

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 Cedarbaum, 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 renewable energy, construction, 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 recognized by *Chambers Global*, *Chambers USA*, *Chambers Latin America*, *Chambers Brazil*, *The Legal 500 U.S.* and *The Legal 500 Latin America* for her skills in international arbitration. She has also been named one of Latin America's Top 100 Female Lawyers by *Latinvex* every year since 2016 and as a leader in arbitration by *Lexology Index* (formerly *Who's Who Legal*). Clients say "you cannot beat Jennifer's sharpness" and that she "is amazing ... very hands-on, understands the key issues and is very sharp." Clients and fellow practitioners also have noted that "any client would be happy to have her on their team" and that she "is a fantastic, top-notch attorney with immense experience" whose "dedication, combined with her sharp insight, positions her among the best in the industry."

Recent representations have included:

- advising a variety of renewable energy companies in disputes regarding governmental permitting, regulatory and financing challenges
- acting as counsel to First Solar in a New York state court litigation involving claims for breach of warranty on solar panels
- acting as counsel to a major U.S.-based renewables company in an ICC arbitration with a solar panel provider involving issues of *force majeure* and shipment delays
- advising numerous international companies in connection with contract and consumer disputes arising out of the IEEPA tariffs
- advising a U.S.-based renewable energy company regarding its rights with respect to clean energy reforms implemented by a sovereign nation
- representing a U.S. pharmaceutical company in connection with an arbitration and related litigation regarding the supply and distribution of FDA-regulated products
- advising numerous companies involved in the development, construction and sale of renewable energy assets in the United States and globally on contractual rights and available remedies, guiding many potential disputes through negotiation to a successful settlement
- 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 a U.S. medical supply distributor in connection with an ICC arbitration and related litigation regarding an exclusive distribution agreement and merger and acquisition
- 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 Petroliferos Fiscales (YPF), the state-owned energy company, alleging breach of contract claims associated with Argentina's nationalization of YPF in 2012
- 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

Ms. Permesly is a U.S. delegate to the ICC Commission on Arbitration and ADR (2024-27 term). She currently serves as Secretary of the International Bar Association's (IBA's) Arbitration Committee, and previously co-chaired the publication of the IBA's Toolkit on Insolvency and Arbitration to provide guidance in situations where a party to domestic or international arbitration also is subject to insolvency proceedings. The Toolkit won *Global Arbitration Review's* Award for Best Innovation in 2021. She was a co-chair of the American Society of International Law's 2023 Annual Meeting and serves as director of the New York International Arbitration Center. Ms. Permesly previously served as a term member of the Council on Foreign Relations, a leading U.S.-based foreign policy think tank. She frequently speaks in both Spanish and English on a wide range of topics relating to arbitration and cross-border litigation.

Representative Publications

- "Latin America Dispute Resolution Update – The Latest Developments in Cross-Border Disputes Involving the US and Latin America," *Skadden Publication*, Published twice annually since 2019
- "The Supreme Court Ends IEEPA Tariffs, Bringing Fresh Uncertainty for Companies," *Skadden Publication*, February 24, 2026
- "Navigating the Impact of the Trump Tariffs on Commercial Contracts," *Skadden Insights*, June 2025
- "International Arbitration Update: Global Developments and Trends To Watch," *Skadden Publication*, April 2025
- "Impact of Canada, Mexico and China Tariffs on Commercial Contracts," *Skadden Publication*, March 4, 2025
- "Impact of Tariffs on Commercial Contracts," *Skadden Publication*, February 11, 2025
- "As Arbitrator Bias Claims Rise, Disclosure Standards Evolve," *Law360*, May 3, 2024
- "Rising Challenges in Arbitration: Post-Award Bias Allegations and the Evolving Standards of Conflict Disclosure," *Skadden Insights Special Edition: Women's History Month*, March 2024
- "Exploring Potential Investor-State Treaty Challenges to the OECD's Pillar Two Model Tax Rules," *Skadden Publication*, March 2, 2023
- "The USMCA: Six Months On," *Skadden Publication*, April 20, 2021
- "The Impact of COVID-19 on Construction and Infrastructure Projects: An On-Site Perspective," *Skadden Publication*, February 24, 2021
- "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

Jennifer Permesly

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“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

Secretary, International Bar Association’s Arbitration Committee

U.S. Delegate, ICC Commission on Arbitration and ADR (2024-27 term)

Co-Chair, American Society of International Law 2023 Annual Meeting

Co-Chair, International Bar Association’s Toolkit on Insolvency and Arbitration (Winner of *Global Arbitration Review*’s 2021 Innovation of the Year award)

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

Term Member, Council on Foreign Relations (2014-19)

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

Representative Speaking Engagements

Moderator, “2025 Year in Review: The Top 10 (or Close to 10) Developments in International Energy Arbitration,” 14th ITA-IEL-ICC Joint Conference on International Energy Arbitration, January 23, 2026

“Pandemic, War, Sanction, Tariff - Arbitration in Times of Turmoil,” Co-organizer of the IBA Arbitration Committee’s Roundtable Discussion on its Ethnic Diversity in International Arbitration study, November 2025

Speaker, “Trump Tariffs: Impact on Contracts,” Skadden, June 9, 2025

Speaker, “25th Annual Energy and Infrastructure Projects Conference,” Skadden, May 13-14, 2024

Moderator/Tribunal Member, “The Art of Impactful Opening and Closing Statements,” ICC Young Arbitration & ADR Forum event, November 2023

Speaker, “Conflicts of Interest and Arbitrators’ Duty of Disclosure Today: A New Paradigm?” 5th ICC Peruvian Arbitration Day, August 2023

Speaker, “The Pillar Two Project and International Investment Law,” Skadden, USCIB and ICC hybrid event, June 2023

Speaker, “DCF Discounting: Risk, Cash Flow and Discount Rate,” NYIAC 2023 Series: Working with a Damages/Quantum Expert, May 2023

Speaker, “Disputes Arising Under M&A Contracts,” CBAr 21st International Arbitration Conference, September 2022

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