

# MIAMI TODAY

## International arbitrators, litigators setting themselves apart

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By Rebecca San Juan

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By REBECCA SAN JUAN

Florida attorneys concentrating in international litigation and arbitration can soon set themselves apart from local and national competition. An International Litigation & Arbitration certificate program approved by the Florida Bar has its first exam scheduled for 2019.

The new program reflects the differences between international law and international litigation and arbitration. Annette Escobar, partner at Sequor Law, said "international law in theory is the conventions, treaties of international law, public law between countries, as opposed to litigation and arbitration – private disputes between private parties in courts of the United States, foreign countries, arbitral tribunals and different locations, mostly focusing on cross border disputes."

The current certificate exemplifies a deeper knowledge and experience within international litigation and arbitration. Ryan Reetz, office managing partner at the Miami branch of Bryan Cave Leighton Paisner, said, "overtime we came to realize the existing certification does not recognize the way people practice, because it covers many different areas of international law."

Committee members recall first discussing the matter informally over a decade ago. Gary Davidson, partner at Diaz Reus, recalls working alongside others to address the matter; Mr. Davidson says they got the ball rolling about nine years ago. The Florida Bar outlines who can apply for the application and application details in the bar rules of the Florida Supreme Court. Eligibil-



Gary Davidson



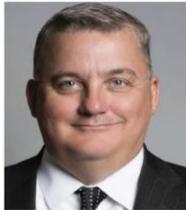
Annette Escobar explains issue.



Ryan Reetz looked at the realities.



Setting up exam, said Effie Silva.



Ed Mullins chairs the committee.

ity includes practicing in good standing for at least five years.

Professionals with at least 20 years of experience are exempt from taking the exam. The Florida Supreme Court rule states: "This exemption is applicable only to those applicants who apply within the first two application filing periods from the effective date of these standards."

The exemption does not excuse applicants from submitting an application, including five references of lawyers or judges. Those who aren't exempt from the exam first need to pass the application process and then take the certification exam.

Nine committee members plan to collaborate in the months ahead to create the exam.

"We're setting up the exam," said Effie D. Silva, a partner at Duane Morris LLP. "It has to ensure that these people are competent and experienced to do this, so it's going to be very detailed."

The test will last no more than a day.

"This is a somewhat unique program in the sense that many certification programs have a practice standard where you have to spend a certain amount of time in your daily work over a period of years," Mr. Davidson said.

"We have that requirement, but we also have in addition to that requirement to become certified in international litigation and arbitration what is called a practice component [...] to demonstrate that they're active practitioners in the area and have been on an ongoing basis over the last several years."

The exam is to be administered once a year.

Applications for the certification opens in May on the Florida Bar website with filings being accepted by mail as early as September. The committee will no longer accept submissions after late October.

Committee members say success of the program depends on long-time practitioners in the field taking the first step toward certification and younger lawyers taking interest.

Mr. Davidson said, "It's really important that the leaders in the field take the lead in promoting the program, because if they take interest in the program, then the people who are younger than they are [will] aspire to that and eventually become certified. That's how you create in part a very successful certification program."

Mr. Davidson says younger attorneys should learn what they

need to apply competitively in a few years: "If you are a young practitioner, say five to eight years out, what you want to be doing is looking very carefully at the rules and that will guide you as to the kind of things you need to be doing as an associate or a partner to align yourself such that you can apply in the future. The reality is there are very few people who are in practice for less than 10 years who are going to be able to meet these standards."

The certificate can make attorneys appear more competitive and specialized in a particular legal sector.

Ed Mullins, office managing partner at Reed Smith and chair of the committee, said, "In Florida, in order to call yourself a specialist you have to be board certified." The new certificate program can help attorneys obtain that privilege.

Ms. Silva hopes the certificate helps women in the field: "I really hope that it helps women generate business and support their careers. There's only 27 areas of law approved by the Florida Supreme Court for certification. It's really a leg up for women lawyers in the community, especially [what] some people call the Golden Age for international

litigation and arbitration."

The program not only sets attorneys apart from their competition but also distinguishes the entire state from others feeling the boom in international litigation and arbitration. Miami continues to play in the same sandbox as Atlanta, Chicago, DC, Houston, Los Angeles and New York as a prime location for resolving disputes in construction, foreign trade, healthcare and manufacturing.

Ms. Silva said, "We are able to compete with New York and DC, as they say the New York of the south, in the importance of these complex global cases."

Miami's proximity to Latin America continues to set it apart, Mr. Davidson said.

"We are the gateway to the Americas and more so than any city in the United States," he said. "This is just another feather in the cap in that now we can offer those coming to Florida to do business and to – when they're drafting arbitration clauses – have the added benefit of being able to choose lawyers who are certified in the area of international arbitration."

Lawyers interested in taking the exam can register later this year and expect to take the test in spring 2019.