

February 2024

Message from the Editors

Eugenie Rogers MCI Arb & Julia Sullivan FCI Arb

Tremendous thanks to **Steve Cologne FCI Arb** and his amazing assistant **Lisa Berry** for editing the CI Arb NAB newsletter these past two years, and thank you to NAB Chair **David E. Sharp FCI Arb** and the NAB Board for selecting us as the new editors commencing this month. Steve and Lisa will be a hard act to follow!

We hope you like the newsletter's refreshed look. We will continue to provide member news and summaries of important arbitration cases. Going forward, please send content suggestions and/or contributions to us by the 15th of each month at newsletter@ciarbnab.com.



For those of you whom we have not yet had an opportunity to meet:

Eugenie Rogers MCI Arb is a partner in Baker McKenzie's Dallas office, where she primarily handles international arbitration and other disputes. She is Vice Chair, Communications, of NAB's Board and Chair of NAB's Young Members Group (*for those under 40*), and she is licensed in Texas and Florida. Outside of work, Eugenie enjoys travel, wine, golf, and spending time with her husband and their 1-year-old son.

Julia Sullivan FCI Arb is an American lawyer, an English solicitor, and an international arbitrator. She is Vice Chair, Membership, of NAB's Board. When she's not working, Julia enjoys gardening, hiking, horses, aviation, and – most of all – being a grandma. She lives in Maryland and Montana.

Message from the Chair

David E. Sharp FCI Arb

Dear Members,

It is time to register for the upcoming Annual Members' Retreat in San Diego on April 19-21. Details and registration are available [here](#). You will want to register for the Retreat and for the Saturday Dinner. We will be presenting the NAB Fellow Emeritus Award to **Ann Ryan Robertson C. Arb, FCI Arb**. This will be a fun event and an opportunity to socialize with NAB members from all across NAB's vast geographic area. Since the Chairs of all Branches in the Americas have been asked to publicize the event, and London is publicizing the event, we may have several members from other Branches in attendance.



Murray Smith FCI Arb from Canada will be attending and presenting at the CLE portion of the event. Ask anyone who attended last year and I think you will be advised to attend.

As always, all Board members would love to hear from you about ideas to make NAB a better organization or ideas for events that NAB members might like to attend. NAB is more than willing to help publicize and present webinars that members organize and is always looking for volunteers to help with programs, this newsletter, and various communications functions. You may contact me at dsharp@sharplawhouston.com.

If you are a Young Member (*not over 40*), contact [Eugenie Rogers MCI Arb](#) and get involved with NAB's Young Members Group ("YMG"). Eugenie is on the Board of Directors as the Vice Chair, Communications, and is Chair of NAB's YMG. She is actively working to invigorate NAB's YMG and seeking members to join her leadership team in YMG.

A NAB Committee is forming, tasked with recommending how to improve awareness of CI Arb, NAB, and increasing demand for services of NAB's members. If you would like to be on that committee or have ideas, please contact [Laura Abrahamson FCI Arb](#).

Please also join me in congratulating [Cecilia Flores Rueda FCI Arb](#) (Mexico Chapter Chair), who has been elected Presumptive NAB Chair. Cecilia will be shadowing me in the role this year, and we anticipate that she will begin her service as Chair of NAB at the beginning of 2025. Bravo, Cecilia!

Finally, NAB is holding an **in-person Accelerated Route to Fellowship program ("ARF") in San Diego on April 18–19**. Those who take the course will be allowed to also add attend the Annual Members Conference for a discounted amount and join the Saturday dinner for the usual fee. NAB is also holding a **virtual ARF on May 2–3 and 9–10**, in conjunction with the New York and Canada Branches. I hope that we will be able to have other training programs later in the year. We need all of you to help publicize the ARFs to those with the requisite 10 years' experience. Note that candidates have attended ARFs in the past from quite far away, so please do not assume that in-person ARFs are only of interest to those who are relatively local.

NAB Upcoming Events & Featured Programs

CI Arb News

Retreat Registration

2nd ANNUAL NAB MEMBERS' RETREAT April 19-21, 2024 • San Diego, California

Join other CI Arb members in beautiful San Diego for networking and educational programming at the Humphreys Half Moon Inn on Shelter Island, only a short drive from the airport. **All CI Arb members are welcome regardless of Branch.** Check out a video of the venue [here](#).

Event Registration:

- Registration includes a place for one at the welcome reception on Friday, Saturday morning breakfast and educational session, and farewell breakfast on Sunday.

Pricing:

- Discounted Early Bird Registration is \$595 and **ends**



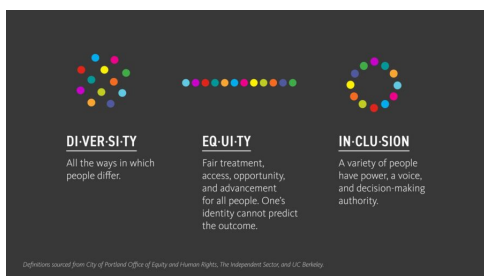
After a long relationship with CI Arb, **Jonathan Wood FCI Arb** takes the helm as President. He shares his plans for the year ahead, explains why the organisation is poised to take advantage of opportunities, and looks back at the changes arbitration has gone through. Read more [here](#).

February 15.

- After February 15, the rate will be \$645.
- Spouses or significant others may register for an additional \$200, which covers all of the same events above.
- Our Saturday dinner (*location to be announced*) is \$200 per person.



Click [here](#) for the event agenda and additional information. While hotel accommodations are on your own, NAB has reserved a block of rooms at [Humphreys Half Moon Inn](#) so that registrants may find a room at the venue.



Webinar Registration

Join us for a transformative webinar, **"Overcoming Obstacles: Success Stories of Arbitrators of Color,"** via Zoom, on Wednesday, February 21, at 2:00 pm EST, as we celebrate diversity, equity, and inclusion in Alternative Dispute Resolution ("ADR").

Through compelling narratives and inspiring anecdotes, this program will spotlight the remarkable achievements of arbitrators of color who have triumphed over adversity. By sharing their journeys, we aim to underscore the invaluable contribution of diverse perspectives in shaping fair and just arbitration outcomes. Don't miss this opportunity to be inspired and empowered by stories of resilience and success in the field of ADR, from panelists **DeAndra Roaché, FCI Arb, Dr. Chika Anyichie, PhD, FCI Arb, Deborah Enix-Ross, Esq.,** and moderator **Blanca Martinez Mendoza, FCI Arb.**



CI Arb NAB and Pepperdine will present during **California International Arbitration Week** on *"Arbitrating in Time of Trade War: Successfully Navigating the Minefields of National Security, Cross-Border Data Restrictions, Sanctions and US-China Decoupling to Achieve Fair and Efficient Cost Resolution"*. The program will be on Wednesday, March 13, from 11:00am - 12:30pm (Pacific), and offers 1.5 hours MCLE credit.



The **Carribbean Branch** is planning to host an in-person triennial conference during the third week of October 2024, in Trinidad and Tobago, and would love to have NAB members attend. Further information can be obtained from [Anthony Gafoor FCI Arb](#) (Chair of CI Arb Carribbean Branch).

Membership News

Several of our members organized, spoke on, and moderated panels at the **12th ITA-IEL-ICC Joint Conference on International Energy Arbitration** in Houston on January 18-19:

Arbitration Highlight

Lionel M. Schooler FCI Arb* ● Jackson Walker LLP

- **Willie Wood FCIArb** served as Co-Chair of the Conference;
- **Michael P. Lennon, Jr. FCIArb** (IEL Chair) and **Chip Brower FCIArb** (ITA Senior Vice-Chair) were also instrumental in organizing the Conference;
- **Eugenie Rogers MCIArb** (Vice Chair, Communications, and Chair of NAB's Young Members Group) co-chaired and moderated a panel at the Young Lawyers Roundtable portion of the Conference;
- **Ann Ryan Robertson C.Ar**, **FCIArb** (former President of CIArb) and **Richard D. Deutsch FCIArb** moderated panels at the Conference;
- **Christina Beharry FCIArb**, **Kevin O'Gorman MCIArb**, and **John Burritt McArthur FCIArb** each spoke at the Conference.
- Many of our other members attended the Conference, including **Jay Alexander FCIArb**, **C. Mark Baker FCIArb**, **John Bowman FCIArb**, **John Buckley Jr. FCIArb**, **Tiffany Comprés FCIArb**, **Cecilia Flores Rueda FCIArb** (Mexico Chapter Chair), **Carl Ginsberg FCIArb**, **M. Imad Khan ACIArb**, **Michael Massengale FCIArb**, **Denton Nichols FCIArb**, **Fernando Orrantia MCIArb**, **Lisa Powell FCIArb** (Texas Chapter Co-Chair), **Brandon Renken FCIArb**, **Julia Sullivan FCIArb** (Vice Chair, Membership), and **Herfried Wöss FCIArb**.

Our members were actively involved in **CPR's Houston Regional Meeting** on January 17:

- **Denton Nichols FCIArb** moderated the panel, which included **Johannes P. Willheim FCIArb** (of the CIArb Europe Branch);
- Others in attendance included **John Buckley, Jr. FCIArb**, **Carl Ginsburg FCIArb**, **Gary McGowan FCIArb**, **Julia Sullivan FCIArb** (Vice Chair, Membership), **David E. Sharp FCIArb** (Chair of CIArb NAB), and **George Shipley FCIArb**.

Kevin O'Gorman MCIArb explored the role of international arbitration in historic mass claims and the factors contributing to success in the "Climate Change and Commercial Arbitration" podcast linked [here](#).

Congratulations to **Tina Patterson MCIArb**, who has been accepted by the International Mediation Institute ("IMI") as a Qualified Mediator.

Congratulations to **Nelson Edward Timken FCIArb**, who has been appointed to the mediation panel for the U.S. Bankruptcy Court for the Eastern District of New York.

Dr. Herfried Wöss FCIArb explored damages and valuation in international disputes in the "Quantifying International Disputes" podcast linked [here](#).



Rules are Rules: The Consequences of Failing to Comply with American Arbitration Association Rules

"This is an odd case." So begins the decision of the United States Court of Appeals for the Eleventh Circuit in [Bedgood v. Wyndham Vacation Resorts, Inc., 88 F.4th 1355 \(11th Cir. 2023\)](#), addressing a rare arbitration problem: the consequences to a proponent of arbitration for failure to comply with the applicable arbitration provider's rules.

The *Bedgood* decision is a rare expedition into the interstices of the Rules of the American Arbitration Association. It highlights the force and significance of such Rules, the companion authority that AAA Administrators possess as the result of such Rules, and the consequence of an arbitration proponent's failure to comply with such Rules, if that proponent seeks to invoke its administrative authority.

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

[Read More](#)

Featured Members

This month's Featured Members are:

- **Steven J. Cologne FCIArb**
- **Judith Ittig C.Arb**
- **Mitchell L. Lathrop C.Arb, FCIArb**
- **Judith Meyer FCIArb**
- **Rodrigo Zamora FCIArb**

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



Steven J. Cologne (San Diego, California)

Steven J. Cologne FCIArb devotes his law practice to complex Tort and Commercial litigation in State and Federal Courts. He is also admitted to practice law in the District of Columbia. From 2017–2023, he served as Higgs Fletcher & Mack LLP's managing partner. In addition to his law practice, in 2020, he achieved the distinction of being certified as a Fellow in the Chartered Institute of Arbitrators. He also serves as a neutral and is a panelist with the American Arbitration Association (AAA). As an arbitrator, he focuses on complex commercial disputes, including in the areas of employment, construction, and professional liability. His experience as managing partner of a law firm gives him a unique perspective as he is able to understand legal needs within a business context. He has received the highest rating (AV) available from Martindale-Hubbell for ethics and legal ability, and he has been selected by his peers for inclusion in The Best Lawyers in America each year from 2008–2023. He has been named to the San Diego Super Lawyers® list since 2007. He has earned the rank of Advocate with the American Board of Trial Advocates (ABOTA), the premier association of trial attorneys, with nearly 65 jury trials to verdict. In 2020, he was awarded the Distinguished Alumni Award by the University of San Diego School of Law.



Judith B. Ittig (Washington, D.C.)

Judith Ittig C.Arb is a practicing attorney, arbitrator, and mediator of construction and commercial disputes arising in the United States and abroad.

She has arbitrated and settled hundreds of major disputes. These cases have involved the construction of hotels and resorts, hospitals, military installations, airports, airplane manufacture, historic buildings including the United States Supreme Court and the National Cathedral, embassy and consulate projects, educational buildings and laboratories, missile defense systems, manufacturing plants, power and chemical plants, and marine facilities.

In addition to being a CIArb Chartered Arbitrator, Judith is a Fellow of the College of Commercial Arbitrators, a Certified Mediator with the International Mediation Institute, and a Member of the National Academy of Distinguished Neutrals. She is listed in The International Who's Who of Commercial Mediation, SuperLawyers, and The Best Lawyers in America.

Mitchell L. Lathrop (San Diego, California)



Mitch Lathrop C.Arb, FCIArb, is a member of the National Academy of Distinguished Neutrals and a Distinguished Neutral of the International Institute for Conflict Prevention and Resolution (CPR). He is a Member of the American Board of Trial Advocates and has handled litigation in 30 of the 50 United States. He is a former Presiding Referee of the California State Bar Court, the disciplinary body for lawyers in California. Mitch received his undergraduate degree in engineering from the United States Naval Academy and his law degree from the University of Southern California. He is currently a retired Captain in the Judge Advocate General's Corps of the U.S.

Navy. He serves on arbitration panels for multiple domestic and international arbitration providers.



Judith Meyer (Haverford, Pennsylvania)

Judith Meyer FCIArb is a Fellow in the [CCA](#); a Distinguished Neutral in the [IAM](#); and a member of the National Academy of Distinguished Neutrals. She taught negotiation, mediation and arbitration at Cornell Law School. Judith won the 2016 Pennsylvania Bar Association award

for Excellence in ADR. She serves as a JPT for the Philadelphia Commerce Court. She was a Referee in the Reliance Insurance Liquidation. She has arbitrated more than 1,000 commercial claims involving partnership and corporate dissolution, shareholder oppression, contract breach and disputes in the insurance, pharmaceutical, construction, franchise, financial, and medical services industries. Judith writes and lectures frequently on all topics ADR.



Rodrigo Zamora (Mexico City, Mexico)

Rodrigo Zamora FCIArb leads the arbitration and commercial litigation practice at Galicia Abogados in Mexico. Rodrigo has been involved in a large number of cases for more than 30 years, as counsel, arbitrator, and expert in Mexican law. He is an active participant in several domestic and global organizations, including of course, CIArb, but also the London Court of International Arbitration, the International Chamber of Commerce, and Mexico's Arbitration Academy. Rodrigo has appeared before many courts throughout Mexico, including Federal Circuit Courts and the Federal Supreme Court. He is one of the few arbitration practitioners in Mexico who is

also a member of the New York Bar. As a "lawyer of all lawyers," Rodrigo was the first general counsel for the Mexican Bar Association whilst remaining active as a practitioner in his previous firm.

Member Engagement

Join the Membership Match Program

We are getting ready to launch NAB's **2024 Membership Match Program**. We are seeking Fellows who can commit to conduct at least five meetings with their mentees over the course of 2024, in person or via video or telephone. The role of mentor is to provide advice, share experiences, and help

Reaching Across the Aisle: In-House Counsel Initiative

Please join us as CIArb NAB considers how to better reach out to our in-house colleagues and offer programming that meets their needs. On behalf of the Board, Laura Abrahamson will be heading this initiative. Please email her at

mentees navigate challenges as they embark on their arbitration journeys.

If you are a NAB Member, Associate, or Student, you are eligible to participate as a mentee, subject to the availability of qualified mentors.

For additional information, please contact [Julia Sullivan FCI Arb](#) and/or [Amechi Chukwurah](#).

laura_abrahamson@outlook.com if you would like to participate.

Report Your Good News

NAB's monthly Newsletter reports news about Members. If you have something to report, please email newsletter@ciarbnab.com. To ensure the newsletter goes out the first business day of each month, please submit information for the **March 2024** newsletter by **February 16**.

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

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.

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(NAB members only)

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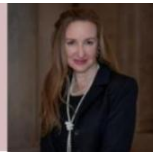
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Instagram



Eugenie Rogers MCI 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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