

May 2024

Message from the Chair

David E. Sharp FCI Arb



Dear all,

Happy May Day. There is much to report, as follows:

The Second Annual Members' Retreat in San Diego was a huge success! Most importantly, everyone who attended seemed to have a great time. We played a "get acquainted" game at the opening cocktail party on Friday. On Saturday, we learned at a morning CLE and then many toured the U.S.S. Midway, an aircraft carrier that was once the world's largest. A Saturday evening cocktail hour and dinner took place across the street from the Midway, and a goodbye breakfast was held on Sunday morning. Special thanks are due to **Steve Cologne FCI Arb**, who did heavy lifting in San Diego, including but not limited to, both obtaining the hotel and obtaining the venue for the Saturday dinner and awards ceremony, manning the welcome table, passing out goodie bags, and making all the contractual and other arrangements for the use of space at the two hotels. **Chuck Dick FCI Arb** is also due special thanks for arranging a Saturday tour of the Midway, a highlight for all who were able to attend, and for being one of the CLE presenters. Further thanks to all the others who helped with planning, execution and/or CLE: **Ann Ryan Robertson C.Arb., FCI Arb**; **Cecilia Flores Rueda FCI Arb**; **John Garman FCI Arb**; **Murray Smith C.Arb., FCI Arb**; **Wendy Venoit FCI Arb**; **Laura Abrahamson FCI Arb**; **Jeffery Daar FCI Arb**; **Gary Benton C.Arb., FCI Arb**; **John Pinney FCI Arb**; **Janice Sperow FCI Arb**; and **Amb. (r.) David Huebner C.Arb., FCI Arb**. Finally, thank you to **Lisa Berry**, Steve Cologne's excellent assistant, who also helped to pull off the successful event.

Ann Ryan Robertson C.Arb., FCI Arb was awarded NAB's Fellow Emeritus Award at the Saturday night dinner. She richly deserved this award for distinguished service to NAB. NAB cannot thank her enough for all that she has done. And thank you to our Canadian colleague, **Murray Smith C.Arb., FCI Arb** (and, I believe, a former NAB Chair) who introduced Ann at the award ceremony and also educated us on Saturday morning with a CLE presentation.

John Pinney FCI Arb (course director), **David Brennan FCI Arb**, **Jim Reiman FCI Arb**, and I were privileged to be discussion leaders for the ARF in San Diego. We had 6 candidates and hope that we will have 6 new Fellows at the end of the process. **Cecilia Flores Rueda FCI Arb** was slated to join us until last minute business complications intervened. The virtual ARF, which will be presented solely by NAB, is starting tomorrow (May 2).

In addition, NAB has submitted its bid to host the CI Arb's Congress in 2025. Decisions about whether to hold the event in a Branch and, if so, which one, are expected to be made by CI Arb's Board of Trustees in June. NAB has emphasized that it is prepared to meet any timing that is

ultimately desired by the Trustees but has suggested April or May in Houston. CIARB's Headquarters sought bids for the first half of 2025. Thank you to the initial committee who, in addition to myself, are: **Julia Sullivan FCIARB** (Vice Chair/Membership), **Eugenie Rogers FCIARB** (Vice Chair/Communications and Chair of NAB's YMG), **Ann Ryan Robertson C.Arb., FCIARB**, **Felicia Harris Hoss FCIARB**, **Tom A. Cunningham FCIARB** (NAB Board Member), **Denise Peterson FCIARB** (Texas Chapter Co-Chair and NAB Board Member), **Lisa Powell FCIARB** (Texas Chapter Co-Chair), and **Cecilia Flores Rueda FCIARB** (my presumed successor as NAB Chair).

NAB is also pleased to welcome two new Board Members: **Harrie Samaras FCIARB** (of West Chester, Pennsylvania) and **Mauricio Gomm FCIARB** (of Miami, Florida). Join me in congratulating them.

Thank you to **Chip Rosenberg** for his service as Co-Chair of the Washington D.C. Chapter.

Finally, if you have a contact(s) that could assist with planning for, or locating a venue for, an ARF next year in Hawaii, please contact [me](#) or **John Pinney** by email. And let me, or any of the Board members or Chapter Chairs, know if there is anything that you think might improve NAB. We want to hear from you about any ideas to make membership in CIARB better.

Best,

David E. Sharp FCIARB
NAB Chair

RETREAT PHOTOS



U.S.S. Midway Tour



**Ann Ryan Robertson -
NAB Fellow Emeritus Award
presented by David E. Sharp**



San Diego Marina View



Saturday CLE - Murray Smith



Saturday CLE - Members



Saturday CLE - CalArb Group

Have you paid for 2024 CIARB dues?

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



Please note that membership renewals are no longer being processed via MyCIArb. The email for CIArb renewal this year is from a strange email address. You might check your junk folder and other e-mail for something from this address: From: Ciarb Service.Account2@r1.dotdigital-email.com

NAB Upcoming Events & Featured Programs

CIArb News

Accelerated Route to Fellowship Registration (Virtual)

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

NAB is organizing an Accelerated Route to Fellowship program to be conducted virtually across four half-days in May. This program begins **tomorrow**. If you are interested in participating, please contact [John Pinney FCIArb](#) as soon as possible to confirm if the program can accommodate any additional participants.

Agenda:

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

Join Today's Webinar

Climate Justice: Advisory Opinions Before International Courts & Tribunals

May 1, 2024 at 1:00pm Eastern time

Featuring **Viren Mascarenhas FCIArb**
Hosted by **Marcus Salvato Quintanilla FCIArb**

Within the domain of climate justice, advisory opinions sought by governments, NGOs, or international bodies play a pivotal role in elucidating legal intricacies surrounding climate change. These opinions, addressing critical issues such as the interpretation of environmental treaties and the protection of vulnerable communities, significantly influence the development of international law and policy responses to climate change. With his profound expertise in international arbitration and public international law, Mr. Mascarenhas will provide invaluable insights into navigating the legal



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

LET'S DISCUSS SERIES

[Let's Discuss AI Fundamentals in ADR](#)

May 9, 7am Eastern

TRAINING SERIES

[Learning Lab: Arbitrator Skills Development series](#)

six Wednesday workshops
from May 15 to June 19

AI & ADR: THEORY & PRACTICE SERIES

[Regulation of AI: Global trends](#)

June 13, 7am Eastern

ROEBUCK LECTURE 2024

[Access to Arbitral Justice for Local Communities, delivered by Professor \(Dr\) Emilia Onyema PhD, FCIArb](#)

June 26, 1:30-3pm Eastern
(online live stream)

complexities arising from climate change. With nearly two decades of experience, his counsel extends to advising governments and assisting companies in fulfilling their human rights obligations, thereby advancing climate justice.

AUDIOBOOK

[Resolving Disputes Today](#)

Membership News

Arbitration Highlight

Lionel M. Schooler FCIArb* ● Jackson Walker LLP

Our NAB Members' Retreat in San Diego was a great success. Thank you to all who planned and put on excellent programming and to those who traveled from across the U.S. and Mexico to attend. Special thanks to:

- **Steven J. Cologne FCIArb**, event organizer and local host
- **David E. Sharp FCIArb**, NAB Chair and leader of the Retreat
- **Cecilia Flores Rueda FCIArb** and **Ann Ryan Robertson, C.Arb, FCIArb**, who hosted a "Loteria"-style icebreaker
- **John B. Pinney FCIArb**, who addressed third-party discovery in arbitration
- **Gary L. Benton FCIArb**, **Laura Abrahamson FCIArb**, **Jeffery Daar FCIArb**, and **Charles H. Dick FCIArb**, who spoke to the group about CalArb, the Silicon Valley Arbitration & Mediation Center, and several of the latest developments and initiatives in the California arbitration community
- **Amb. (r.) David Huebner, C.Arb, FCIArb, CollArb**, who provided insights in his role as trustee for the Western Hemisphere on CIArb's global board of trustees
- **Murray L. Smith, K.C., C.Arb**, who addressed co-arbitrator conflicts and perceptions of bias internationally

We are also extremely appreciative of **Charles H. Dick FCIArb**'s efforts to arrange our group's guided tour of the U.S.S. Midway, which was a highlight of the weekend. Congratulations to **Ann Ryan Robertson C.Arb, FCIArb** (*pictured below*) who was honored with the NAB Fellow Emeritus Award for her outstanding and sustained service to the Branch:



Tremendous thanks to our Vice-Chair of Training, **John B. Pinney FCIArb**, for leading a successful

REVERSE

Equitable Estoppel in International Arbitration Disputes

In *Bufkin Enterprises LLC v. Indian Harbor Ins. Co. et al*, ____ F.4th ____, 2024 U.S. App. LEXIS 5176 (5th Cir. 2024), the United States Court of Appeals for the Fifth Circuit addressed a rare arbitration question: the extent to which equitable estoppel applies to compel parties to arbitrate disputes that include international parties. The Court determined that regardless of whether the insurance contracts at issue were separable from each other, arbitration could be compelled under the New York Convention because of equitable estoppel.

The Fifth Circuit's decision in *Bufkin* focuses upon the interstices of the New York Convention, and the significance of identifying interdependent conduct amongst defendants, even those no longer in the lawsuit. In so doing, within the context of the Convention, the Fifth Circuit has highlighted the importance of careful drafting of pleadings and of analyzing arbitrability beyond superficial alignment of the parties at the motion to compel stage.

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

[Read More](#)

Accelerated Route to Fellowship course in San Diego prior to the Retreat.

The ABA Early Dispute Resolution Committee is a recipient of the 2024 Outstanding Committee Award from the ABA Section of Dispute Resolution. Congratulations to EDR Committee Co-Chair **Felicia Harris Hoss FCIArb**, who attended the ABA Section of Dispute Resolution Spring Conference in San Diego and was among those who received this Award on behalf of the EDR Committee.

Dr. Herfried Wöss FCIArb spoke on the efficient Structuring of Supply Chain Contracts at the hybrid conference: European and German Supply Chain Legislation: Risks, Opportunities and Implications, on April 24.

Featured Members

This month's Featured Members are:

- **Fernando Alvarez-Perez FCIArb**
- **Dawn Yamane Hewett FCIArb**
- **Edward G. Lindsey FCIArb**
- **Eugenie Rogers FCIArb**
- **Mark Schroeder FCIArb**
- **Marieke Witkamp FCIArb**

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



Fernando Alvarez-Perez (Miami ■ Washington, D.C.)

Fernando Alvarez-Perez FCIArb graduated from the University of Chicago Law School in 2014. Since then, he has worked at major international arbitration practices, including Hogan Lovells and Bryan Cave. Fernando is the founding partner of Gateway Litigation, PLLC, an international dispute-resolution boutique. He is also a fiction writer.



Dawn Yamane Hewett (Washington, D.C. ■ Tokyo)

Dawn Yamane Hewett FCIArb, Partner at Quinn Emanuel, draws on decades of experience in international affairs and as a former Deputy General Counsel of the U.S. Department of Commerce to represent clients in international commercial and investor-state arbitration in a wide range of industries around the world. A Japanese, Spanish, and Portuguese speaker, she maintains a particular focus on Asia and Latin America. She serves on the Court of Arbitration for the Abu Dhabi International Arbitration Centre (arbitrateAD) and the Executive Committee of the Foundation for International Arbitration Advocacy (FIAA), and clerked on the U.S. Court of Appeals for the Ninth Circuit. A graduate of Yale Law School, Princeton University's School of Public and International Affairs, Trinity College Dublin, and the University of Washington and Fellow of the Chartered Institute of Arbitrators, Dawn guest lectures on international arbitration at universities around the world.



Edward G. Lindsey (Tulsa, Oklahoma)

Edward G. Lindsey FCIArb, licensed in 1992, is an attorney, mediator and arbitrator practicing in Tulsa. He is licensed to practice law in all Oklahoma state and federal courts, the Muscogee Creek Nation, the 10th Circuit United States Court of Appeals, and the United States Supreme Court. He is the founding director of The Oklahoma Arbitration Center which is a local arbitral institution providing alternative dispute resolution services in family, civil and international disputes.

Mr. Lindsey received his Juris Doctorate from the University of Tulsa College of Law in 1992 and an LLM in Alternative Dispute Resolution at the University of Aberdeen in Scotland in 2023. He became a Fellow of the Chartered Institute of Arbitrators in 2024.

Ed and his wife, Tara, reside in Tulsa and between them have four children.



Eugenie Rogers (Dallas, Texas)

Eugenie Rogers FCIArb is a partner in Baker McKenzie's Dallas office who handles primarily international disputes. She has substantial experience representing clients in complex cross-border disputes, including international commercial arbitration and business litigation, with particular emphasis on high-value cases centered in Europe and the Middle East, in the construction, engineering, transportation, and energy sectors. She is licensed in Texas and Florida.

Eugenie is a Fellow of the Chartered Institute of Arbitrators and serves as chair of the Young Members Group and Vice-Chair of Communications for its North America Branch. She also serves as a regional representative of the ICC's Young Arbitration & ADR Forum in North America. Eugenie has been recognized by Chambers as an Up and Coming Partner and by The Legal 500 as a Recommended Lawyer in International Arbitration, and she is particularly active in promoting diversity, equity, and inclusion initiatives for women in arbitration.



Mark Schroeder (Houston, Texas)

Mark Schroeder FCIArb is an independent arbitrator and mediator with 40 years experience supporting clients in various sectors of the energy industry including infrastructure development, construction, government affairs, and contracting across the value chain, predominantly in the hydrocarbons industry.

Prior to embarking upon a dispute resolution practice, he was EVP and General Counsel of a publicly-traded energy infrastructure partnership. In that role, including its predecessor, he provided legal support for 4 capital projects each in excess of \$500 million. He led company responses to customer and government audits, and government investigations.

From 1996 to 2001 he lived in London, England, leading a large energy company's public policy team in advocating for EU energy market liberalization. He has testified as an expert witness in energy industry disputes. Member of Louisiana Bar, a civil law jurisdiction. CPA (Inactive).



Marieke Witkamp (Houston, Texas)

Marieke Witkamp FCI Arb is an international arbitrator who has worked on 3 continents and has over 20 years of dispute resolution experience. She gained her dispute resolution experience as (i) a judge and arbitrator in the Netherlands, (ii) an arbitration attorney in Qatar with K&L Gates, (iii) a (foreign) lawyer at a boutique litigation firm in Houston, TX and (iv) in-house counsel in Qatar and the Netherlands.

Marieke recently joined ArbDB Chambers, a leading international chambers of third party neutrals, and will be practising as a full time independent arbitrator through them.

Marieke's areas of expertise are maritime, insurance, construction, energy law and post M&A disputes but she is comfortable with almost any contractual dispute that comes up.

Marieke is a hands-on arbitrator who takes her responsibility to start off a procedure in the best way possible and will take the necessary decisions to keep a procedure on track. She is frequently asked as tribunal chair as she is experienced in managing cases, leading hearings and writing fair and well-reasoned awards.

Member Engagement

Join the Senior Lawyers Group



CI Arb NAB is launching a new "Senior Lawyers Group" for CI Arb NAB Fellows who are looking to grow their arbitration practices. **Michael Diamant FCI Arb**, 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 first gathering is scheduled for **Thursday, May 2, at 4:00pm Eastern**, via Zoom. In addition to organizational issues, we will address the topic "*How to get that first appointment*".

If you are a CI Arb NAB Fellow and would like to participate in the Senior Lawyers Group, please contact [Julia Sullivan FCI Arb](#). If you are interested in the Senior Lawyers Group but you are not yet a Fellow, please consider attending our upcoming Advanced Route to Fellowship program, to be conducted virtually **May 2-3 and 9-10**.

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 FCI Arb](#) if you are interested in serving.

Reaching Across the Aisle: In-House Counsel Initiative

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

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.

information about free student memberships with those of your classmates who have not 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 **June 2024** newsletter by **May 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, FCIARB](#).

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 **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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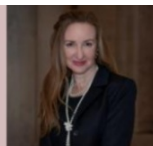
X

Instagram



Eugenie Rogers FCIARB
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

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