,

CIArb and NAB have new logos. They are part of CIArb's effort to update the brand. The new logo is on this newsletter. You may already have noticed it on the Notice of Annual General Meeting, the NAB website, and/or on social media. We hope you like it!

It's Harvest Festival time everywhere (it seems!). Thanksgiving is just around the corner. My thanks is that I won't have to travel this year on the busy travel days. But there will be a party of 10 at my house for dinner. That usually means I am up until 1:00 a.m. cleaning dishes!. I hope you and your family have a safe and Happy Thanksgiving!

Read about the latest arbitration case from the U.S. Court of Appeals for the Second Circuit, *Commodities & Minerals Enterprise Ltd., v. CVG Ferrominera Orinoco, C.A.* The Opinion of the Court is [here](#).



Finally, a hearty congratulations to our 6 featured members this month for their accomplishments and featured profiles in our Newsletter.

*Steven J. Cologne FCIArb
NAB Newsletter Editor*

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

Upcoming Events &
Featured Programs



As previously announced by separate email sent on October 14, the Annual General

Meeting and Board of Directors Election of the North America Branch of the Chartered Institute of Arbitrators ("NAB") will be held at 10:00 a.m. EST on Tuesday, **December 13**, by Zoom. Register using this [link](#). If you need an additional copy of the **Amended Notice of Annual Meeting**, please contact David E. Sharp, FCI Arb, NAB Vice Chair/Communications at DSharp@sharplawhouston.com.

The CI Arb presents the 48th Alexander Lecture on **November 9** at 6:00 p.m. (GMT) online, or in-person, at The Radisson Blu Edwardian London. The lecture will be delivered by CI Arb past president, **Francis Xavier S.C. PBM FCI Arb CI Arb**. Details and registration can be found [here](#).

The November "Ask the Arbitrator" event will be Wednesday, **November 16**, at 1:00 p.m. EST/10:00 a.m. PST: "Outside the North American Borders – A Brazilian Arbitrator's Perspective" an interview with **Cristina M. Wagner Mastrobuono FCI Arb** moderated by **Mr. Divij Kumar**. **This program is free, but space is limited. To register, go to:** <https://us06web.zoom.us/j/82391701193>.

NAB, joined by the ICC USA, New York Branch, and the Colorado Bar Association International Law Section will present a free webinar – The ICC Commission Report on "Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings": New Insights in the Post-Pandemic World on **November 30** at Noon EST/10:00 a.m. MST. The panel will include **David B. Wilson FCI Arb** (Rocky Mtn. Chapter Chair, CBA International Law Section Chair, and Member of Sherman & Howard LLC), **Stephanie Cohen FCI Arb** (New York Branch Chair and ICC Working Group Chair), **Claire Morel de Westgaver** (Partner, Bryan Cave Leighton Paisner), and **Mark C. Morril FCI Arb**. Register [here](#).

NAB is a Cooperating Entity or Partnering Entity in the ABA DR Section's Advanced Mediation and Advocacy Skills Institute being held virtually **December 1–3, 2022**. **NAB Members receive a discount by entering the code CEMED22**. For details and to register, go [here](#).

The highly acclaimed Accelerated Route to Fellowship (International Arbitration) Assessment Course will be presented in-person in San Francisco on **December 2 & 3** at Wilson Sonsini Goodrich & Rosati. NAB is presenting this outstanding course along with California Arbitration and the Silicon Valley Arbitration & Mediation Center. The ARF is designed for practitioners with substantial experience in the field of dispute resolution, typically those with at least 10 years' experience in complex litigation and/or ADR. The cost is \$2,250 (a \$300 discount is available for current members of CI Arb, Cal Arb, or SVAMC). For further information regarding one's qualification to participate, contact **Jim Reiman FCI Arb**, Program Director (jreiman@ReimanADR.com). More details are available [here](#).

On **December 5** the Los Angeles Chapter of NAB in collaboration with Cal Arb and Musick Peeler presents a FREE program that will be both virtual and in-person entitled "Inconsistent Attorney-Client Privilege Rules Across Jurisdictions & Multi-Jurisdictional Privacy & Data Protection Issues and Risk Management." The event will be from 3:30 to 7:00 PST. More details will be coming on the website and NAB and other social media. However, you can register using this [link](#).

SAVE THE DATES – April 14–16, 2023, for the NAB Members' Retreat in Santa Fe, New Mexico

NAB will hold a Members' Retreat in Santa Fe, New Mexico from **Friday, April 14 – Sunday, April 16, 2023**. The event will take place at the Inn and Spa at Loretto near the Plaza in Santa Fe. Full details and registration should be available later this month. It will be a chance to meet and network with other NAB members and enjoy the culture and sights of Santa Fe, New Mexico. There will also be some educational opportunities. **PLAN ON BEING IN SANTA FE TO ATTEND APRIL 14–16, 2023!**



MEMBERSHIP NEWS

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.

Shelby R. Grubbs FCIArb has been named 2023 Lawyer of the Year for International Commercial Arbitration – Atlanta by Best Lawyers in America. Congratulations Shelby!

Nelson Edward Timken LLM, FCIArb has announced that his LLM thesis for Fordham Law School, "A Proposal to Establish an International Commercial Arbitration Ethics Panel and Hotline to Resolve Disclosure and Conflicts Issues" has been accepted for publication by the Cardozo Journal of Conflict Resolution for December 2022 Volume 24.

In addition, **Nelson Edward Timken LLM, FCIArb** served as a judge in the mediation round and again in the arbitration round of the 13th Annual Securities Dispute Resolution Triathlon sponsored by FINRA and the Hugh L. Carey Center for Dispute Resolution at St. John's University School of Law.

Lonnie Schooler FCIArb and Texas Chapter Chair has published an article, "Arbitration at the Supreme Court: A Record-Setting Term", in *Dispute Resolution Magazine* a publication of the ABA's Dispute Resolution Section. Lonnie is on the Editorial Board of that publication as are **Sunu Pillai FCIArb** and NAB Treasurer and **Ava Borrasso C.Arb, FCIArb** and NAB's Vice Chair/Membership.

M. Imad Khan ACIArb and NAB YMG's Chair has published an article, "Mapping Potential Investment Treaty Claims Against Russia", in Vol. 60, No. 1 of *The Houston Lawyer*.

David Wilson FCIArb and Rocky Mountain Chapter Chair was a member of the ICC Commission's Working Group on Technology in International Arbitration, which generated the recent report, "Leveraging Technology for Fair Effective and Efficient International Arbitration Proceedings": <https://iccwbo.org/publication/icc-arbitration-and-adr-commission-report-on-leveraging-technology-for-fair-effective-and-efficient-international-arbitration-proceedings/>. David also co-chaired the Commission's Task Force on the Use of Information Technology in International Arbitration.

Prof. Charles T. Kotuby Jr. FCIArb and Co-Chair of the Ohio and Pennsylvania Chapter spoke on "The State Enterprise as Investor: A Special Threat Requiring Special Rules or Not?" at JURIS Legal Information's "Sixteenth Annual Investment Treaty Arbitration: A Debate & Discussion."

William D. Wood FCIArb has been honored by the University of Houston's Bates College of Law's inclusion of the William D. Wood Advocacy Atrium in its new, ultramodern facility. Congratulations William!

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, 2023** 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.

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



The CIArb/CSP Brazil 2022 was a great success in the three host cities João Pessoa, Goiania and Manaus. With a total audience of more than 1,400 registrations, the program reached people not only from all Brazilian regions but also from Africa, USA, Central and Latin America. Non-Brazilians amounted to 18% of all registrations. Law students or younger practitioners represented around 50%. Among Brazilians, 12% were public officials, including clerks from the Judiciary. The steering committee (co-chairs **Rose Rameau FCI Arb** and **Mauricio Gomm FCI Arb**

and executive secretary **Carol Santoro ACI Arb**) are thrilled to start planning the 2023 event!

Featured Members. This month's Featured Members are: **Lindsay Elizabeth Gastrell**, **Darron Jacobs**, **Andrew P. Price**, **Lawrence Schaner**, **Melvyn J. Simburg**, and **Nelson Edward Timken**. Learn about them below and on the homepage of NAB's website [NAB Website](#).



Lindsay Elizabeth Gastrell (New York, NY and London)

Lindsay's arbitrator practice is informed by her extensive experience spanning private practice, institutional service, and academia. She is Senior Counsel at Arbitration Chambers and an Adjunct Professor of Law at American University. Her cases have included complex investment treaty disputes and high-stakes commercial disputes, often exceeding USD 1 billion in value, as well as smaller cases involving individuals and SMEs. She is dual qualified in New York and England & Wales, and educated in both the civil law and the common law traditions, with a JD from Georgetown and a Masters in Global Business Law from the Sorbonne. In addition to being a proud CIArb Fellow and CEDR Mediator, Lindsay is certified with the Court of Master Sommeliers. She is also dedicated to diversity in arbitration and co-chairs the Equal Representation in Arbitration Pledge YPSC and Mute Off Thursdays.



Darron Jacobs (Houston, TX)

Darron Jacobs is a Director with Cumming Group, Dispute Resolution + Avoidance team. Darron is a Chartered Quantity Surveyor, qualified Arbitrator and damages Expert with over 33 years of construction management experience. He is a specialist in contract strategy, drafting, negotiation, and enforcement. Darron is experienced in multi-million US construction & insurance claims, coupled with dispute resolution and arbitration/litigation support services. He is an expert in project and sub-contractor control systems with extensive experience in offshore upstream oil and gas construction and installation projects (including FPSOs, semi-submersibles, drilling platforms, hulls, Spars, jackets, topsides and sub-sea pipelines and equipment), along with onshore downstream projects including LNG and heavy industries. Coupled with his program and project preparation, execution, and monitoring experience, Darron has provided dispute advisory services and claims analysis support for expert witness



Andrew P. Price (Houston, TX)

Andrew Price has spent his career helping clients resolve their business disputes. Whether it is before a court, a jury or an international arbitration tribunal, Andrew has a track record of achieving results for his clients. He handles cases involving contracts, intellectual property, securities, business torts and professional liability and deals with unique aspects involving governance of partnerships, joint ventures, LLCs and corporations. Andrew has extensive experience in disputes involving cross-border transactions or foreign law issues, particularly in the energy and chemicals industries. Lawdragon and The Legal 500 have recognized Andrew as a litigation and arbitration leader. Andrew currently serves as the firm's US Co-Head of Commercial Litigation and on its US Management Committee. A Fellow with CIArb since 2016, he received his BA from the University of Virginia and JD from the University of Texas School of Law. [Andrew P. Price | Co-Head of Commercial Litigation, United States | Global law firm | Norton Rose Fulbright](#)



Lawrence S. Schaner (Chicago, IL)

Lawrence Schaner is an independent arbitrator based in Chicago with over three decades of experience with high-stakes cross-border and domestic business disputes. He is ranked in Band 1 for international arbitrators by Chambers USA and among the world's "Most in Demand Arbitrators" by Chambers Global. Until 2017, he was a partner and co-chair of the International Arbitration Practice at Jenner & Block, where he practiced for 29 years. His experience includes arbitrations under many rules, and across a range of industries and sectors. He is a CIArb Fellow and a Fellow of the College of Commercial Arbitrators. In 2007, he founded the CIArb's Chicago Chapter. In 2003, he was awarded the President's Prize by the CIArb for receiving the highest mark in the Award Writing Examination. He earned his J.D. from Stanford Law School in 1986 and B.A. from Duke University in 1982. He is a member of the bars of California, Illinois, and New York.



Melvyn J. Simburg (Seattle, WA)

Mel Simburg, FCIArb, has served as an arbitrator for over 30 years and a mediator for over 20. He arbitrates and mediates business and international transactions, real estate, intellectual property, web contracts, technology, and rights licenses. He helps partnerships and organizations with formation, dissolution, change and conflict resolution issues. Mel has served as Chair of the Washington State Bar ADR Section and sits on the ABA Business Law Section Dispute Resolution Committee. He has chaired seminars and written several articles on arbitration and mediation issues. Mel has chaired arbitration panels addressing disputes involving millions of dollars in computer system installations, banking, leases, contracts, and IP licenses. He sits on national panels for AAA, the International Centre for Dispute Resolution, Upwork (online freelancer-client disputes), FINRA (securities), VanIAC in Canada, and CIIDRC for domain name disputes. See, <https://SimburgDR.com>, "Simburg Resolves Disputes."



Nelson Edward Timken (Queens Village, NY)

Nelson Edward Timken has an LLM in International Dispute Resolution at Fordham School of Law, which he earned while working full-time as a Principal Law Clerk in the New York State Court System. His article "A Proposal to Establish an International Commercial Arbitration Ethics Panel and Hotline to Resolve Disclosure and Conflicts Issues" will appear in Volume 24, *Cardozo Journal of Conflict Resolution*. He speaks Spanish, some French and some Ukrainian. He

is co-chair of the New York County Lawyers Association ADR Committee, a Fellow of the American Bar Foundation, and Member of the Denis McInerney NYCLA American Inn of Court, and Lawyers Assistance Program Committee of the New York City Bar Association. He has joined NAB's Communications Committee and its Social Media Subcommittee and is a member of NAB's Florida Chapter. Upon leaving the court system next year, he aspires to work in International Dispute Resolution as an arbitrator or party representative.

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 December 2022 newsletter be submitted by November 16, 2022.**

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 **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.

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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).

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.



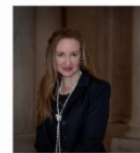
STEVEN J. COLOGNE
FCI Arb

NAB Newsletter Editor
and Board Member



DAVID E. SHARP
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NAB Vice Chair /
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JULIA SULLIVAN
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