



AVA J BORRASSO FCIArb



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INTERNATIONAL PRACTICE SUMMARY:

Ava Borrasso serves as an independent arbitrator and is a Fellow of the Chartered Institute of Arbitrators in International Arbitration. She is a panel member of International Centre for Dispute Resolution and the American Arbitration Association's commercial and complex commercial panels. She is also listed with the International Chamber of Commerce through the USCIB. She has served as sole, emergency and panel arbitrator in multiple international and domestic arbitration proceedings. She is on the Executive Committee of the Chartered Institute of Arbitrators North America Branch where she serves as Vice Chair of Membership. She also sits on the Board of Directors of CIArb's North America Branch. Her work in arbitration has been recognized by *Who's Who Legal*, *Best Lawyers in America* and *Legal500* Latin America. She often presents and publishes on a variety of international arbitration and litigation issues.

She has more than thirty years of practice with substantial partner-level, lead counsel experience representing parties in a wide variety of complex commercial disputes before arbitral institutions, state and federal courts, at trial and on appeal. She has represented parties as lead counsel in complex commercial arbitrations before the ICDR, AAA and ICC, among others.

Her experience involves disputes concerning international distribution and trade agreements, financial services agreements, fraud and corruption, business torts, construction and real property disputes. She has frequently acted as counsel in matters involving the prosecution and defense of claims in the tens of millions of dollars. She is experienced in coordinating and managing multi-jurisdictional disputes across venues, both nationally and internationally.

Representative Arbitration Matters:

- Emergency Arbitrator in international dispute pending before ICDR involving distribution and franchise agreements.
- Emergency Arbitrator in international trade dispute between Swiss and Ecuadorian companies.
- Arbitrator in international financial services dispute before ICDR between Panamanian and French parties.

- Emergency Arbitrator in international dispute involving distribution agreements.
- Emergency Arbitrator in international dispute before ICDR involving internet agreement.
- Panel Arbitrator in sports agreement dispute between U.S. and Korean parties.
- Sole Arbitrator in multiple international and domestic commercial arbitrations.
- Counsel to Fortune 100 multinational medical equipment manufacturer & affiliates in international arbitration proceeding in prosecution and defense of over \$50 million in contract and related disputes involving a Brazilian distributor seated in Miami and administered by the ICDR.
- Obtained fee award in excess of \$1M for international arbitration proceeding.
- Co-counsel in nine international arbitrations representing Latin American investors against a European-headquartered bank following Madoff-related investments seated in Miami.
- Counsel to multinational in dispute involving the purchase of power generators against a Vietnamese company with claims exceeding \$50 million in international arbitration proceedings seated in New York.
- Counsel to South American company in international arbitration proceeding pursuant to ICC rules to recover under Contracts for International Sale of Goods (CISG).
- Counsel to subcontractor in AAA arbitration pursuant to Construction Industry Arbitration Rules involving luxury retail store build-out & obtained prevailing party fees and costs.

Representative international litigation matters:

- Represented Latin American investors in commercial dispute and obtained judgments in excess of \$3 million affirmed on appeal.
- Represented multiple foreign investors in commercial disputes in excess of \$6 million settled before trial.
- Represented a national Caribbean government in successfully defeating the assertion of the Fifth Amendment Privilege by certain defendants in international litigation at the trial court level and successfully defended the Orders on appeal.
- Represented a national Caribbean government in litigation pursuing claims of fraud, corruption and conspiracy against former public officials, government contractors & individuals resulting in recovering several million dollars and prevailing on multiple predicate challenges to complaint including personal jurisdiction, subject matter

jurisdiction, choice of law, act of state doctrine and *forum non conveniens*.

- Represented a European investment fund seeking to recover assets in multi-jurisdictional state and federal court proceedings, including prevailing on a motion to transfer federal court proceeding and upholding a forum selection clause.
- Co-counsel for an investment fund and related companies defending contract claims seeking up to \$500 million in an expedited proceeding in New York state court that was successfully dismissed.
- Represented a foreign guardian in probate proceeding and successfully obtained the release of over \$3 million from a Spanish-headquartered bank.
- Defended a UK gallery owner in emergency proceeding in successfully obtaining dissolution of an ex-parte injunction on a replevin claim on original artwork.
- Defended an import/export company trading throughout Latin America in claims arising from forfeiting transactions in federal court that was favorably resolved.
- Defended Fortune 100 company in a commercial lease dispute in US Virgin Islands District Court jury trial that was favorably resolved during trial.

EDUCATION, TRAINING, ADMISSIONS & INSTITUTIONS:

2017	Fellow, Chartered Institute of Arbitrators , International Arbitration
2017	International Dispute Resolution Centre , Panel Arbitrator
2017	ICC/USCIB , Member
2016	American Arbitration Association , Commercial Panel Arbitrator
1994	Florida Bar
1990	Illinois Bar (inactive status)
1990	Loyola University of Chicago School of Law , J.D. Law Review
1984	Saint Mary's College , Notre Dame, Indiana & Rome, Italy (1981-82)

REPRESENTATIVE SPEAKING ENGAGEMENTS:

- *Evolution of Dispute Resolution*, Federal Bar Ass'n (Virtual), Dec. 2021
- Interview, CIArb, *Women in ADR Campaign*, March 2021

- *8 Innovative Arbitration Trends: A New Practice and Ethical Landscape*, ABA Dispute Resolution Spring Conference (Virtual), May 2020
- *Corruption in Arbitration and the Arbitral Tribunal's Limits*, CAM-CCBC Sao Paulo Arbitration Week, Brazil, Oct 21, 2019
- *Welcome to Miami or Welcome to São Paulo? YAR 2.0*, Lisbon, Oct 10, 2019
- *Emergency Measures of Protection & Interim Measures*, AAA/ICDR Roundtable, Miami, May 10, 2019
- Int'l Roundtable on Arbitration & Corruption, New York, March 8, 2019
- *Corruption in Int'l Arbitration*, ICDR Arbitration Track, iLaw Florida Bar, Miami, Feb. 22, 2019
- *International Distributorship, Franchise & Trade Agreements: From Key Deal Terms to Dispute Resolution Mechanisms in Civil & Common Law Jurisdictions*; ABA Section of International Law Annual Meeting, New York, Speaker, April 20, 2018
- *So You Have An Arbitration Award - Now What (Enforcement through Litigation)?* ABA Section of International Law Annual Meeting, New York, Moderator, April 19, 2018
- *Extraterritorial Application of 28 USC 1782 to Obtain Documents from Affiliates Abroad*, IFTTA North American Annual Meeting Conference, Ft. Lauderdale, Speaker, March 10, 2017
- *International Business Expansion from the United States*, iLaw Florida Bar ILS Global Forum on International Law, Miami, Moderator & Speaker, February 17, 2017
- *Expanding Abroad from the United States – What You Don't Know May Hurt Your Business*, ABA Business Law Spring Meeting, Montreal, Speaker, April 8, 2016
- *The Use of International Arbitration in Resolving Cross-Border Travel and Tourism Disputes*, IFTTA North America Section & Annual Meeting Conference, Ft. Lauderdale, Speaker, March 11, 2016
- *The Rise of Complex Cross-Border Litigation: Global Trends and Challenges Facing International Practitioners*, ABA Section of International Law 2016 Americas Forum, Miami, Moderator, February 29, 2016
- *Chevron/Ecuador Litigation: Lessons Learned; At the Forefront: An Insider's Perspective on Environmental Enforcement & Litigation*; ABA Section of Litigation's Environmental Litigation Committee; Washington DC; Speaker; July 2014 (International Aspects and 28 USC §1782 Discovery in Aid of Foreign Proceedings)

- *Current Trends In Arbitration*, International Law Section, Florida Bar Annual Meeting, Orlando, Moderator & Program Co-Chair, June, 2012
- *Forbidden Places: Tourism & Trade*, International Law Section, Florida Bar Mid-year Meeting; Half-day Seminar, Miami, Moderator & Program Co-Chair; September, 2010

REPRESENTATIVE PUBLICATIONS:

- *Puppies & Kittens and Developments in International Arbitration; Interview of Lucy Greenwood & Michael Mcilwrath by Ava Borrasso FCI Arb*, Volume 28, No. 2, ABA Dispute Resolution Magazine, April 2022
- *Recent Developments in Third Party Funding Disclosures: A Concrete Move Towards Greater Transparency in Commercial Arbitration*, Lexology, Feb. 2021 & ABA Section of Dispute Resolution's Arbitration Committee Newsletter (Vol. 6, Ed. 1).
- *One Size Does Not Fit All: US Circuit Court Declines To Apply Domestic FAA Vacatur Clause to International Award*, Kluwer Arbitration Blog, Oct 16, 2020
- *Third-Party Funding: Relationships, Relevance and Recent U.S. Court Analysis*, ABA Dispute Resolution Magazine, Sep 2020
- *Champerly Re-emerges: an Overview of Recent US Circuit Court Rulings on Third-Party Funding*, IBA, International Litigation Newsletter, May 2020
- *The Intersection of Corruption in International Arbitration and Discovery Pursuant to 28 USC § 1782*, Kluwer Arbitration Blog, July 18, 2019
- *Public Policy Defense Rarely Bars Arbitral Award Enforcement*, Law360, Jan 30, 2019
- *Overview of US Court Treatment of Interim Measures in Support of International Arbitration*, Young Arbitration Review, Oct 2018 | Ed. 31
- *Recent US Court of Appeals Rulings on Interim Relief Pending International Arbitration Proceedings*, IBA Arbitration Committee, Oct 2018
- *Overview of Recent Developments in Section 1782 of Title 28 of the United States Code*, IBA, International Litigation News, May 2018
- *U.S. District Courts Rule Consent Awards Fall Within New York Convention*, Kluwer Arbitration Blog, April 6, 2018
- *International Arbitration Will Keep Thriving Despite Trump Agenda*, Law360, January 25, 2018

- *Seeing “Reason” in Arbitration Awards*, ABA Dispute Resolution Magazine, Volume 23, Issue 4, Summer 2017
- *Significant Developments in International Litigation By Way of 28 USC § 1782*, Young Arbitration Review, Spring 2017
- *The Eleventh Circuit Affirms Extraterritorial Discovery to Assist International Proceedings and Production of Documents Held by Affiliates Abroad*, Florida Bar ILQ, Winter 2017
- *Privilege and International Implications Against the Backdrop of the Panama Papers*, American Bar Association, *Business Law Today*, July 2016
- *Considerations Regarding So-Called Boilerplate Clauses in Cross-Border Commercial Transactions*, American Bar Association's *Business Visions*, March 2016
- *Lender Liability Issues Arising from Construction Loan Agreements*; Florida Real Property Litigation; Florida Bar Continuing Legal Education, Chapter (co-author with Kendall Coffey) 2016 (8th ed.), 2013 (7th ed.), 2011 (6th ed.), 2009 (5th ed.)
- *Getting the Deal Through, Anti-Corruption Regulation in 45 Jurisdictions Worldwide, Trinidad & Tobago*; Homer E Moyer Jr (ed.) (co-author) (2012) (2011) (2010)
- *US Securities Litigation in the Financial Crisis*, Global Financial Crisis, Navigating and Understanding the Legal and Regulatory Aspects, Globe Business Publishing, Ltd. (Eugenio A. Bruno, ed.) (co-author) 2009
- *United States of America, Asset Tracing & Recovery*; The FraudNet World Compendium, Bernd H. Klose (ed.) (co-author) 2009

PROFESSIONAL RECOGNITIONS:

- *Best Lawyers*, 2019-2022
 - International Arbitration Commercial & Commercial Litigation
- *Who's Who Legal*, Arbitration,
 - Florida 2020
- Recommended by *Legal 500* Latin America;
 - International Arbitration 2015, 2014
- Selected, *Legal Elite*, Florida Trend:
 - International, 2016
 - Commercial Litigation, 2015
- Selected, *Super Lawyer*:

- International 2016-2021
- Business Litigation, 2015

MEMBERSHIPS & ASSOCIATIONS:

Chartered Institute of Arbitrators,

- Fellow, since 2017
- Executive Committee, Vice Chair
Membership, CIArb North America
Branch, 2020-current
- CIArb's North America Branch Board of
Directors, 2019-current

ABA Dispute Resolution Section, Editorial
Board Member *Dispute Resolution Magazine*,
2020-current

Arbitral Women, Member

NYIAC, Member

American Bar Association Section of International Law, Member

- International Litigation Committee
- International Arbitration Committee

Florida Bar, International Law Section

- Steering Committee for iLaw 2017
- Committee Chair, Meetings 2010-12

Organization of Women in International Trade, South Florida Chapter; 2011-15

- Board Member, Secretary, 2012-15
- Committee Chair, Nominations of
International Business Women of the
Year Awards, 2011-12