

# JEAN E. KALICKI, INDEPENDENT ARBITRATOR

Jean Kalicki is an independent arbitrator in New York and Washington, DC, specializing in investor-State, international and complex commercial disputes.

Until April 2016, she was a Partner at Arnold & Porter LLP, serving as counsel in high-stakes international disputes. Over more than 25 years, she has conducted arbitrations involving six continents, across a wide range of industries and disputed issues, addressing issues of public international law and the laws of dozens of different countries.

Ms. Kalicki is a Vice President of the London Court of International Arbitration (LCIA) and a member of the American Arbitration Association (AAA) Council and previously its Board of Directors, the International Chamber of Commerce (ICC) Commission on Arbitration and the Board of Directors of SICANA, Inc. (ICC North America), and the Governing Board of the International Council for Commercial Arbitration (ICCA). She is listed on the Panel of Arbitrators of the International Centre for Settlement of In-



vestment Disputes (ICSID) and many other institutions. She is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and the College of Commercial Arbitrators (CCA) and taught arbitration and advocacy for many years at Georgetown University Law Center and American University Washington College of Law.

Ms. Kalicki was selected as *Global Arbitration Review's* 2017 “Best Prepared/Most Responsive Arbitrator,” and one of *Law360's* 2016 “Five Most Influential Female International Arbitrators.” She is among *Chambers' Band 1* (“Most In-Demand”) Arbitra-

tors for Global, USA and Public International Law (2017-2018), and *Best Lawyers' “Lawyer of the Year”* for International Arbitration-Governmental in New York (2017 and 2019) and Washington DC (2016).

Additional information about her education and background, experience as arbitrator and counsel, rankings and recognition, professional activities, and publications and presentations appears below.

## EMPLOYMENT AND EDUCATION

Before beginning a new chapter as independent arbitrator in April 2016, Jean Kalicki worked for 17 years at Arnold & Porter LLP in Washington, DC and New York, first as Counsel (1999-2007) and then Partner (2008-March 2016). From 1991-1998, she was an associate with Cleary, Gottlieb, Steen & Hamilton in New York and Washington, DC. From 1989-1990, she served as law clerk for the Honorable Pierre N. Leval, then of the U.S. District Court for the Southern District of New York.

Ms. Kalicki was an Adjunct Professor at Georgetown University Law Center from 2005-2017 and American University Washington College of Law from 2006-2017.

She graduated *summa cum laude* from Harvard College in 1986, concentrating in International Relations and Comparative Government, and *magna cum laude* from Harvard Law School in 1989, serving as an editor of the *Harvard Law Review*.

## EXPERIENCE AS ARBITRATOR

Ms. Kalicki has served as Chair, sole arbitrator and co-arbitrator in investment and commercial cases under the rules of ICSID, the Permanent Court of Arbitration (PCA), ICC, AAA and International Centre for Dispute Resolution (ICDR), LCIA, Singapore International Arbitration Centre (SIAC), Hong Kong International Arbitration Centre (HKIAC), Stockholm Chamber of Commerce (SCC), British Columbia International Commercial Arbitration Centre (BCICAC), Abu Dhabi Commercial Conciliation and Arbitration Centre (ADCCAC) and JAMS International, as well as under the UNCITRAL Rules and the Rules of the CPR Institute for Dispute Resolution. Ms. Kalicki has also served as appointing authority at the PCA's request.

Her work has involved areas as diverse as international investment law, joint ventures and share purchases, State contracts and regulation, distribution and sales, procure-

ment, franchises and licensing, and industries as diverse as energy (electricity, oil, gas, solar and wind), telecommunications, aviation, banking and finance, shipping and maritime, mining, construction and infrastructure development, securities and commodities, agriculture and food products, manufacturing, pesticides, cosmetics, pharmaceutical, hotels and hospitality, and medical and scientific technology.

Ms. Kalicki is listed on the arbitrator panels of ICSID, AAA/ICDR (Commercial, International, Large Complex Case and Energy lists), ICC, LCIA, CIETAC, and the Bogota, BVI, Hong Kong, Korea, Kuala Lumpur, Saudi Arabia and Singapore arbitration centres (CAC, BVIIAC, HKIAC, KCAB, KLRCA, SCCA and SIAC); the CPR Roster of Distinguished Neutrals; and the Institute for Energy Law's Energy Arbitrators' List. She is a Fellow of the Chartered Institute of Arbitrators and the CCA.

## RANKINGS AND RECOGNITION

Jean Kalicki is widely recognized for her leadership in international arbitration. She was named *Global Arbitration Review's* "Best Prepared/Most Responsive Arbitrator" for 2017; one of *Law360's* "Five Most Influential Female International Arbitrators" in 2016; among *Chambers' Band 1* ("Most In-Demand") Arbitrators (Global, USA and Public International Law, 2017-2018); *Best Lawyers' "Lawyer of the Year"* for International Arbitration-Governmental in both New York (2017 and 2019) and Washington DC (2016); and one of *Who's Who Legal's* "Thought Leaders" (2017-2018) and "Thought Leaders-Global Elite 2019." In 2018 she was named "Most Innovative Investment and Commercial Arbitrator – USA" by *Acquisition International*; between 2015-2016 she was also *Euro money's* Benchmark National Litigation Star for International Arbitration; *Corporate Livewire Award's* "Regional Arbitrator of the Year"; *Expert Guide's* "Best of the Best USA"; and one of *National Law Journal's* Alternative Dispute Resolution (ADR) Champions. In past years she was named one of *Euromoney's* top 30 commercial arbitration attorneys in the U. S. (2013), and among *Global Arbitration Review's* top 30 women in arbitration worldwide (2007).

Ms. Kalicki has been ranked annually since 2007 in various *Chambers* publications, which have described her variously as "a celebrated presence in the market" who is "very highly respected in both commercial and investment arbitrations" and is "absolutely first-rate, highly regarded and in-demand"; "super smart, very articulate and very sensible," with "tremendous energy" and "extremely well organized, efficient and professional"; as "a thorough, meticulous and highly motivated arbitrator" and a "very fair and very balanced" arbitrator who is "very focused on the detail"; and as "the complete package that one looks for in an arbitrator." *Who's Who Legal* noted in 2018 that peers describe Ms. Kalicki as an "absolutely top notch" arbitrator in both investment and commercial cases.

She also has been ranked regularly as a leader in the field by *International Who's Who of Business Lawyers*; *Legal 500 US*; *Washington, DC Super Lawyers*; *Best Lawyers in America* and *Best Lawyers' Women in Arbitration*; *Washingtonian Magazine*; and *Euromoney's Guide to the World's Leading Lawyers* and the *World's Leading Women in Business Law*.

## PROFESSIONAL ACTIVITIES

Ms. Kalicki is a Vice President of the LCIA Court, a member of the ICCA Governing Board and co-Chair of its Program Committee for Sydney 2018, a member of the ICC Commission on Arbitration and the Board of Directors of SICANA, Inc. (ICC North America), and a member of the AAA Council (International Advisory and Arbitrator Committees) and formerly its Board of Directors.

Ms. Kalicki serves on the Editorial Boards of *Global Arbitration Review* and the *ICSID Review*, and as an Associate Editor of *Transnational Dispute Management*. She is a member of the Executive Committee of the Institute for Transnational Arbitration (ITA).

For more than a decade, Ms. Kalicki served as Chair of the DC Bar's International Dispute Resolution Committee. She previously served as Chair of the Chartered Institute's Washington, D.C. Chapter and as Chair of the USCIB's Arbitration Subcommittee for Washington, DC.

From 2005-2017, Ms. Kalicki was an Adjunct Professor of Law at Georgetown University Law Center, and from 2006-2017 she also taught as a Professorial Lecturer (Adjunct Faculty) at American University Washington College of Law's Summer Program on International Arbitration.

She has served on numerous task forces, working groups and committees. This includes the ICCA-ASIL Joint Task Force on Issue Conflicts in Investor-State Arbitration, the IBA Subcommittee on Investment Arbitration, the ICC Task Force on Reducing Time and Costs in Complex Arbitration, the ICC Task Force on National Rules of Procedure for Recognition and Enforcement of Foreign Arbitral Awards, the ICC Task Force on Emergency Arbitrator Proceedings, and the Energy Charter Secretariat's Legal Advisory Task Force. She is a past member of the Steering Committee of the English-American Litigation Forum.

Ms. Kalicki is a member of the International Arbitration Club of New York and the New York International Arbitration Center; of the London International Arbitration Club and the Investment Treaty Forum of the British Institute of International and Comparative Law (BIICL); and of the International Arbitration Institute of Paris. She was a Founding Member of ArbitralWomen Association.

She is admitted to practice law before the courts of New York and Washington, DC, and is a member in good standing of the American Bar Association, New York State Bar Association, the District of Columbia Bar Association, the Bar Association of the City of New York, and the International Bar Association.

## ARBITRATOR APPOINTMENTS

Ms. Kalicki has served as Chair, sole arbitrator and co-arbitrator in a wide range of investor-State and commercial cases, the latter in both international and complex U.S. disputes. A list of her arbitrator appointments in these categories appears below.

### Investor-State Cases

- Co-arbitrator in an ICSID dispute involving a tunnel construction project, *Cem Selçuk Ersoy v. Republic of Azerbaijan*, ICSID Case No. ARB/18/6 (appointed by the Respondent)
- President of the Tribunal in an ICSID dispute involving media sector investments, *Cascade Investments NV v. Republic of Turkey*, ICSID Case No. ARB/18/4 (appointed by the co-arbitrators)
- Co-arbitrator in an ICSID dispute involving an electric power generation project, *Samsung Engineering Co., Ltd. v. Kingdom of Saudi Arabia*, ICSID Case No. ARB/17/43 (appointed by the Respondent)
- President of the Tribunal in an ICSID dispute involving the banking sector, *Addiko Bank AG and Addiko Bank d.d. v. Republic of Croatia*, ICSID Case No. ARB/17/37 (appointed by the Chairman of the ICSID Administrative Council)
- Co-arbitrator in an ICSID dispute involving an oil refinery, *Puma Energy PNG Supply Ltd and Puma Energy PNG Refining Limited v. Independent State of Papua New Guinea*, ICSID Case No. ARB/17/26 (appointed by the Respondent)
- President of the Tribunal in an UNCITRAL Rules dispute administered by the PCA, *Oleg Vladimirovich Deripaska (Russian Federation) v. The State of Montenegro*, PCA Case 2017-07 (appointed by the co-arbitrators)
- President of the Tribunal in an investment treaty dispute involving an Asian State, proceeding under the UNCITRAL Rules (appointed in 2017 by the PCA acting as appointing authority)
- Co-arbitrator in an investment treaty dispute involving a Gulf State, proceeding under the UNCITRAL Rules (appointed in 2017 by the PCA acting as appointing authority)
- Member of the Ad Hoc Committee in an ICSID annulment proceeding, *Churchill Mining Plc and Planet Mining Pty Ltd v Republic of Indonesia* (ICSID Case No. ARB/12/14 and 12/140) (appointed in 2017 by the Chairman of the ICSID Administrative Council)
- Co-arbitrator in an investment treaty dispute involving certain investments in Central Europe, proceeding under the UNCITRAL Rules (appointed by the Respondent in 2017)
- President of the Tribunal in an *ad hoc* arbitration proceeding under the ICSID Additional Facility Rules, *Sanum Investments Limited v. The Government of the Lao People's Democratic Republic*, ICSID Case No. ADHOC/17/1 (appointed by agreement of the Parties)
- President of the Tribunal in an ICSID dispute involving the gaming industry, *Lao Holdings N.V. v. Lao People's Democratic Republic*, ICSID Case No. ARB(AF)/16/2 (appointed by the Chair-

- man of the ICSID Administrative Council)
- Co-arbitrator in an ICSID dispute involving a mining concession, *Alhambra Resources Ltd. and Alhambra Coöperatief U.A. v. Republic of Kazakhstan*, ICSID Case No. ARB/16/12 (appointed by the Respondent)
  - President of the Tribunal in an ICSID dispute involving companies in several economic sectors, *Nova Group Investments, B.V. v. Romania*, ICSID Case No. ARB/16/19 (appointed by the Chairman of the ICSID Administrative Council)
  - Co-arbitrator in *Etrak Insaat ve Ticaret Anonim Sirketi v. The State of Libya*, an investment treaty dispute proceeding under the ICC Rules (appointed by the Respondent in 2016)
  - President of the Tribunal in an ICSID dispute involving the renewal energy sector, *Eskosol S.p.A. in liquidazione v. Italian Republic*, ICSID Case No. ARB/15/50 (appointed by agreement of the Parties)
  - Member of the Ad Hoc Committees in two parallel ICSID annulment proceedings, *Bernhard von Pezold and others v. Republic of Zimbabwe* (ICSID Case No. ARB/10/15) and *Border Timbers Limited and others v. Republic of Zimbabwe* (ICSID Case No. ARB/10/15) (appointed in 2015 by the Chairman of the ICSID Administrative Council)
  - President of the Tribunal in *Louis Dreyfus Armateurs SAS v. Republic of India*, PCA Case No. 2014-26, an UNCITRAL Rules dispute involving claims under the bilateral investment treaty between France and India (appointed by the co-arbitrators)
  - President of the Tribunal in an ICSID dispute involving petroleum exploration, development and production activities, *Tullow Uganda Operations Pty Ltd and Tullow Uganda Limited v. Republic of Uganda*, ICSID Case No. ARB/13/25 (appointed by agreement of the Parties)
  - Co-arbitrator in an ICSID dispute involving an investment agreement in the mining sector, *Carnegie Minerals (Gambia) Limited v. Republic of the Gambia*, ICSID Case No. ARB/09/19 (appointed by the ICSID Secretary-General)

## International Commercial Cases

- Chair in an UNCITRAL Rules case involving a services agreement with an international organization
- Co-arbitrator in an ICDR case involving an international supply contract
- Chair in an LCIA case involving indemnification and licensing issues arising out of a share sale agreement, related to operations in Europe and North Africa
- Co-arbitrator in an ICC case involving an energy supply agreement in Asia
- Chair of an UNCITRAL Rules case involving patent licensing issues for consumer electronics in Asia
- Co-arbitrator in several related ICC cases involving an international joint venture agreement for certain high-technology electronic components
- Co-arbitrator in an ICDR case involving aviation industry equipment
- Chair of an ICC tribunal in a case involving the sale of certain patent rights and interests
- Sole arbitrator in an ADCCAC case involving a construction project in the United Arab Emirates
- Chair of an ICC tribunal in several consolidated cases involving offshore drilling rigs in South America
- Co-arbitrator in an UNCITRAL case involving investment banking in Latin America
- Co-arbitrator in an ICC case involving a joint venture for software technology
- Chair of an ICDR tribunal in a case involving a patent license agreement for cellular technology
- Co-arbitrator in related ICC and SCC cases involving technology license issues
- Sole arbitrator in a HKIAC case involving clean energy issues in China
- Sole arbitrator in an UNCITRAL Rules case involving a distribution and marketing agreement for Australia and New Zealand
- Co-arbitrator in an ICDR case involving antitrust and other claims in the aviation equipment industry
- Co-arbitrator in an ICC case involving an international contract for design and delivery of industrial equipment.
- Co-arbitrator in an *ad hoc* case involving a contract for defense technology equipment and services in the Middle East
- Chair in a case involving a purchase and sale agreement in the mineral sector, involving parties in Canada, China and Latin America, under the BCICAC Rules
- Chair in an ICDR case involving provision of employment services at a US-run facility in Africa
- Co-arbitrator in an ICC case involving ownership and control of companies in Mexico
- Sole arbitrator in a SIAC case involving a shareholders' agreement related to companies operating in Australia and Singapore
- Sole arbitrator in a JAMS International case involving an international distributorship agreement for cosmetic products.
- Chair in an *ad hoc* case involving a loan agreement for certain Asian securities, governed by Bahamas law.
- Co-arbitrator in an ICDR case involving power generation facilities in the Philippines
- Co-arbitrator in an ICDR case involving a joint venture agreement between airlines

for provision of international passenger flights

- Chair in an ICDR case involving a distribution agreement for cosmetic products in Europe
- Co-arbitrator in an ICDR case involving loan agreements related to a publicly traded energy company in China
- Co-arbitrator in an ICC case involving an operating agreement for gas production facilities in South America
- Emergency Arbitrator to hear application for provisional relief in an ICDR dispute involving manufacturing and supply of an FDA-approved veterinary health product
- Chair in an ICDR dispute involving a consulting agreement related to development of mines in South America
- Co-arbitrator in an ICC dispute involving a wind power project in Latin America
- Sole arbitrator in an *ad hoc* case involving financial advisory services for a company operating in the United States and Asia
- Co-arbitrator in an ICDR case involving manufacture and supply of aircraft parts
- Chair in an ICDR dispute involving a merger and share exchange agreement related to investments in China
- Sole arbitrator in an ICDR dispute involving a licensing agreement for tourism and hospitality in the Middle East
- Sole arbitrator in an ICDR dispute involving international charter of a sea vessel and related maritime law issues
- Chair in an ICDR case involving the lease of property for oil and gas exploration

and drilling in the United States

- Chair in an ICDR dispute involving shipping of metals from South America
- Sole arbitrator in an ICDR dispute involving distribution agreements for medical equipment, involving the United States, Canada and the United Kingdom
- Sole arbitrator in an ICDR dispute involving service issues under a telecommunications interconnection agreement
- Sole arbitrator in a CPR case relating to a merger agreement involving international development and marketing of genomics technology
- Co-arbitrator in an ICC dispute involving a property sale agreement in Asia
- Co-arbitrator in an ICDR dispute related to securities investments managed by a US bank on behalf of a Latin American investor
- Co-arbitrator in an ICDR dispute related to the deaths of security contractors in Fallujah, Iraq
- Sole arbitrator in an ICDR dispute related to political risk insurance and alleged expropriation of banking investments in the Caucasus region of Eurasia
- Co-arbitrator in an ICDR dispute related to financing and financial advisory services for a company involved in oil and gas exploration and production services in central Asia/the Caspian region
- Sole arbitrator in an ICDR dispute related to the production and supply of solar energy equipment from China for use in Europe, the USA, and Canada



## Complex US Commercial Cases

- Chair in an AAA dispute involving the valuation of extensive energy assets in the United States.
- Co-arbitrator in a AAA case involving a contract for the provision of legal services.
- Chair in an AAA dispute involving aviation equipment sales in the United States
- Chair in a CPR case involving operation of a coal-fired power plant in the United States
- Chair in a AAA dispute involving FIFRA data compensation claims for scientific studies related to the registration of pesticides in the United States
- Sole arbitrator in an AAA dispute involving procurement agreements for agricultural commodities
- Co-arbitrator in an AAA dispute involving production and sale of large-scale renewable energy equipment
- Co-arbitrator in an AAA dispute involving sales commissions related to jewelry and diamond trading
- Co-arbitrator in a AAA dispute involving alleged breach of a technology license agreement
- Sole arbitrator in several AAA disputes related to franchise agreements in the hospitality industry
- Sole arbitrator in a AAA dispute related to construction of residential property in the United States
- Sole arbitrator in a AAA dispute related to alleged breach of a contract for event planning services
- Chair and co-arbitrator in several National Association of Securities Dealers (NASD) disputes related to securities investments in the United States

## PRIOR EXPERIENCE AS COUNSEL

Ms. Kalicki served as counsel in international arbitrations for more than 25 years, prior to her 2016 transition to full-time independent arbitrator work. A list of her major cases as counsel, in investor-State arbitration and international commercial arbitration, appears below.

### Investor-State Arbitration

- Lead counsel to the Republic of Korea in *LSF-KEB Holdings SCA and others v. Republic of Korea* (ICSID Case No. ARB/12/37), involving claims of more than \$4 billion, brought by entities affiliated with the Lone Star Funds, related to certain bank regulation and tax matters
- Lead counsel to Hungary in *Emmis International Holding et al. v. Republic of Hungary* (ICSID Case No. ARB/12/2), involving a tender for radio communications licenses
- One of two lead counsel representing a U.S. investor in *Abitibi-Bowater, Inc. v. Government of Canada* (ICSID Case No. UNCT/10/1), a NAFTA arbitration under the UNCITRAL Rules, relating to expropriation of pulp mill, hydroelectric and forestry assets in the Province of Newfoundland and Labrador
- Lead counsel to Hungary in *Accession Mezzanine Capital et al. v. Republic of Hungary* (ICSID Case No. ARB/12/3), relating to tenders for radio communications licenses
- One of two lead counsel representing Greek and Austrian investors in *Club Hotel Loutraki S.A. and Casinos Austria International Holding GmbH v. Republic of Serbia* (ICSID Case No. ARB/11/4), involving a license agreement for casino operations in Belgrade
- Lead counsel to Hungary in *Electrabel S.A. v. Republic of Hungary* (ICSID Case No. ARB/07/19), an Energy Charter Treaty dispute arising from electricity sector restructuring to comply with State aid concerns in the wake of Hungary's accession to the European Union
- Served as part of a team representing a U.S. investor in *Mercer International, Inc. v. Canada* (ICSID Case No. ARB(AF)/12/3), a NAFTA arbitration relating to regulation of pulp mill investments in British Columbia
- Lead counsel to Hungary in *AES Summit Generation Limited v. Republic of Hungary* (ICSID Case No. ARB/07/22), an Energy Charter Treaty dispute arising from changes in energy price regulation following Hungary's accession to the European Union
- Served as part of a team representing the Slovak Republic in *U.S. Steel Global Holdings I B.V. v. The Slovak Republic* (PCA Case No. 2013-6), an UNCITRAL case relating to electricity tariff measures
- Served as part of a team representing a French investor in *Electricite de France (EDF) International S.A. v. Argentina* (ICSID Case No. ARB/03/23), relating to an investment in the electricity distribution sector in the Province of Mendoza
- Served as part of a team representing the Kyrgyz Republic in *CEH v. Kyrgyz Republic* (ICSID Case No. ARB(AF)/13/01), involving a joint venture for the development of gold deposits
- Served as part of a team representing the Republic of Chile in annulment proceedings in *Pey Casado v. Republic of Chile* (ICSID Case No. ARB/98/2), related to

alleged denial of justice and discrimination in connection with Chilean administrative proceedings related to compensation for a 1970s-era expropriation

- Served as part of a team representing the Republic of Panamá in *Nations Energy Co. v. Republic of Panama* (ICSID Case No. ARB/06/19), involving the transferability of certain Panamanian tax credits for investment
- One of two lead counsel representing an Italian investor in *Hussein Nuaman Soufraki v. United Arab Emirates* (ICSID Case No. ARB/02/7), an annulment proceeding arising out of port redevelopment in the United Arab Emirates, in a case involving determination of investor nationality under international law
- One of two lead counsel representing Hungary in *Telenor Mobile Communica-*

*tions A.S. v. Republic of Hungary* (ICSID Case No. ARB/04/15), involving telecommunications regulations during Hungary's transition to EU membership

- One of two lead counsel representing a Chilean investor in *Industria Nacional de Alimentos S.A. (Empresas Lucchetti S.A.) v. Republic of Peru* (ICSID Case No. ARB/03/04), an annulment proceeding involving application of an investment treaty to the revocation of a factory operating license in Peru
- Served as part of a team representing the Republic of El Salvador in *Inceysa Valisoletana S.L. v. Republic of El Salvador* (ICSID Case No. ARB/03/26), involving a State contract for motor vehicle inspection services

## **International Commercial Arbitration:**

- Represented a major Turkish company in an ICC arbitration involving a sale of banking interests to a Dutch buyer
- Represented a US contractor in an LCIA arbitration involving a supply contract in Afghanistan
- Represented a US manufacturer of sophisticated scientific equipment, in an ICC arbitration against its former French distributor
- Represented a Saudi Arabian glass manufacturer in two ICC arbitrations in London under English law, arising out of contracts with a Swiss engineering company for the delivery of turnkey manufacturing facilities to Saudi Arabia and the United Arab Emirates-
- Represented a major international telecommunications company in an ICC arbitration in London, under Russian law, arising out of a failed contract to supply customized software and equipment to a Russian company
- Represented a French pharmaceutical company in an *ad hoc* arbitration against a major US pharmaceutical company regarding their respective rights to a blockbuster new product under prior licensing agreements
- Represented Russia's largest fishing fleet in an ICDR arbitration against its Canadian joint venture partner
- Represented a U.S. oil refining company in a contemplated arbitration against its joint venture partner, a government in the Middle East
- Represented the United Nations in an ICDR arbitration brought by the German supplier of peacekeeping troops in Bosnia and Mozambique
- Represented a Brazilian mining company in an ICC arbitration brought by its Japanese joint venture partners
- Represented a U.S. commodities trading company in an ICDR arbitration against the Chinese Ministry of Minerals and Metals

## PUBLICATIONS AND PRESENTATIONS

Ms. Kalicki is co-editor of **RESHAPING THE INVESTOR-STATE DISPUTE SETTLEMENT SYSTEM: JOURNEYS FOR THE 21<sup>ST</sup> CENTURY** (Brill Nijhoff and TDM-OGEMID 2015), and a frequent writer and speaker on arbitration topics. Her other publications are listed below, followed by her speeches and panel presentations.

### Articles, Chapters and Blog Posts

- “What are the Appropriate Remedies for Findings of Illegality in Investment Arbitration?”, in *INTERNATIONAL ARBITRATION AND THE RULE OF LAW: CONTRIBUTION AND CONFORMITY*, ICCA Congress Series no. 19 (Wolters Kluwer 2017)
- “ICSID Annulment Procedure – Review of Practice and Experience,” *Transnational Dispute Management* (TDM, ISSN 875-4120), November 2016
- “Legality of Investment,” in *BUILDING INTERNATIONAL INVESTMENT LAW: THE FIRST 50 YEARS OF ICSID* (Wolters Kluwer 2016) (co-author)
- “Reform of Investor-State Dispute Settlement: In Search of a Roadmap,” *Transnational Dispute Management* Special Issue, vol. 11, issue 1 (2014) (co-editor)
- “Mediation of Investor-State Disputes: Revisiting the Prospects,” *Kluwer Law International*, June 14, 2013 (co-author)
- “Counterclaims by States in Investment Arbitration,” *Investment Treaty News*, January 2013 (co-author)
- “The Prospects for Amicus Submissions, Outside the ICSID Rules,” *Kluwer Law International*, September 14, 2012
- “*Spyridon Roussalis v Romania*,” 27 *ICSID Review F.I.L.J.* (2012) (co-author)
- “Social Media and Arbitration Conflicts of Interest: A Challenge for the 21<sup>st</sup> Century,” *Kluwer Law International*, April 23, 2012 (co-author)
- “Third-Party Funding in Arbitration: Innovation and Limits in Self Regulation,” *Kluwer Law International*, March 13-14, 2012 (co-author)
- “The Unavoidability of Uncertainty: One Lesson from the Recent U.S. Court Ruling in *Argentina v. BG Group*,” *Kluwer Law International*, January 27, 2012 (co-author)
- “Can States Assert Counterclaims Against Investors in BIT Proceedings?” *Kluwer Law International*, January 16, 2012 (co-author)
- Reflections on the LCIA Arbitrator Challenge Digests,” *Kluwer Law International*, December 12, 2011 (co-author)
- “Controlling Time and Costs in Arbitration: A Progress Report,” *Kluwer Law International*, November 21-22, 2011
- “International Investment Arbitration: Can Korean Companies Make Use of It?” *International Trade Law* (Ministry of Justice, Republic of Korea), vol. 100 (2011) (co-author)
- “The Settlement of Disputes Between the Public Administration and Private Companies by Arbitration under Brazilian Law,” *Journal of International Arbitration* (August 2009) (co-author)
- “Arbitration Clauses in International Agreements: Why and How?” American Health Lawyers’ Association, *Business Law and Governance Practice Group Member Briefing* (May 2009) (co-author)

- “Investment Arbitration in Brazil: Revisiting Brazil's Traditional Reluctance Towards ICSID, BITs and Investor-State Arbitration” 24 *Arbitration International* 423 (2008) and *Revista de Arbitragem e Mediação (Arbitration and Mediation Law Review)* (Vol. 4, No. 14, July-Sept. 2007) (co-author)
- “Lis Pendens in International Arbitration” 16 *Revista de Arbitragem e Mediação* 197 (*Arbitration and Mediation Law Review*) (2008)
- “Fair, Equitable and Ambiguous: What is Fair and Equitable Treatment in International Investment Law?” 22 *ICSID Rev.-Foreign Investment Law Journal* 24 (2007) (co-author)
- “ICSID Arbitration in the Americas,” *Arbitration Review of the Americas* (2007)
- “Security for Costs in International Arbitration,” *International Chamber of Commerce Members' Handbook*; UK Edition (Spring 2005)
- “Arbitrating with Sovereigns and State-Owned Entities,” *The International Chamber of Commerce Members' Handbook*; UK Edition (Spring 2004)
- “U.S. Discovery for the Japanese Practitioner: Protecting Proprietary Information,” 24 *Journal of the Japanese Institute of International Business Law* 71 (1996) (co-author)
- “Doing Business with the Soviets: the Sources of Policy Divergence Within the Atlantic Alliance,” *PRESENT AT THE CREATION: THE FORTIETH ANNIVERSARY OF THE MARSHALL PLAN* (New York: Harper Row: 1990)
- “Foreign Policy by Indictment: Using Legal Tools Against Foreign Officials Involved in Drug Trafficking,” 8 *Criminal Justice Ethics* 3 (Summer/Fall 1989)
- “Case Comment, National Security and Preclusion of Judicial Review: Webster v. Doe” 102 *Harvard Law Review* 330 (1988)

## Speeches and Panel Presentations

- Keynote Commentator, “Coordination or Chaos,” Institute for Transnational Arbitration Workshop on “Multiple Proceedings, Multiple Parties, and International Arbitration,” Dallas (June 18, 2018)
- Preliminary Conference Simulation, Columbia University-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration, New York (June 6, 2018)
- Introduction to Programme, “Evolution and Adaptation: The Future of International Arbitration,” ICCA Congress, Sydney (April 16, 2018)
- “Evidence in International Commercial Arbitration,” Harvard Law School Conference on Global Voices in International Arbitration, Cambridge, MA (March 24, 2018)
- “Global Currents in International Trade and Investment Agreements,” Centre for International Law of the National University of Singapore, Singapore (November 2, 2017)
- “Tribunal’s Point of View,” Singapore International Arbitration Academy, Singapore (October 31, 2017)
- “Government Officials/Engaging with External Counsel,” Singapore International Arbitration Academy, Singapore (October 31, 2017)
- “Dissection of a Case: *Electrabel v. Hungary*,” Singapore International Arbitration Academy, Singapore (October 30, 2017)
- “Privilege and International Arbitration – Cross-Border Clarity or Confusion in Law and Practice”, College of Commercial Arbitrators’ 17<sup>th</sup> Annual Meeting, Minneapolis (October 13, 2017)
- “Is Arbitration Insufficiently Predictable?” GAR Live NY, New York (Sept. 12, 2017)
- “Legitimacy of the Process,” Institute for Transnational Arbitration, Dallas (June 15, 2017)
- “Beyond Text: How Arbitrators Apply ‘General Principles of Law to International Disputes,” American University Washington College of Law, Washington, DC (May 31, 2017)
- “Ten Tips on Effective Advocacy in Energy Arbitration,” Energy Arbitration Conference on “Resolving Energy Disputes in Times of Crisis,” Chartered Institute of Arbitrators, Houston (April 28, 2017)
- “Corruption in Arbitration: What Issues Arise and What Role Do Arbitrators Play,” New York International Arbitration Center, New York (April 20, 2017)
- “Oral Advocacy in Commercial and Investment Arbitration,” FIAA-CIDS Tenth Anniversary Conference, Geneva (January 27, 2017)
- “Balancing Practices as Arbitrator and Counsel,” CPR, New York (January 13, 2017)
- “Legality of Investment,” ICSID’s 50<sup>th</sup> Anniversary Finale, Washington DC (October 14, 2016)
- “Investment Treaty Arbitration in its Adolescence,” Young International Arbitration Practitioners of New York, New York (Sept. 28, 2016)
- “Efficiency and Effectiveness of Arbitration,” co-moderator, LCIA Symposium, Washington, DC (September 18, 2016)

- “Divergences between Law and Finance in Investment Arbitration Awards,” Debate Judge, Juris Conference on Damages in International Arbitration Washington, DC (September 16, 2016)
- “ICC Institutional Reform: Too Far or Not Far Enough?,” 11<sup>th</sup> Annual ICC New York Conference, New York (September 14, 2016)
- “Arbitrator Evaluation,” moderator, LCIA Symposium, Tylney Hall, England (September 10, 2016)
- “ICSID Annulment Procedure – Review of Practice and Experience,” SIA/QMUL and ICSID Joint Symposium on “Current Trends in Investor-State Arbitration,” London (September 8, 2016)
- “What are the Appropriate Remedies for Findings of Illegality in Investment Arbitration?,” ICCA Congress, Mauritius (May 10, 2016)
- “Discussion with Prominent Chairpersons,” GAR Live Stockholm, Stockholm (April 8, 2016)
- “Investment Treaty Arbitration in its Adolescence,” Young Arbitrators Sweden, Stockholm (April 7, 2016)
- Co-Chair of conference and moderator of panel on “Mega-Treaties: What are the Implications?” 2d Annual GAR Live BITS, Washington, DC (April 18, 2016)
- “International Arbitration News Round-up: 2015 Year in Review,” DC Bar, Washington, DC (February 3, 2016)
- “Investment Treaty Arbitration in its Adolescence: Navigating the Challenges for a Robust Adulthood,” Harvard Law School, Cambridge, MA (October 30, 2015)
- “Are They Ahead of Us? International Arbitration on the European Continent: Vive la Difference, and What Can We Learn?,” Moderator, College of Commercial Arbitrators, New York (October 23, 2015)
- “Current Issues in Architecting an International Arbitration Proceeding,” Moderator, Chartered Institute of Arbitrators and UNCITRAL, New York (October 21, 2015)
- “Best Practices of Arbitrators in Conducting Effective Arbitrations,” CPR Arbitration Committee, New York (July 29, 2015)
- “Upholding Agreements to Arbitrate,” Co-Moderator, English-American Litigation Forum, Surrey, United Kingdom (June 9, 2015)
- “The Tribunal,” Co-Moderator, London Court of International Arbitration Symposium, Washington, DC (February 28, 2015)
- “Reshaping the Investor-State Dispute Settlement System: Journeys for the 21<sup>st</sup> Century,” introductory speaker, Woodrow Wilson International Center for Scholars and ICSID, Washington, DC (February 26, 2015)
- “Investment Arbitration: the ICC Experience,” ICC International Court of Arbitration and SICANA, Inc., Washington, DC (February 26, 2015)
- “Developing an International Arbitrator Practice,” CPR Y-ADR and NYIAC panel, New York (December 9, 2014)
- “The New LCIA Arbitration Rules,” London Court of International Arbitration, Washington, DC (September 29, 2014)
- “The Reform of Investment Law,” Conference on “The Reform of ISDS and the Newly Forming EU Investment Policy,” Eötvös Loránd University Faculty of Law,



Budapest (September 25, 2014)

- Co-Chair, “GAR Live Symposium,” Global Arbitration Review, New York (September 19, 2014)
- “Enforcement of Arbitral Awards,” Institute for Transnational Arbitration, Dallas (June 19, 2014)
- International Arbitration Seminar, Practising Law Institute, New York (June 9, 2014)
- ICSID Counterclaims, Discussant, American Society of International Law webinar, Washington DC (May 21, 2014)
- Making the Most of Current Processes,” Moderator, British Institute of International and Comparative Law Investment Treaty Forum on “Investor-State Arbitration and Beyond,” London (May 8, 2014)
- Changes in the System of Investor-State Dispute Settlement: Viewpoints from the Americas,” Moderator, DC Bar, Washington, DC (April 10, 2014)
- “Trends and Developments in International Investment Agreements: Lessons Learned and Prospects for 2014 and Beyond,” ABA Section of International Law, New York (April 3, 2014)
- “BG Group v. Argentina: The Oral Argument Before the Supreme Court,” Moderator, DC Bar, Washington, DC (December 2, 2013)
- “Salient Issues in BIT and ICSID Arbitration,” Moderator, American University Washington College of Law, Washington, DC (November 7, 2013)
- “China and Beyond: Understanding State-Owned Enterprises and State Immunity in International Arbitration,” Opening Remarks, Hong Kong International Arbitration Centre, Washington DC (November 5, 2013)
- “Insights from Leading Corporate Counsel,” Moderator, ICC Canada Conference, Toronto (October 25, 2013)
- “International Arbitration: Insights on Arbitration in Latin America,” College of Commercial Arbitrators, Albuquerque (October 18, 2013)
- “Resolving international business disputes - using the World Trade Organization, bilateral investment treaties, international commercial arbitration and European Union courts,” International Bar Association (IBA), Boston (October 10, 2013)
- “Resolving disputes in the natural resources industry: expert arbitration needed!”, International Bar Association (IBA), Boston (October 10, 2013)
- “Practice and Procedure,” Co-Moderator, London Court of International Arbitration Symposium, Boston (October 6, 2013)
- “Persuasive Written Advocacy,” Helsinki International Arbitration Day, Helsinki, Finland (May 22, 2013)
- “The Cost of Obsession with Time and Cost: GAR Live Debate,” Chair of the Panel of Judges, GAR Live Brazil, Sao Paulo, Brazil (April 19, 2013)
- “How International Law Shapes Our World,” Speaker, Yonsei University Law School, Seoul, Korea (March 20, 2013)
- “Counterclaims by States in Investment Arbitration,” Speaker, Georgetown University Law Center, Washington, DC (February 26, 2013)
- “Counterclaims by States in Investment Arbitration,” Speaker, Vale Columbia Center on Sustainable International Investment, New York, NY (February 14, 2013)
- “Using International Trade Law to Enforce International Arbitration Awards,” Moderator, District of Columbia Bar, Washington, DC (November 29, 2012)

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- “Third Party Funding: GAR Live Debate,” Chair of the Panel of Judges, GAR Live London-Global Arbitration Review, London (November 8, 2012)
- “Effective Advocacy in Arbitration,” Panel Member, 29<sup>th</sup> AAA-ICDR/ICC/ICSID Joint Colloquium on “The Frontiers of Arbitration,” Washington, DC (November 2, 2012)
- “Approaches to Arbitration: Across the Ages,” Moderator, Young ICSID-Young ICCA-ICDR Y&I-ICC YAF, Washington, DC (November 1, 2012)
- “Third Party Funding - Who Holds the Purse Strings in an Arbitration? (And How Does that Affect the Arbitral Process),” Hong Kong International Arbitration Center “ADR in Asia Conference 2012, Hong Kong (October 17, 2012)
- “Counterclaims by States in Investment Arbitration,” International Bar Association (IBA) Arbitration Committee, Dublin, Ireland (October 2, 2012)
- “The US courts and international arbitration - how's the relationship working out?,” Moderator, GAR Live Americas, New York, NY (September 19, 2012)
- “Practice and Procedure,” Moderator, LCIA Symposium, Tylney Hall, England (September 15, 2012)
- “Emerging Issues in Investment Arbitration,” ICC, Seventh Annual New York Conference, on “Arbitration with States and State Entities under the ICC Rules,” New York, NY (September 10, 2012)
- “The New US Model Bilateral Investment Treaty,” Moderator, District of Columbia Bar, Washington DC (May 31, 2012)
- “Damages Experts in Arbitration,” American Bar Association Section on Dispute Resolution, Washington DC (April 20, 2012)
- “Women in Arbitration,” Georgetown University Law Center, Washington DC (April 19, 2012)
- “Moot” Arbitrator, Final Round, LL.M International Commercial Arbitration Moot Competition, American University Washington College of Law, Washington DC (March 10, 2012)
- “Ethical Issues and Conflicts of Interest from the Arbitrator’s Perspective,” American University Washington College of Law, Center on International Commercial Arbitration, Washington DC (March 8, 2012)
- “Resolution of Investor-State Disputes in the Oil and Gas Sector: Key Issues and Trends,” Association of International Petroleum Negotiators and ABA Section of International Law, International Investment and Development Committee, Moderator (Washington DC, January 27, 2012)
- “Time and Cost Issues and Initiatives: The Perspective from the Institutions,” AAA-ICDR/ICC/ICSID Joint Colloquium on International Arbitration,” New York, NY (November 18, 2011)
- “The Selection, Rights, Duties and Role of the Arbitrator,” American University Washington College of Law, Center on International Commercial Arbitration, Washington DC (October 12, 2011)
- “Commencing an International Arbitration: Fundamentals and Strategy,” Americas Workshop Conference, Workshop Co-Chair and Panel Moderator, The Institute for Transnational Arbitration and Center for Conciliation and Arbitration of Panama, Panama City, Panama (April 14, 2011)
- “Luminaries in the International Dispute Resolution World: A Day in Their Shoes,” ArbitralWomen and Georgetown International Arbitration Society, Washington, DC (April 5, 2011)

- “Arbitral Award Enforcement Issues Under the New York Convention,” NYU School of Law, New York, NY (March 29, 2011)
- “Advocacy in International Arbitration,” Practising Law Institute, New York, NY (March 7, 2011)
- “Choosing a Place of Arbitration,” USCIB Arbitration Committee, New York, NY (January 19, 2011)
- “Issue Conflict: Legal and Ethical Considerations in Commercial and Investment Arbitration, ICC Conference on International Commercial Arbitration in Latin America, Miami, FL (November 8, 2010)
- “Third Parties in Arbitration: What are the Limits?” International Bar Association, Vancouver, Canada (October 5, 2010)
- “The Preliminary Hearing,” Moderator and Workshop Co-Chair, Conference on “Commencing an International Arbitration: Fundamentals and Strategy,” the Institute for Transnational Arbitration, Dallas, TX (June 17, 2010)
- “Best Practices for Greater Transparency,” Moderator, Conference in “Transparency in International Arbitration: A Focus on Best Practices,” jointly sponsored by the American Branch of the International Law Association, the American Society of International Law, Georgetown Law Center, and the International Dispute Resolution Committee of the D.C. Bar, Washington (April 26, 2010)
- “Careers in International Arbitration,” American University Washington College of Law, Washington, DC (March 29, 2010)
- “What’s New? Awards, Decisions and Other Developments in Recent ECT Investment Arbitrations,” Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty, Energy Charter Treaty Secretariat, Brussels (October 22, 2009)
- “Careers in International Law,” District of Columbia Bar, Washington, DC (July 15, 2009)
- “Consent and the Jurisdiction of Investment Arbitrations,” Moderator, Juris Conference on Investment Treaty Arbitration, Washington, DC (April 30, 2009)
- “What Happens If We Lose?” Moderator, District of Columbia Bar, Washington, DC (April 14, 2009)
- “Challenges to ICSID Awards” and “Immunity of Sovereign Property from Execution,” APEC Workshop on International Investment Agreements, International Law Institute, Washington DC (November 6, 2008)
- “The Origins of Investor-State Arbitration and Distinctions from Commercial Arbitration Models,” and Moderator, “Mechanics of Arbitration,” APEC Workshop on International Investment Agreements, International Law Institute, Washington DC (November 4, 2008)
- “Alternatives to Bilateral Investment Treaties for Claims Against Sovereign States,” Moderator, District of Columbia Bar, Washington, DC (October 31, 2008)
- “The Arbitral Award,” American University Washington College of Law, Fifth Annual Seminar on International Arbitration, Washington, DC (October 30, 2008)
- “Investment Treaties: Key Provisions and Their ‘Next Generation,’” Conference on “Revisiting Bilateral Investment Treaties,” Federation of Industries of Sao Paulo and ABCI Institute, Sao Paulo, Brazil (September 25, 2008)
- “Arbitrability and Unconscionability,” ITA-CBAr Joint Conference on International Arbitration, Sao Paulo, Brazil (Sep-

- tember 23, 2008)
- “Damages in International Arbitration,” Institute for Transnational Arbitration Conference, Dallas, Texas (June 19, 2008)
  - “Arbitrators and Issue Conflict,” Juris Conference, Washington, DC (April 25, 2008)
  - “Energy Charter Treaty Arbitrations Against Sovereign States,” ABA Section of International Law, New York, New York (April 4, 2008)
  - “Revisiting the Possibility of a Bilateral Investment Treaty (BIT) Between the United States and Brazil,” Moderator, ABCI Institute IV Annual Symposium on International Trade, Washington, DC (February 1, 2008)
  - “International Commercial Arbitration and Mediation” and “Focus Area: Middle East and North Africa,” ICDR, Washington, DC (November 9, 2007)
  - “Most Favored Nation Provisions in Investment Treaties,” Investment Treaty Arbitration Workshop, International Bar Association, Singapore (October 16, 2007)
  - “What Government Officials Need to Know About International Arbitration,” Arnold & Porter LLP, Washington DC (October 5, 2007)
  - “Careers in International Business Law,” American University Washington College of Law, Washington, DC (October 1, 2007)
  - “International Arbitration in Brazil,” Welcome Speaker (and Moderator, “Investment Arbitration in Brazil”), District of Columbia Bar, Washington, DC (September 6, 2007)
  - “Lis Pendens and Arbitration,” Speaker, Rio de Janeiro International Arbitration Seminar (July 3, 2007)
  - “Fair, Equitable and Ambiguous: What is Fair and Equitable Treatment in International Investment Law?” Moderator, ABA Section of International Law, Washington, DC (May 4, 2007)
  - “The International ADR Reporting Program Series,” Introductory Speaker (and Speaker, “Selecting an Arbitrator for a Telecommunications Arbitration”), ICDR, Washington, DC (November 15, 2006)
  - “The Common Law/Civil Law Gap: The Issues and How International Arbitrators May Resolve Them,” Expert Arbitrators’ Panel, ICDR, New York (October 11, 2006)
  - “Preparing Answers to Arbitration Requests in International Investment Arbitration,” Seminar on International Commercial Arbitration, American University Washington College of Law, Washington, DC (October 10, 2006)
- “Effective Document Discovery and Witness Examination,” Moderator, District of Columbia Bar, Washington, DC (September 6, 2006)
- “Legal Practice in International Arbitration,” Georgetown Law School, Washington, DC (August 28, 2006)
  - “Drafting Dispute Resolution Clauses for International Investment Agreements,” Speaker, Seminar on Foreign Investment Agreements and Investor-State Dispute Settlement, International Law Institute, Washington, DC (June 16, 2006)
  - “Sino-U.S. Commercial Dispute Resolution,” Moderator, District of Columbia Bar, Washington, DC (June 6, 2006)
  - “Bilateral Investment Treaty Arbitration,” Faculty Expert, American University Washington College of Law, Washington, DC (May 30-June 2, 2006)
  - “Resolution of Transnational Disputes,” Georgetown University Law Center,

Washington, DC (January 2006)

- “Arbitrating with Sovereigns and State Entities,” Moderator, USCIB Young Arbitrators Forum, Washington, DC (December 2005)
- “International Commercial Arbitration in Latin America,” Welcome Speaker and Panel Moderator, International Center for Dispute Resolution, Washington, DC (November 2005)
- “Arbitration with Sovereigns,” Moderator, ICC International Commercial Dispute Resolution, Charlottesville, Virginia (May 2005)
- “Litigating Across Borders: Hot Topics and Recent Developments in Transnational Litigation,” Moderator and Conference Organizer, District of Columbia Bar, Washington, DC (April 2005)
- “Why Your Arbitration Agreement Matters: Anticipating Disputes in International Transactions,” Conference Organizer, District of Columbia Bar, Washington, DC (May 2004)
- “Recent Developments in Alien Tort Claims Act Litigation,” Conference Organizer, District of Columbia Bar, Washington, DC (April 2004)
- “Resolving Investment Disputes Under the U.S. Chile Free Trade Agreement (Ch. 10),” ABA Standing Committee on Environmental Law, Conference on Free Trade and the Environment, Santiago, Chile (January 2004)
- “Hot Topics and Recent Developments in International Arbitration,” Moderator and Conference Organizer, District of Columbia Bar, Washington, DC (May 2003)
- “The Emerging Law of Foreign Investment,” Conference Organizer, District of Columbia Bar, Washington, DC (January 2003)
- “Resolving Foreign Investment Disputes: The Institutional Framework,” Conference Organizer, District of Columbia Bar, Washington, DC (June 2002)
- “Litigating Across Borders: Hot Topics & Recent Developments in Transnational Litigation,” Moderator and Conference Organizer, District of Columbia Bar, Washington, DC (May 2002)
- “NAFTA Chapter 11: Arbitrating Investment Disputes with Canada, Mexico and the US,” Conference Organizer, District of Columbia Bar, Washington, DC (March 2002)
- “Commercial Arbitration in Latin America,” Conference Organizer, District of Columbia Bar, Washington, DC (December 2001)
- “Careers in International Law,” District of Columbia Bar, Washington, DC, July 2001, and Harvard Law School, Cambridge, Massachusetts (October 2000)
- “Hot Topics and Recent Developments in International Arbitration,” District of Columbia Bar, Washington, DC (April 2001)
- “When Sovereign Governments Arbitrate,” Moderator and Conference Organizer, District of Columbia Bar, Washington, DC (November 2000)
- “International Arbitration Day,” District of Columbia Bar, Washington, DC (March 2000)

## ARBITRATOR DISCLOSURE

Interested parties should not rely on this website as a complete or updated source of disclosure information about Ms. Kalicki. Ms. Kalicki does not have ongoing access to the databases of her prior law firms, and may have been involved while at those firms in matters other than the principal ones identified herein. In addition, Ms. Kalicki is a member of numerous organizations and attends many conferences and events; she does not maintain records of fellow members, speakers or participants, nor does she monitor contact lists on LinkedIn and similar sites. Tangential connections in such contexts should not be considered to be relationships that might affect impartiality or independence in the eyes of a reasonable

third party. (Canon II, Code of Ethics for Arbitrators in Commercial Disputes, American Bar Association (2004); General Standard 2, International Bar Association Guidelines for Conflicts of Interest in Commercial Arbitration (2014)).

Ms. Kalicki requests any party in an arbitration for which she is proposed as arbitrator to promptly disclose any facts or circumstances considered relevant to her impartiality or independence as soon as that information is reasonably available and, for that purpose, to undertake a reasonable continuing search of publicly available information promptly after learning of her prospective appointment as arbitrator.