

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 construction, energy, 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 call her "a very powerful advocate," "hands down the most responsive lawyer I've ever worked with," "an exceptional legal mind with a keen grasp on complex matters" and "a practitioner who is firing on all cylinders." Clients and fellow practitioners further note that "her dedication, combined with her sharp insight, positions her among the best in the industry" and that she is "consistently at the very top of her game and admired throughout the profession."

Recent representations have included:

- 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 U.S. renewable energy company in shareholder and corporate governance disputes
- 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 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 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
- 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 is a U.S. delegate to the ICC Commission on Arbitration and ADR (2024-27 term). She currently serves as an officer on the International Bar Association's (IBA) 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 is a former chair of global advisory board relations for the New York International Arbitration Center, an organization she was closely involved in establishing. 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

"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

"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

Officer, International Bar Association's Arbitration Committee

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, 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

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

Speaker, “Enforcement of Latin American Arbitration Awards in the United States and U.S. Arbitration Awards in Latin America,” New York Arbitration Week, November 2019

Speaker, “Innovating Arbitration Through Technology,” International Bar Association Annual Meeting, Seoul, September 2019

Moderator, “U.S. Supreme Court ‘International Law’ Year in Review,” American Society of International Law, September 2019 and 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