

## E. Rainbow Willard



**Willard Arbitration, LLC**

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**Nationality:** United States

**Languages:** English (native), Spanish (fluent), Kaqchikel Maya (fluent), French (basic proficiency)

Rainbow Willard is an independent arbitrator and counsel based in the Washington, D.C. area with over a decade of experience in complex international commercial and investment arbitration disputes.

Rainbow has acted as counsel in a wide range of disputes governed by the laws of common and civil law jurisdictions, bilateral investment treaties, and multilateral trade agreements. She has handled large-scale, high-stakes disputes under all of the major international rules, including ICC, ICSID, UNCITRAL, LCIA, AAA-ICDR, SIAC and others. Rainbow has particular expertise in the energy, oil and gas, construction, and mining sectors. She has a proven facility for managing disputes involving multiple parallel court and/or arbitration proceedings.

Rainbow's background with the U.S. Department of Justice and the Federal Public Defender has uniquely equipped her to handle arbitrations that involve claims of fraud or corruption, and to address the implications of concurrent criminal investigations or prosecutions in a range of jurisdictions.

Rainbow is fluent in English and Spanish and has substantial experience with complex disputes in both languages.

Rainbow has been recognized as a Rising Star by Legal 500 and an Up and Coming Practitioner by Chambers USA for her international arbitration practice. From 2019 to 2021, she served as the Secretary to the Board and Executive Committee of the New York International Arbitration Center, and as a Member of the Global Steering Committee for the Chartered Institute of Arbitrators Young Members Group. Rainbow is a member of ArbitralWomen.

### **Legal Professional Experience**

- Independent Arbitrator and Counsel, Willard Arbitration, LLC, Annapolis, MD. October 2022 – Present.
- Trial Attorney, United States Department of Justice, Office of International Affairs, Washington, DC. May 2021 – October 2022.
- Counsel and Associate, Chaffetz Lindsey LLP, New York, NY. October 2017 – April 2021.
- Assistant Federal Public Defender, Federal Public Defender for the Southern District of Florida, Miami, FL. September 2015 – June 2017.
- Senior Associate, International Arbitration Group, Allen & Overy, LLP, London, UK. April 2014 – August 2015.
- Law Clerk to the Honorable Kathleen M. Williams, United States District Court for the Southern District of Florida, Miami, FL. November 2012 – March 2014.
- Associate, Arbitration and Litigation Group, Allen & Overy, LLP, New York, NY. October 2010 – October 2012.

### **Additional Professional Experience**

- Job Developer for Refugees, Asylees, and Hurricane Katrina Evacuees, Catholic Charities, Atlanta, GA. 2006 – 2007.
- Consultant, Indigenous Language Development Projects, OKMA Investigaciones Lingüísticas, Antigua, Guatemala. 2004 – 2006.

### **Bar Admissions**

- New York
- Maryland

### **Education**

- Emory University School of Law, Atlanta, GA. Juris Doctor, with high honors, May 2010. Order of the Coif, Woodruff Fellow.
- Universidad Panamericana, Mexico City, Mexico, Exchange Program, Fall 2009 (civil law courses, all instruction in Spanish).
- University of California, Berkeley, CA. Master of Arts, Linguistics, May 2003.
- Tulane University, New Orleans, LA. Bachelor of Arts, cum laude, Anthropology and Linguistics, May 2000.

## **Selected Publications and Speaking Engagements**

- *The Rise of Environmental Counterclaims in Mining Arbitration*, Global Arbitration Review's Guide to Mining Arbitration (2021), Co-Author.
- *The Canadian Model BIT – A Step in the Right Direction for Canadian Investment in Africa?*, Kluwer Arbitration Blog, July 18, 2015 (<http://kluwerarbitrationblog.com/2015/07/18/the-canadian-model-bit-a-step-in-the-right-direction-for-canadianinvestment-in-africa/>), Co-Author.
- *Pretrial Practice in US Civil Procedure*, May 12, 2020, IE Law School, Madrid, Spain; Guest Lecturer.
- *Updates on Corruption, Rapid-Fire Discussion: Regional Reports on the Global State of Affairs in International Arbitration*, February 28, 2020, iLaw 2020 ILS Global Forum on International Law, Miami, FL; Speaker.
- *Is Arbitration Suitable for Small Claims?*, Chartered Institute of Arbitrators Young Members Group Global Conference, November 2019, Edinburgh, Scotland; Moderator.
- *Diversity Challenge: Reinventing the Landscape for Young IA Practitioners*, November 20, 2019, New York Arbitration Week; Speaker.

## **Selected Representative Matters**

### **Commercial**

- Represented a project owner in an ICC arbitration arising out of the construction of a solar power plant in North America in a dispute involving claims in excess of US\$1 billion.
- Represented a project owner in an ICC arbitration arising out of the construction of four conventional power plants in Argentina, with claims and counterclaims in excess of US\$200 million.
- Represented a New York based hedge fund in parallel ICC arbitrations seated in Washington, D.C. and Buenos Aires involving loans to Argentine and Uruguayan parties, conducting all advocacy in Spanish, managing six parallel litigations in Argentina including criminal fraud case, and ultimately obtaining a favorable settlement for client. (Spanish)
- Represented an oil and gas major and its Indian joint venture partner in commercial arbitration proceedings against the Government of India, in disputes valued at over US\$5 billion (UNCITRAL).
- Represented a multilateral development bank in a SIAC arbitration relating to the sale of shares in a Pakistani power plant.
- Represented a Middle Eastern LNG producer in three New York law governed commercial arbitration resulting from contract sales price reviews (ICC and LCIA arbitrations).

**Investment**

- Represented a US energy company in a US\$2 billion ICSID arbitration against the Republic of Argentina arising from changes to electricity regulations. (English and Spanish)
- Represented the Islamic Republic of Pakistan in two investment treaty arbitrations under the ICSID Rules: one involving claims brought by a Turkish power ship company in excess of US\$2 billion, and the other arising out of the Reko Diq copper and gold mine in Balochistan, worth several hundred billion US dollars (both ICSID arbitrations).
- Represented sustainable tuna fishing company in an arbitration against the Government of Ecuador, conducting direct and cross examinations of fact and expert witnesses at final merits hearing in the Hague, and carrying out all advocacy in Spanish. (Spanish)
- Represented a Spanish construction company in pre-arbitration proceedings against a Latin American sovereign in claims relating to a construction bid process for a large-scale infrastructure project.

**Mediation**

- Represented a Spanish contractor in a multi-party mediation relating to a large-scale construction project in North America.

**Award Enforcement Proceedings**

- Represented an investor in award enforcement proceedings against the Government of Belize in U.S. federal court in Washington, D.C., successfully obtaining enforcement of the award.

**Criminal and Pro Bono Engagements**

- Served as Trial Attorney at the United States Department of Justice Office of International Affairs, assisting the United States' treaty partners from civil and common law jurisdictions with cross-border criminal matters, including high-level corruption, fraud, and money laundering investigations; liaised with foreign attorneys general offices.
- Trained foreign prosecutors from several nations, including Mexico, Trinidad and Tobago, and Barbados, in U.S. law concepts, including U.S. criminal procedure, and constitutional principles.
- Served as trial counsel for client accused of multimillion dollar fraud in connection with his Panama-based retail foreign exchange business.
- Won appeal on matter of first impression in a habeas case before the United States Eleventh Circuit Court of Appeals, resulting in client's release after serving approximately seven years of a 24 year sentence.
- Represented a 501(c)(3) organization in a potential contract dispute relating to the applicability of a force majeure clause during the Covid-19 pandemic (pro bono).