

Partner, New York

International Litigation and Arbitration



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Education

J.D., Harvard Law School, 2004
(*cum laude*; Editor-in-Chief, *Harvard International Law Journal*)

B.A., Florida State University, 2001
(*summa cum laude*)

Bar Admissions

New York

Languages

Spanish

Experience

Law Clerk, Hon. Miriam Goldman
Cederbaum, U.S. District Court for the
Southern District of New York (2006-07)

Jennifer Permesly helps clients resolve their international business disputes. Her practice focuses on international arbitration and cross-border litigation.

Ms. Permesly regularly appears as an advocate before international arbitration tribunals and U.S. courts in disputes relating to complex, cross-border commercial transactions. She has significant experience in disputes arising in the construction, energy, mining and technology sectors, and with claims involving foreign sovereigns or state-owned entities. A Spanish speaker, Ms. Permesly focuses much of her practice on disputes arising out of Latin America. Her diverse practice has included working with clients to identify and implement global strategies to address litigation, arbitration, regulatory, antitrust, conflict of laws, and internal investigation and corruption issues.

Ms. Permesly has been named in *Chambers Global*, *Chambers USA* and *Chambers Latin America*, and she has been recognized in *The Legal 500 U.S.* and *The Legal 500 Latin America* for her skills in international arbitration. In *Chambers USA*, clients refer to Ms. Permesly as “hands down the most responsive lawyer I’ve ever worked with;” as a young practitioner who is “firing on all cylinders,” and as “very articulate, very focused and very skilled” as an advocate. Ms. Permesly also has been named one of Latin America’s Top 100 Female Lawyers by *Latinvex* every year since 2016, and as a Future Leader in arbitration by *Who’s Who Legal*, which quotes sources who state she is “consistently at the very top of her game and admired throughout the profession.” Additionally, she was named to Lawdragon’s inaugural Global Litigation 500 list in 2021.

Recent representations have included:

- representing a Brazilian aircraft manufacturer in a dispute against a U.S. aircraft manufacturer involving the termination of a multibillion-dollar merger agreement and the termination of a large joint venture agreement;
- advising Vale S.A. in connection with the collapse of Dam I of the Corrego de Feijão iron ore mine in Brumadinho, Brazil;
- representing the Republic of Argentina in disputes brought in the Southern District of New York by shareholders in Yacimientos Petrolíferos Fiscales (YPF), the state-owned energy company, alleging breach of contract claims associated with Argentina’s nationalization of YPF in 2012;
- representing one of the world’s leading cellular technology companies in an ICC arbitration in connection with the termination of a licensing agreement with one of its major competitors. The dispute involved parallel patent and antitrust litigation;
- advising a leading U.S.-based manufacturer in connection with a multifaceted construction dispute arising out of a project to expand two processing plants, including assessing claims based on late and defective engineering, cost over-runs, and delay;
- representing Portland General Electric Company in a multijurisdictional dispute relating to the construction of a natural gas power generating station, including acting as counsel in an ICC arbitration involving the guarantor of a turnkey engineering, procurement and construction agreement;
- advising a North American utility company in connection with an anticipated ICC arbitration addressing various delay and cost overrun claims asserted by general contractors in connection with the construction of a submarine cable and its associated converter stations and overland transmission lines; and
- representing a major German automotive company in arbitration involving a billion-dollar breach of contract claim brought by a U.S. manufacturing company.

Ms. Permesly currently serves as the co-chair of the International Bar Association's Insolvency and Arbitration Group, which in 2021 published a Toolkit on Insolvency and Arbitration to provide guidance in situations where a party to domestic or international arbitration also is subject to insolvency proceedings. She also serves as the chair of Global Advisory Board Relations for the New York International Arbitration Center, an organization she was closely involved in establishing. Ms. Permesly previously served as a term member of the Council on Foreign Relations, a leading U.S.-based foreign policy think tank, and as the co-chair of the American Society of International Law's Dispute Resolution Interest Group. She frequently speaks in both Spanish and English on a wide range of topics relating to arbitration and cross-border litigation.

Representative Publications

"When Arbitration Meets Bankruptcy: Considering Arbitration Options in the Wake of a Growing Rise in Corporate Insolvencies," *Westlaw*, October 6, 2020

"What's Law Got to Do with It? The Role of Governing Law in International Commercial Arbitration," *Kluwer Law International's 40 under 40 International Arbitration*, 2018

"Recognition and Vacatur of Foreign Arbitral Awards in the United States," *Wolters Kluwer's International Arbitration in the United States*, 2018

"Where Are We Now? Investment Treaty Arbitration, Sovereign Debt, and Mass Claims in the Post-Abaclat Era," *Transnational Dispute Management*, January 2018

"La Carga de la Prueba y la Admisibilidad en Arbitraje Internacional: Asuntos que merecen una temprana Audiencia," *Spain Arbitration Review*, 2017

"United States," *Getting the Deal Through: Arbitration 2017*, January 2017

"The Rise of the Emergency Arbitrator," *Financier Worldwide*, November 2016

"International Construction Arbitration: Best Practices for Documenting Claims and Defenses," *Practical Law*, Spring 2016

"U.S. Courts and the Anti-Arbitration Injunction," *Arbitration International*, Vol. 28, No. 2, 2012

"Capturing the Benefits of Arbitration for Cross Border Insolvency Disputes," *Fordham Papers*, 2012 (with Edna Sussman)

Associations

Co-Chair, Insolvency and Arbitration Group, International Bar Association Arbitration Committee

Chair of Global Advisory Board Relations, New York International Arbitration Center

Term Member, Council on Foreign Relations (2013-18)

Co-Chair, American Society of International Law's Dispute Resolution Interest Group (2016-19)

Representative Speaking Engagements

Speaker, "Practical Perspectives on Cross-Border Insolvency and Arbitration," Paris Arbitration Week, September 2021

Speaker, "Implications and Compliance: What the Future Holds Under the USMCA," USMCA Workshop Hosted by the Southwestern Institute for International and Comparative Law of The Center for American and International Law, February 2021

Judge, "Will Big Tech Embrace Investment Arbitration?" GAR Interactive: BITs Debate, January 2021

Speaker, "Private Enforcement of Shareholder Rights Through Arbitration and Litigation," OECD Task Force on Latin American Equity Market Development, December 2020

Speaker, "NYIAC Talks Three-Episode Podcast Series - Dispelling Myths: International Arbitration in the U.S. and New York," July and August 2020

Moderator, "Protecting Human Rights Through International Arbitration," ASIL Annual Meeting, June 2020

Speaker, "Technology in Arbitration and the Advent of Decentralized Justice," Columbia Arbitration Day, March 2020

Speaker, "Innovating Arbitration Through Technology," International Bar Association Annual Meeting, Seoul, September 2019

Moderator, "U.S. Supreme Court 'International Law' Year in Review," American Society of International Law, September 2019 and July 2018

Speaker, "The Usual Suspects? Choosing an Arbitrator and Eliminating Bias in International Arbitration," ABA Section of International Law's Annual Conference, New York, April 2018

Moderator, "Young Practitioners' Symposium," IBA Arb-40 Event, Buenos Aires, February 2018

Jennifer Permesly

Continued

Speaker, “El Lado Oscuro de Arbitraje,” Universidad del Pacifico Event, Lima, Peru, June 2017

Trainer, “Arbitral Award Writing Toolkit Training,” IBA Arb-40 Event, NYIAC, New York, April 2017

Speaker, Young ICCA Arbitration Skills Training Workshop, International Council for Commercial Arbitration, Buenos Aires, November 2016

Speaker, “Obtaining Interim Relief in International Arbitration,” International Bar Association IBA-Arb 40 Event, Washington, D.C., September 2016

Speaker, Practising Law Institute, International Arbitration - Recent Developments, New York, June 2016

Speaker, NYIAC Special Lunch Presentation on the Yukos Award Annulment, with Marielle Koppenol-Laforce, New York, April 2016

Panelist, GAR Live BITs, Year in Review in ISDS, Washington, D.C., April 2016

Panelist, ASIL Annual Meeting, The Disorganization of International Intellectual Property Law, Washington, D.C., March 2016