

March 2024

Message from the Chair

David E. Sharp FCI Arb



Dear Members,

I hope this finds each of you doing extremely well. February was a very busy month, with continuing to finalize plans for the Second Annual Members' Retreat in San Diego from April 19th to 21st, planning for two ARFs which we need your help to publicize and promote, working on finalizing the required financial reporting to London, deciding to experiment with including all Chapter Chairs in Board of Directors meetings to see if that will result in better communications and decisions, and beginning the process of applying to host the CI Arb 2025 Congress. More details follow.

If you have not already done so, please register for the Annual Members Retreat in San Diego. The "Early Bird" discount has been extended through March 15, so don't miss out on the bargain rates. 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 at the Saturday Night Dinner. If you want to know how much fun this event may be, ask someone who attended last year. I hope to see many, many of you in San Diego.

NAB is holding an in-person Accelerated Route to Fellowship ("ARF") course in San Diego on April 18th and 19th. Those who take the course will be able to also add attend the Annual Members Conference for a discounted amount and join the Saturday dinner for the usual fee. Details and registration are available [here](#). A virtual ARF will be held on Zoom on May 2-3 and 9-10. Details and registration for the virtual ARF are linked [here](#). Please do whatever you can to get candidates to take one of these excellent courses. Remember, there is a prerequisite 10 years' experience. Please do not assume that candidates will not travel to take the course as we have had individuals from very, very far away in the past. And, of course, no travel is needed for the virtual ARF.

It is possible that CI Arb's Congress will be in one of the Branches next year. That is not assured. However, NAB has expressed an interest in hosting if CI Arb's Board of Trustees elects to have the event in one of the Branches. London has asked NAB and other interested Branches to respond to a request in March. If you have ideas for a theme or any other suggestions that ought to be considered for an annual conference, please send them to me at dsharp@sharplawhouston.com. Also, if you have materials from one of the prior Congresses that might help with planning—agendas, programs, etc.—please send those as well. If we are favored to host the Congress, we will want to have a strong attendance from within NAB and want to make a strong proposal to convince the Board of Trustees to move the Congress out of London and have it meet somewhere in NAB in 2025. No decisions are anticipated until at least June.

As always, all Board members and Chapter Chairs 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](#) or contact your Chapter Chair, any Board member, or Presumptive Chair, [Cecilia Flores Rueda FCIArb](#), who will presumably succeed me in 2025. Don't forget, if you are a Young Member (*not over 40*), contact [Eugenie Rogers MCIArb](#) to get involved with NAB's YMG.

Finally, if you know someone in Hawaii who might be a good contact for NAB in connection with its attempt to put on an ARF in Hawaii next year, please [contact me](#) and [John Pinney FCIArb](#).

I am looking forward to seeing many of you in San Diego and to hearing ideas from around NAB.

Best,

David E. Sharp FCIArb
NAB Chair

NAB Upcoming Events & Featured Programs

CIArb News

Retreat Registration

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

Join other CIArb 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 CIArb 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:

- Registration remains open at a rate of \$595, until **March 1**.
 - 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.



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

- [Learning Lab: Arbitrator Skills Development series](#)
(six Wednesday workshops from May 15 to June 19)
- [Global Diploma in International Commercial Arbitration - Virtual](#)
(course begins May 3, 2024)
- [Global Diploma in International Commercial Arbitration - Oxford](#)
(September 6-13, 2024)

**Accelerated Route to
Fellowship Registration
(San Diego)**

**ACCELERATED ROUTE TO FELLOWSHIP
(INTERNATIONAL ARBITRATION)
April 18-19, 2024 • San Diego, California**

NAB is organizing an Accelerated Route to Fellowship ("ARF") program in San Diego before the Annual Members' Retreat.

The ARF is designed for senior practitioners in the field of dispute resolution, ordinarily with 10 years of experience in complex litigation and/or international dispute resolution. It is a qualification program; *not* a fundamentals training program. 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 FCI Arb.

The program consists of five interactive breakout workshops and three plenary sessions which will explore the challenges of organizing and managing a complex international arbitration and the drafting of an enforceable reasoned international arbitral award. The course brochure is available [here](#), and the registration link is above.

Registrants for the ARF may register for the Members' Retreat at a discounted rate of **\$200** by purchasing both registrations together at the ARF Registration link above.

Agenda:

- Thursday, April 18 - 8:30am to 5:30pm
- Friday, April 19 - 8:30am to 5:30pm

**Accelerated Route to
Fellowship Registration
(Virtual)**

**ACCELERATED ROUTE TO FELLOWSHIP
(CONDUCTED VIRTUALLY)
May 2-3 & 9-10, 2024**

NAB is also organizing an Accelerated Route to Fellowship program to be conducted virtually across four half-days in May.

Agenda:

- Tuesday, May 2 - 10am to 3:30pm
- Wednesday, May 3 - 10am to 3:30pm
- Thursday, May 9 - 10am to 3:30pm



**CALIFORNIA INTERNATIONAL
ARBITRATION WEEK**

March 11-14, 2024 • San Francisco, California

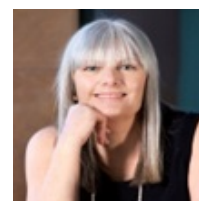
Please join the CI Arb NAB and other leading arbitration institutions and organizations from around the world in a week-long series of in-person and virtual programs celebrating international arbitration in California. California International Arbitration Week ("CIAW") is hosted by CalArb, the California Lawyers Association, and the CLA Litigation Section. Click [here](#) for full program details and registration.

CI Arb NAB and Pepperdine are co-sponsoring a panel 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.



**Arbitration Horizons: Tales from CI Arb
North America**

The CI Arb North America Branch is thrilled to announce the upcoming quarterly podcast mini-series **Arbitration Horizons: Tales from CI Arb North America**, by Chris Campbell, Esq., the host of the well-known podcast "[Tales of The Tribunal](#)", in collaboration with CI Arb NAB. This eagerly anticipated program is set to showcase compelling conversations with distinguished member arbitrators from CI Arb across North America, including Mexico and Canada.



- Friday, May 10 - 10am to 3:30pm

Our first program in this quarterly series will host an interview with **Maureen Beyers, C.Arb**, on March 8, 2024, at 1pm EST.

Membership News

Arbitration Highlight

Lionel M. Schooler FCIArb* ● Jackson Walker LLP

Thank you to **DeAndra Roaché FCIArb**, **Dr. Chika Anyichie, PhD, FCIArb**, **Deborah Enix-Ross, Esq.**, and moderator **Blanca Martinez Mendoza FCIArb** for putting on an excellent CIArb NAB webinar, "*Overcoming Obstacles: Success Stories of Arbitrators of Color*," on February 21, following introductions by **Eugenie Rogers MCIArb**. Special thanks to our Webinar Committee Chair, **Reena Soni FCIArb**, for organizing this event.

Abby Cohen Smutny MCIArb has been elected Vice-President of the International Council for Commercial Arbitration (ICCA). She was elected to the ICCA Governing Board in 2022, served as ICCA Treasurer from 2023, and acts as Co-chair of ICCA's Task Force on Standards of Practice in International Arbitration.

George T. Shipley FCIArb spoke on a panel regarding "*Artificial Intelligence in Litigation*" at the Institute for Energy Law's 75th Annual Energy Law Conference, held on February 21 - 22 in Houston.

E. Rainbow Willard FCIArb spoke on a panel regarding "*Construction Disputes Under the ICC Rules*", organized by ICC YAAF and the Georgetown International Arbitration Society on February 22 in Washington, D.C. She will also speak on a panel regarding "*Key Considerations Issues in Mining Arbitration: Deploying Persuasive Evidence*", at the Institute for Transnational Arbitration's 2nd Conference on International Arbitration in the Mining Sector, taking place on March 6 - 7 in Toronto.

Several NAB members spoke on or moderated panels at the ABA International Law Section Houston Energy Conference, held from February 27 to March 1:

- **C. Mark Baker FCIArb**
- **M. Imad Khan**
- **Michael Massengale FCIArb**
- **Ann Ryan Robertson FCIArb, C.Arb**



Not So Fast! Proper Jurisdiction for Award Confirmation

In *Conti 11. Container Schiffarts-GMBH & Co. KG M.S., MSC Flaminia v. MSC Mediterranean Shipping Company, S.A.*, ___ F.4th ___, 2024 U.S. App. LEXIS 1928 (5th Cir. 2024), the United States Court of Appeals for the Fifth Circuit recently addressed a rare arbitration problem: proper personal jurisdiction to confirm an arbitration award.

The Fifth Circuit's decision in *Conti* focuses upon the extent to which a putative defendant's actions qualify to expose it to personal jurisdiction in a particular forum. In so doing, the Fifth Circuit has highlighted the extent to which superficial contact with a forum does not automatically translate into personal jurisdiction in that forum.

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

[Read More](#)

This month's Featured Members are:

- **Domenico Di Pietro FCIArb**
- **Michael Harris FCIArb**
- **Michael Lennon FCIArb**
- **Michael Massengale FCIArb**
- **Phillip F. Shinn FCIArb**
- **Janice Sperow**

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



Domenico Di Pietro (Miami, FL ■ London, UK)

Domenico Di Pietro FCIArb is an Italian national qualified in Italy and in England & Wales with 25 years of experience in commercial and investment arbitration in common law and civil law jurisdictions. He is registered as a Foreign Legal Consultant with the Florida Bar. He tried many reported commercial and investment arbitrations in the oil and gas, energy, mining, defense, construction, and telecommunication sectors. He has a keen interest in academia, having been scholar in residence at NYU School of Law twice and lecturer at University of Rome. His publications on international arbitration have been cited to by the leading courts in different jurisdictions including the United States, England, and Argentina. He is now working full time as independent arbitrator out of his Miami and London offices.



Michael Harris (Boston, Massachusetts)

Michael Harris FCIArb has over 40 years' experience as a construction professional specializing in resolving complex contract, cost, schedule, and project management disputes on a global basis. He has worked in various ADR forums in North America, Europe, Asia, and the Middle East. He is the principal of [Axis International Consulting](#), providing expert construction advisory and arbitration services. His wide-ranging background includes energy (nuclear, gas, oil, hydro), water, gas and oil, commercial and government projects. He is a qualified architect, a Fellow in the Chartered Institute of Arbitrators, an AAA Panel member, and a Project Management Professional, and is currently completing a master's degree in construction law and arbitration. He has authored several papers on such matters as 'Notice in Construction,' 'Contract Correspondence,' and 'Why Construction Claims Occur.'



Michael Lennon (Houston, TX ■ London, UK)

Michael P. Lennon Jr. FCIArb is a partner in Mayer Brown's Litigation & Dispute Resolution and International Arbitration practices. He is an experienced arbitration and trial lawyer with an outstanding track record for handling a wide variety of arbitration and litigation matters, particularly in the energy, natural resources, and construction sectors. He also has experience with IP and licensing disputes. Mike is a Fellow of the Chartered Institute of Arbitrators and has sat as a sole arbitrator and co-arbitrator in administered and ad hoc arbitrations.



Michael Massengale (Houston, Texas)

Michael Massengale FCIArb is a JAMS arbitrator focusing on commercial disputes. He has served as an arbitrator or mediator in cross-border ICC, ICDR, JAMS, and ad-hoc matters. He is a former Texas state appellate justice and the author of over 600 signed judicial opinions in a wide range of legal disputes. He is also a former trial partner of an international law firm. His experience covers a wide range of complex commercial and contractual disputes in various industries, including energy, health care, professional liability, financial services, government, construction, and employment. Justice Massengale is board-certified in civil appellate law. He is an elected member of the American Law Institute and he serves by appointment of the Supreme Court of Texas as a commissioner on the Texas Access to Justice Commission.



Phillip F. Shinn (San Francisco, California)

Phillip F. Shinn FCIArb is as an arbitrator on the rosters of the International Centre for Dispute Resolution, American Arbitration Association, and the Korean Commercial Arbitration Board – International. He is a partner with LimNexus LLP, specializing in international arbitration and cross-border litigation. He acts as arbitrator, arbitration counsel, and court-appointed settlement conference officer. Mr. Shinn served as a Staff Attorney at the United States Court of Appeal for the Ninth Circuit. A career trial lawyer, Mr. Shinn was also a foreign legal consultant in the international arbitration and cross-border litigation group of Korea's largest law firm. He is a former president of the National Asian Pacific American Bar Association (NAPABA) and the International Association of Korean Lawyers (IAKL). He has extensive experience in international and domestic commercial, insurance coverage, construction, and high-tech trade secret disputes.



Janice Sperow (LaMesa, California)

Janice Sperow FCIArb serves as a full-time neutral for several providers, including the AAA, CPR, ICC, WIPO, New Era ADR, NAM, and FINRA. She is a Distinguished Neutral for NADN, Judge Pro Tem, and Hearing Officer for the City and County of San Francisco, Los Angeles, Oakland, and the Port Authority of San Diego. Janice also serves as a Court-Appointed Neutral and Certified Dispute Resolution Board Member. A member of the Academy of Court-Appointed Neutrals and former President of the National Association of Women Lawyers, Janice has served as an arbitrator in over 550 cases and mediator in countless more. A former trial lawyer for Morrison & Foerster and Managing Partner of Ruiz & Sperow LLP, Janice specializes in commercial, employment, finance, healthcare, privacy, technology, and mass claims.

Member Engagement



Join the Membership Match Program

CIArb NAB has launched its **2024 Membership Match Program**. We have a terrific slate of CIArb Fellows who have volunteered to make themselves available for at least five sessions with their assigned mentees over the course of the calendar year. We will also have at least one session, via Zoom, with all of the program participants.

If you would like to participate as a mentee, please contact [Julia Sullivan FCIArb](#) and [Amechi Chukwurah](#). Space is limited and will be filled on a first-come basis.

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.



Join the Senior Lawyers Group

We are launching a “senior lawyers group” for attorneys who have experience in the legal profession and wish to transition into ADR either full-time, or as a branch of the services that they provide to clients. If you are interested in joining this group, please contact [Nelson Timken FCIArb](#) or [Julia Sullivan FCIArb](#) to learn more.

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 FCIArb](#) will be heading this initiative. Please contact her 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 **April 2024** newsletter by **March 15**.

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

Lexology

Don't miss an opportunity to promote yourself by publishing in Lexology! Lexology has a broad reach. If you

Newsletter Sign-Up

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

communications@ciarbna.com.

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, FCIArb](#).

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 **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.

Connect on Social Media:

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(public page)

LinkedIn
(NAB members only)

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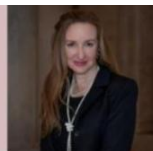
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Instagram



Eugenie Rogers MCIArb
Baker McKenzie

Vice Chair, Communications
Chair, NAB YMG



Julia Sullivan FCIArb
Law Office of Julia E. Sullivan, LLC

Vice Chair, Membership
Vice Chair, Social Media Subcommittee

Visit www.ciarbnab.com

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