

August 2024

Message from the Chair

David E. Sharp FCI Arb



Dear Members,

I hope all are enjoying a great summer.

The next Members Retreat is being planned. Save the date and get ready for a great time in Mexico City on February 21-22, 2025. Having visited Mexico City before and during last year's ARF and ARM there, I can attest that there is much to enjoy there. And, having seen preliminary planning, I am sure that the Retreat will be a great event. Watch for full details and registration coming before too long.

We have two ARFs coming this Fall. It is not too early to encourage folks to register and to publicize these. Don't hesitate to call people that you think should consider taking one. The first is in-person in Atlanta on October 10-11. You can see the Registration and Brochure below or on [NAB's website](#). The second is virtual on November 7, 8, 14, and 15. Once again, find the registration and brochure below or on [our website](#).

If you are interested in the possibility of becoming the NAB historian, please [email me](#).

All the best,

David E. Sharp FCI Arb
NAB Chair



CI Arb NAB Annual Members' Retreat

Save the date for our Annual Members' Retreat, which will take place **February 21-22, 2025**, in beautiful **Mexico City!**

Join other CI Arb members for networking and educational programming. All CI Arb members are welcome, regardless of Branch.

NAB Upcoming Events & Featured Programs

CI Arb News

Register for August 7th Webinar

Third-Party Discovery in Arbitration
August 7, 2024 at 1:00pm Eastern

Featuring **John B. Pinney FCI Arb**
(*Bricker Graydon, Cincinnati*)

Join us for our upcoming NAB webinar in which John B. Pinney FCI Arb, Partner at Bricker Graydon, Cincinnati, will explore how parties in domestic and international arbitrations can obtain relevant evidence from U.S.-based third-parties for use in arbitral proceedings, whether seated in the United States or elsewhere.

Both domestic arbitrations involving interstate commerce and international arbitrations are generally governed by the Federal Arbitration Act (9 U.S.C. §1 et seq.) ("FAA"). Section 7 of the FAA governs the authority of arbitrators to compel testimony and production of documentary evidence by third-parties. However, Section 7 has been definitively interpreted to limit such authority to summon witnesses only before the arbitrators (or any of them) at a session of the arbitration hearing on the merits of the claims. Moreover, documentary evidence from the third-party may only be compelled in conjunction with a summons directed to a witness, where the summons directs the witness to "bring [the documents] with him." And finally, even though arbitral summons to a witness may be served anywhere in the U.S., they may only be enforced if the place of the hearing at which the witness is to appear is within 100 miles of the witness's residence, place of employment or where the witness regularly transacts business. Arbitral tribunals have no power under Section 7 of the FAA to compel a third-party, not under control of the party in the arbitration, to appear at a pre-hearing deposition or produce documentary evidence for discovery purposes.

John Pinney will discuss various workarounds that can be employed to enable parties and arbitral tribunals obtain important evidence. Don't miss out on this webinar filled with insightful tips!



CIArb has several on-demand training opportunities and resources that may be of interest, including:

ON-DEMAND OFFERINGS

[Webinar: How to Get Your First Appointment](#)

[available on-demand]

[Course: Principles of Project Management Applied to Arbitration](#)

[available on-demand]

[Course: A Guide to Arbitration Award Writing](#)

[available on-demand]

AUDIOBOOK

[Resolving Disputes Today](#)

Accelerated Route to Fellowship Registration (Atlanta)

**ACCELERATED ROUTE TO FELLOWSHIP
(INTERNATIONAL ARBITRATION)
October 10-11, 2024 • Atlanta, Georgia**

NAB is organizing an Accelerated Route to Fellowship ("ARF") program following the Atlanta International Arbitration Society's 13th Annual Conference.

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.

Discounts are available for current members of: Chartered Institute of Arbitrators; JAMS; ABA Section of Dispute Resolution; Atlanta International Arbitration Society (*including attendees at AtIAS 13th Annual Conference*); and CPR Institute (*corporate and law firm members and CPR Dispute Resolution panelists*).

Accelerated Route to Fellowship Registration (Virtual)

ACCELERATED ROUTE TO FELLOWSHIP (CONDUCTED VIRTUALLY) November 7-8 & 14-15, 2024

NAB is also organizing an ARF program to be conducted virtually via Zoom, across four half-days in November.

Agenda: (*all times Eastern*)

- Thursday, November 7 (10:00am - 3:30pm)
- Friday, November 8 (10:00am - 3:30pm)
- Thursday, November 14 (10:00am - 3:30pm)
- Friday, November 15 (10:00am - 3:30pm)

The course brochure for the virtual offering is available [here](#), and the registration link is above.

Register for September 25th Webinar

The Next Frontier in Arbitration: Cryptocurrency and Digital Assets September 25, 2024 at 1:00pm Eastern

Featuring **Ava Borrasso C.Arb**,
Katherine Smith Dedrick FCIArb, and
Josh Simmons FCIArb

The rapid rise of cryptocurrencies has presented many new issues and challenges in dispute resolution. Parties and arbitrators are confronting unprecedented questions regarding jurisdiction, market volatility, enforcement, and government regulation. Advances in technology also create new possibilities with smart contracts and arbitration. This webinar -- led by three authorities at the intersection of arbitration and cryptocurrency -- will delve into these novel questions and explain how arbitration can adapt to the evolving digital asset landscape.



The Atlanta International Arbitration Society (AtIAS) is hosting its Thirteenth Annual Conference on October 7-9, 2024, in Atlanta, Georgia. CI Arb NAB members are encouraged to attend. Register and stay tuned for further details on the conference program at the link [here](#).



International Bar Association
the global voice of the legal profession

The Young Members Group of the International Bar Association is holding a one-day training session in Mexico City on September 20, 2024, immediately following the IBA Annual Meeting. It looks like a great program for young professionals! More information is available [here](#).



Association of International
Energy Negotiators



INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®



**Dispute Resolution in the
International Energy Business**

CI Arb is a cooperating entity of the upcoming **AIEN/ICDR Dispute Resolution in the**

International Energy Business Conference taking place in Houston, Texas, on October 14-15, 2024. CIArb members can register at the same rate as AIEN members and AAA/ICDR arbitrators, using discount code **Ciarb24DR**. More information on the Conference and a link to register are available [here](#).

Membership News

Arbitration Highlight

Lionel M. Schooler FCIArb* ● Jackson Walker LLP

Congratulations to **Wolf von Kumberg FCIArb**, who has been appointed to the ICSID Panel of Conciliators.

Cecilia Flores Rueda FCIArb (NAB Board Member and presumptive incoming Chair) and **Sarah Reynolds FCIArb** have been appointed as delegates to the ICC Commission on Arbitration and ADR. **David Wilson FCIArb** (Rocky Mountain Chapter Chair) has served as a delegate to the Commission since 2004 and will continue for another three years as well. Congratulations!

Jeffrey Daar FCIArb has joined the roster of arbitrators of the Vancouver International Arbitration Centre (VanIAC). Great news!

The book Negotiation Simplified, authored by **Jim Reiman FCIArb**, received two Independent Press Awards and the New York Big Book Award at an awards ceremony on June 24.

Thank you to **Matthew Secomb** and **Clemency Wang** for presenting a webinar on 'Logical Limits of Validation Principle' on July 10. Special thanks as well to **Harshitha Ram FCIArb** for moderating the session and to our Vice-Chair (Programs) **Reena Soni FCIArb** for organizing.

Faculty for the October ARF that NAB is organizing in Atlanta include: **Katherine Smith Dedrick FCIArb**, **Cecilia Flores Rueda FCIArb**, **Mauricio Gomm Santos FCIArb**, **Shelby Grubbs FCIArb**, **Glenn Hendrix FCIArb**, **Jeff Senger FCIArb**, and ARF Program Director **John B. Pinney FCIArb**. Thank you all for volunteering your time and expertise to those looking to further their training in dispute resolution through CIArb.

Following his relocation from New York to Michigan, NAB welcomes **Travis Gonyou MCIArb** (Vice Chair, CIArb YMG Global Steering Committee) to the North America Branch.



Not In My Backyard

In *WeBuild USA v. WSP USA*, ___ F.4th ___, 2024 WL 3463380 (2d Cir. 2024), the United States Court of Appeals for the Second Circuit addressed the issue of the authority of a United States District Court to address a discovery request available to a party under 28 U.S.C. §1782 that is participating in an ICSID arbitration. Applying the U.S. Supreme Court's 2022 decision in *ZF Automotive v. Luxshare, Ltd.*, the Court held that such discovery was barred.

The Second Circuit's decision in this latest case reinforces the inviolability of the cordon protecting U.S. District Courts from becoming enmeshed in international arbitrations, sending the clear message that such disputes will not be welcome in "our backyard."

*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 sharing his articles with our membership and posting these resources on our LinkedIn page, including most recently:

- [Cross-Cultural Awareness - International Arbitration](#)

- [Singapore Convention In A Nutshell](#)
- [Cross-Examination in International Arbitrations](#)
- [Bifurcation Guidelines for International Arbitrators](#)
- [Elitism & International Arbitration](#)

Thank you to **Barry Leon FCIArb** (with additional insights from counsel at Hogan Lovells and Reed Smith) for sharing [comments](#) on a recent ruling by the Abu Dhabi Court of Appeal, confirming that DIFC-LCIA arbitration agreements remain enforceable and capable of administration by the DIAC.

Thank you to **Antonio Amusategui Batalla MCIArb** (CIArb European Branch Board Member) for posting resources on '[Leveraging ADR for Effective Dispute Resolution](#)' on our LinkedIn page.

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:

- **Thomas O. Crist**
- **Greg David Derin**
- **Michael H. Diamant**
- **Jorge Escalona Gálvez**
- **Wolf von Kumberg**
- **Elijah Paul Rukidi-Mpuuga**
- **Jo Colbert Stanley**

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

Thomas O. Crist (Cleveland, Ohio)

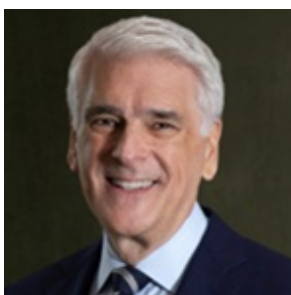
Tom Crist FCIArb is an international arbitration and disputes specialist headquartered in the United States and the UAE. He is admitted to practice in all courts in Ohio, Texas, New York, North Carolina, the District of Columbia, the U.S. Supreme Court, the U.S. Court of International Trade, among others, and is a



registered Legal Consultant in the UAE.

He has spent most of his career as a trusted advisor, problem solver, and advocacy partner at an Am Law 150 firm. Tom leads several Benesch specialty practices globally. The overlapping groups share an emphasis on innovation and delivery of essential services to established and developing locales, including those in the infrastructure, energy, chemical, natural resources, transportation, healthcare, federal contracting, and manufacturing sectors.

Tom is a Fellow of the Chartered Institute of Arbitrators (UK) and acts as counsel or neutral on matters administered by the American Arbitration Association (“AAA”), The Dubai International Arbitration Center (“DIAC”), International Chamber of Commerce (“ICC”), the London Court of International Arbitration (“LCIA”), ad hoc and “Baseball” arbitrations and those held under the arbitration rules of the United Nations, Commission on International Trade Law (“UNCITRAL”). Tom is the Great Lakes Regional Director and a founding member of the Society of Construction Law’s North American Chapter, an engineering-centric international society of construction professionals headquartered in the UK. He is a Chapter Chair and board member of the CIARB’s North American Chapter, sits on the Peer Review Committee, and is a member of its board of directors.



Greg David Derin (Los Angeles, California)

Greg Derin FCIArb brings 45 years in the legal industry to his mediation and arbitration practice. Since 2002, he has helped resolve more than a thousand matters, concentrating on complex business disputes, including contract, fraud, entertainment, intellectual property (copyright, trademark, patent, idea submission), trade secret, right of publicity, unfair business practices, employment, class actions, partnership, real estate, and legal malpractice disputes.

Greg is a Distinguished Fellow of the International Academy of Mediators, a Fellow of the Chartered Institute of Arbitrators (Past Chair, So. Cal Chapter, NAB), a member of the National Academy of Distinguished Neutrals, and the arbitration panels of the American Arbitration Association, the WIPO, and the ICC.

Greg has been recognized as an ADR SuperLawyer each year since 2006, a Best Lawyer for mediation and arbitration since 2021, and a USA Commercial Mediation Thought Leader.



Michael H. Diamant (Shaker Heights, OH • Wellfleet, MA)

Michael H. Diamant FCIArb was a career litigator trying cases before courts around the country including the U.S. Supreme Court. In addition, he has served as an arbitrator and mediator for forty five years, hearing and resolving complex technology and business disputes. He is on the Large Complex Commercial Case and Technology Panels of the American Arbitration Association and the International Centre for Dispute Resolution, and the Panel of Distinguished Neutrals of the International Institute for Conflict Prevention & Resolution. He is a Fellow of the Chartered Institute of Arbitrators and the College of Commercial Arbitrators and an Appointee to the Tech List and Executive Committee of the Silicon Valley Arbitration and Mediation Center. He received a B.S. in Engineering, with high honors, from Case Western Reserve University and a J.D. *cum laude* from Harvard Law



Jorge Escalona Gálvez (Mexico City, Mexico)

Jorge Escalona Gálvez FCIArb is junior legal counsel at the Legal Office for International Trade at the Secretariat of Economy (Mexico), assisting the United Mexican States in its investment arbitration proceedings administered before ICSID.

He is a law graduate from Universidad Panamericana (UP). He has furthered his knowledge by successfully completing diplomas in ADR, Public International Law, International Commercial Arbitration, and Investor-State Dispute Settlement from esteemed institutions such as the CIArb, Queen Mary University, Washington College of Law, University of Aberdeen, British Institute of International and Comparative Law, and King's College London.

His background includes working for Mexican firms as Von Wobeser y Sierra, Malpica, Iturbe, Buj y Paredes, and Alvarado Moreno Abogados in energy, litigation, and arbitration practices. He is a Fellow of CIArb and a member of its Young Global Steering Committee. He contributes to Paris Baby Arbitration.



Wolf von Kumberg (Washington, D.C. • London • Abu Dhabi)

Wolf von Kumberg FCIArb is a leading internationally recognized independent arbitrator and mediator. He has over 30 years of experience in complex commercial disputes within international business with a particular focus on Aerospace, Maritime, Aviation, Technology, Cyber, Engineering/Infrastructure, Energy, Oil & Gas and Investor-State dispute resolution. Prior to establishing his ADR practice with Arbitra, he served as Legal Director and Assistant General Counsel International to Northrop Grumman Corporation. In this role, Wolf worked with governments and state agencies dealing

with trade, security, regulatory and investment matters, and was responsible for international dispute management. He is well-versed in civil as well as common law. He has worked with leading ADR institutions to develop appropriate process design mechanisms for highly complex disputes. He served 5 years as the Chair of the Board of Management at the CIArb.



Elijah Paul Rukidi-Mpuuga (Los Angeles, California)

Elijah Paul Rukidi-Mpuuga FCIArb has a combined experience spanning two decades in complex litigation and trade, investment, construction, financial/securities arbitration in both common and civil law jurisdictions. He is an independent neutral in international commercial disputes and a Public Arbitrator with FINRA. He earned his law degrees (graduate and postgraduate) from Uganda and is currently pursuing further studies in the US and Europe. He is an international panelist with a couple of international arbitration centers, a member of the ABA,

California Arbitration – CalArb, California Lawyers Association – CLA, Moot Alumni Association – MAA of the Vis Moot and Vis East Moot as an Arbitrator. He has represented MA and NYIAC as an observer to several UNCITRAL Commission Working Groups sessions in pursuit of modulating and advancing global trade and investment dispute resolutions.



Jo Colbert Stanley (Fort Lauderdale, Florida)

Jo Colbert Stanley FCI Arb is a Fellow of the Chartered Institute of Arbitrators and holds a Diploma in International Maritime Arbitration from CI Arb. She is a panelist with the American Arbitration Association, a certified International Yacht Arbitration Council arbitrator, and a chair-qualified arbitrator with FINRA. Jo is a proud Associate (Class of 2023-2025) of the College of Commercial Arbitrators. As the current national Chair of the Federal Bar Association ADR Section, Jo leads ADR initiatives to foster diversity and ethical practices. Pursuing a PhD in Conflict Analysis and Resolution, Jo blends her extensive neutral qualifications with academic rigor. She is also actively involved in the maritime community, serving as Secretary on the Yachting Committee of the Women's International Shipping and Trading Association (WISTA).

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.

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

Reaching Across the Aisle: In-House Counsel Initiative

Please join us as CI Arb 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 FCI Arb](#) will be heading this initiative. Please contact her if you would like to participate.

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](#).

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 **September 2024** newsletter by **August 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.

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(NAB members only)

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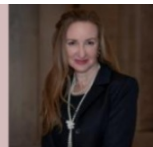
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Instagram



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

Visit www.ciarbnab.com

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