

Counsel, 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 focuses on international arbitration and U.S.-based cross-border litigation. Her experience includes complex commercial disputes for international companies, as well as representation of both sovereigns and investors in investment treaty and public international law disputes. She has appeared as an advocate before arbitral tribunals constituted under the ICC, LCIA, ICDR, JAMS, ICSID and ad hoc rules.

A Spanish speaker, Ms. Permesly focuses much of her practice on disputes arising out of Latin America. She has significant experience in disputes arising in the construction, energy, mining and technology sectors. Ms. Permesly has been named in *Chambers Global*, *Chambers USA* and *Chambers Latin America* as well as referenced in *Legal 500 US* and *Legal 500 Latin America* for her skills in international arbitration. *Chambers USA* describes her as a young practitioner who is “firing on all cylinders,” and clients describe Ms. Permesly 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* 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.”

Recent representations have included:

- 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 a comprehensive assessment of the company’s ability to seek indemnification based on late and defective engineering and an analysis of cost overrun and delay claims;
- 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 in connection with a guaranty of performance and a performance bond under a turnkey engineering, procurement and construction agreement;
- advising a North American utility company in connection with an anticipated ICC arbitration addressing various delays, additional costs and other claims asserted by general contractors in connection with the construction of a submarine cable and its associated converter stations and overland transmission lines, and assisting the client in evaluating a safety incident that the contractor has alleged is related to design defects; 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 serves 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 serves on the board and as the treasurer of the New York International Arbitration Center, an organization she was closely involved in establishing. Ms. Permesly frequently speaks in both Spanish and English on a wide range of topics including Argentina’s sovereign debt crisis, alternative remedies in bilateral investment treaty arbitration, and the intersection of U.S. arbitration and bankruptcy, among others.

Jennifer Permesly

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Representative Publications

“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

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

Treasurer and Director, New York International Arbitration Center

Term Member, Council on Foreign Relations

USA Representative, International Bar Association’s Arb-40 Steering Committee

Co-Chair, American Society of International Law’s Dispute Resolution Interest Group

Representative Speaking Engagements

Moderator, “U.S. Supreme Court ‘International Law’ Year in Review,” American Society of International Law, 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

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

Panelist, ITA-IEL-ICC Joint Forum, Cyber Security, Data Privacy, and Arbitration, Houston, Texas, January 2016

Speaker, Bogota Chamber of Commerce, Arbitraje en Fusiones y Adquisiciones (Arbitration of Mergers and Acquisitions), Bogota, Colombia, June 2015