

MÉLIDA HODGSON, Partner

Ms. Hodgson is head of the firm's New York International Arbitration Practice. She focuses her practice on investor-state and commercial arbitrations, counselling governments and state-owned entities, as well as corporate entities, with respect to international investment protection provisions, business disputes and World Trade Organization (WTO) dispute resolution and international trade policy issues.

Recognized by Latinex as one of top 100 lawyers whose practice focuses on Latin America, Ms. Hodgson is noted for her key role in successfully defending countries in investment arbitration, including Venezuela in several International Centre for Settlement of Investment Disputes (ICSID) arbitrations. She also represents the Republics of Panama, Peru, and Sierra Leone in ICSID and United Nations Commission on International Trade Law (UNCITRAL) matters. Ms. Hodgson is also an arbitrator.

Ms. Hodgson began her career in private practice before becoming a US government litigator at the US Department of Justice, where she litigated claims brought by bank shareholders against the United States, as well as public contracting disputes. She then joined the Office of the United States Trade Representative as an associate general counsel. There, she litigated international trade disputes before the World Trade Organization; provided counsel in NAFTA Chapter 11 investor-state arbitrations involving the United States, Canada and Mexico; and defended the United States in ad hoc arbitrations under the 1996 Softwood Lumber Agreement between the United States and Canada.

Ms. Hodgson has been recognized in *Who's Who Legal Arbitration*, including as a Thought Leader, in *Legal 500 Latin America*, and is ranked by *Chambers* in its *Latin America, USA* and *Global* publications. Ms. Hodgson has been appointed a vice chair of the International Chamber of Commerce Commission (ICC) Institute of World Business Law, effective January 1, 2021. She was also appointed to the ICC Commission on Arbitration and ADR (and serves on its Task Force on Corruption in Arbitration), as well as the councils of the AAA and the American Society of International Law. She is a founding member of the Washington Women in International Arbitration. Ms. Hodgson is a native Spanish speaker.

Ms. Hodgson's representative experience includes:

- Representing the Republic of Panama in a treaty arbitration initiated by Sacyr SA., a Spanish entity, under the arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL), relating to the Panama Canal expansion.
- Defending the Republic of Sierra Leone in ICSID and ICC disputes initiated by a United Kingdom mining company related to a dispute over alleged mining rights (Gerald Mining and SL Mining).
- Representing the Metropolitan Municipality of Lima in several commercial arbitrations in several fora related to toll road concession disputes.



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PRACTICE GROUPS

International Arbitration
Public International Law

EDUCATION

New York University School of Law, JD,
1992

Vassar College, BA, 1985

ADMISSIONS

District of Columbia

New York

COURT ADMISSIONS

US District Court, Southern District of New
York

US District Court, Eastern District of New
York

US District Court, Western District of New
York

US District Court, District of Columbia

US Court of Appeals, Federal Circuit

US Court of Federal Claims

US Court of International Trade

- Defending Venezuela in an ICSID (Additional Facility) investor-state arbitration brought under a bilateral investment treaty, related to export taxes and the termination of a concession contract (Anglo-American PLC).
- Defending Venezuela in an ICSID arbitration brought by European subsidiaries of an Argentine conglomerate under Luxembourgian and Portuguese bilateral investment treaties, related to the steel industry (Tenaris II).
- Defending Venezuela in an ICSID (Additional Facility) investor-state arbitration brought by a Canadian company under a bilateral investment treaty, related to a concession contract (Crystallex).
- Defending Venezuela in an ICSID (Additional Facility) investor-state arbitration brought by a Canadian gold mining company under a bilateral investment treaty (Gold Reserve).
- Representing Venezuela in an annulment proceeding initiated in France, and enforcement proceedings in Luxembourg and United States (Gold Reserve).
- Successful representation of a Venezuela state-owned entity (SOE) in an International Chamber of Commerce (ICC) arbitration brought by a German company, related to a submarine maintenance and repair contract.
- Defending Venezuela in an ICSID (Additional Facility) investor-state arbitration related to gold mining and foreign exchange regulations (Rusoro).
- Successful defense of Venezuela in an ICSID (Additional Facility) investor-state arbitration brought by a Canadian company under a bilateral investment treaty, related to a concession contract (Nova Scotia Power II).
- Successful defense of Venezuela in an ICSID (Additional Facility) investor-State arbitration brought by a Canadian company under a bilateral investment treaty, related to a joint venture and a mining concession contract (Vannessa Ventures).
- Successful representation of a Latin American country in a Stockholm Chamber of Commerce investor-state arbitration brought by a European joint venture under a bilateral investment treaty, related to a transportation project.
- Successful representation of a Venezuela SOE in an ICC arbitration concerning oil exploitation contracts (settled favorably).
- Successful defense of Venezuela in an UNCITRAL investor-state arbitration brought by a Canadian company under a bilateral investment treaty, related to a hydrocarbon sales contract (Nova Scotia Power I).
- Successful defense of Venezuela in an ICSID (Additional Facility) investor-state arbitration brought by a Canadian company under a bilateral investment treaty, related to a joint venture and a mining concession contract (Vannessa Ventures).
- Successful representation of Venezuela in a Stockholm Chamber of Commerce investor-state arbitration brought by a European joint venture under a bilateral investment treaty, related to a transportation project.
- Successful representation of Venezuela SOE in an ICC arbitration concerning oil exploitation contracts (settled favorably).
- Defending a Latin American SOE in an ad-hoc arbitration brought by a Canadian company under a bilateral investment treaty, related to a hydrocarbon sales contract.
- Advised an Asian trade association with respect to claims under various WTO agreements
- Advised an Eastern European State on WTO dispute settlement procedures.
- Advised a multinational infrastructure investor on US foreign investment review rules.

- Advised a Southeast Asian country on US bilateral investment treaty policy.
- Participation in successful defense of the United States in a NAFTA Chapter 11 investment arbitration brought by a Canadian company, related to California environmental regulations (Methanex).
- Participation in successful defense of the United States in a NAFTA Chapter 11 investment arbitration brought by a Canadian company, related to US judicial actions (Loewen).
- Participation in successful defense of the United States in a NAFTA Chapter 11 investment arbitration brought by a Canadian company, related to US Buy American laws and a transportation project (ADF).
- Successful defense of the United States in a WTO arbitration brought by India, related to rules of origin on textile and apparel products.
- Successful defense of the United States in a WTO arbitration brought by the European Union, related to intellectual property rights.
- Successful defense of the United States in a WTO arbitration brought by the European Union, related to port taxes (matter settled).
- Successful representation of the United States in a WTO arbitration, related to the Antidumping Agreement.
- Representation of the United States in ad hoc arbitrations under the 1996 Softwood Lumber Agreement.

Arbitrator Experience

- Appointed as sole arbitrator in an AAA/ICDR dispute concerning a telecommunications agreement.
- Appointed as co-arbitrator in an AAA/ICDR dispute concerning post-purchase rights and involving Asian, Latin American and U.S. parties.
- Appointed as emergency and sole arbitrator by AAA/ICDR in several matters. Issued award in a case involving US and Asian parties.
- Appointed sole arbitrator in IACAC arbitration involving US and Latin American parties.
- Co-panelist, *In The Matter of Stainless Steel Sheet and Strip in Coils from Mexico – Five Year Review of Antidumping and Countervailing Duty Orders – Injury* (USA-MEX-2005-1904-06) (NAFTA Chapter 19 arbitration).
- Co-panelist, *In The Matter of Stainless Steel Sheet and Strip Coils from Mexico* (USA-MEX-2008-1904-03) (NAFTA Chapter 19 arbitration).
- Arbitrator, *In The Matter of Light-Walled Rectangular Pipe and Tube from Mexico* (USA-MEX-2008-1904-03).

Honors

- BVI International Arbitration Centre list of arbitrators Elected to the Council of the AAA
- AAA /ICDR's International Panel of Arbitrators Elected to ICC Institute of World Business Law
- Selected for list of panelists NAFTA Chapter 19 Disputes
- Named to Indicative List of WTO Panelists
- Named to list of top 50 legal practitioners focused on Latin America by *Latinvex* (2018)

- Named one of the top 50 Female lawyers focused on Latin America by *Latinvex* (2015-2018)(International Arbitration)
- *Legal 500* Latin America (2014)
- *Legal 500* US (2019, 2020)
- *GAR 30* (2013, 2016, 2017) and *GAR 100*
- *Chambers Global / Latin America*
International Arbitration (USA and Latin America-wide) (2019, 2020)
- *Chambers USA*
International Arbitration (Nationwide) (2020)
- *Who's Who Legal: Arbitration 2020*
Global Leader and Thought Leader

Educational Activities

- Washington College of Law, Investment Arbitration online course, Washington, DC, Fall 2016
Instructor
- Washington College of Law, American University, Washington, DC, "Investor/State Dispute Resolution," Fall 2009, 2010
Adjunct professor

Industry

- American Arbitration Association
Elected board member
- Institute of World Business Law of the International Chamber of Commerce
Elected Vice Chair of the Council
- American Society of International Law and member and BASIL Task Force
Elected to the Executive Council
- DC Women in International Arbitration
Founding Member

Service to the Bar

- American Bar Association Section of International Law, Latin America and Caribbean Council
Former chair, Finance Division
- Hispanic Bar Association of the United States
Member

Publications

- Co-Author, “Covered Investors,” *The Investment Treaty Arbitration Review*, July 14, 2020
- La pandemia del COVID-19 y el impacto de las medidas de protección sobre las obligaciones internacionales de los Estados en materia de inversión, March 27, 2020
- “Reform and Adaptation- the Experience of the Americas in International Investment Law,” *Journal of World Investment and Trade*, Vol. 21, Issue No. 1, February 2020
- Co-Author, “Experts in Investor-State Arbitration: The Tribunal as Gatekeeper” *Journal of International Dispute Settlement*, 2018
- “The Brave New World of Investment Protection Reform”, *Korean Arbitration Review*, Ninth Issue, 2018
- “NAFTA 2.0: A Way Forward for the Investment Chapter,” *Columbia FDI Perspectives*, No. 211, October 23, 2017
- “The Trans-Pacific Partnership Investment Chapter: Setting a New Standard in International Investment Agreements” *NYSBA New York Dispute Resolution Lawyer Vol. 9, No. 2* 2016
- “Churchill Mining PLC and Planet Mining Pty Ltd v. Republic of Indonesia: Procedural Order No 15: Reconsideration under the ICSID Convention: No Award Required,” *ICSID Review*, 2016
- “The Trans-Pacific Partnership Investment Chapter Sets a New Worldwide Standard,” *Columbia FDI Perspectives*, No. 160, November 9, 2015
- “The Leaked TPP Investment Chapter Draft: Few Surprises . . . Is that a Surprise?” *Transnational Dispute Management*, *TDM* 6, 2015

Speaking Engagements

- “International Centre for Dispute Resolution,” American Bar Association’s Series of Practical Webinars Probing Arbitral Institutions, November 05, 2020
- “The Blurred Future of Investment Arbitration,” International Arbitration Dialogues – New York, Hogan Lovells, February 27, 2020
- Co-Chair, “Reasoning in Arbitration,” training course of the ICC Institute of World Business Law, Paris, December 17, 2019
- Co-Chair, 17th Annual ICC Miami Conference on International Arbitration, International Chamber of Commerce, November 10, 2019 to November 11, 2019
- Panelist, Mélida Hodgson Spoke at the 2019 International Law Annual Conference, April 10, 2019
- Moderator, “The Practicalities of Public Actor Involvement in Contract-Based International Arbitration,” ITA-ASIL Conference, March 27, 2019
- Co-Moderator, “The Conduct of the Proceedings and Case Management, “Allowing Additional Claims and Parties,” ICC Institute Training, September 27, 2018
- Speaker, “The Effect of Sanctions in Investment Arbitration,” GAR Live New York, September 26, 2018
- Speaker, “La Competencia en las Cláusulas Estatutarias,” 2nd ICC Ecuador Arbitration Day, Quito, Ecuador, August 30, 2018

- Speaker, “*El arte de la persuasión ante cortes y tribunales internacionales*,” Fundamentos de la Práctica Legal Internacional: Capacitación de Jóvenes Abogados de la IBA, Santo Domingo, Dominican Republic, June 26, 2018
- Co-Moderator, GAR LIVE BITs Conference, Washington, DC, Symposium, May 17, 2018
- Speaker, “Problems of Arbitration, 1st part: Reform Substantial Obligations in Investment Treaties and Conditions of Access to Arbitration of Investment – Expropriation,” 24th ICCA Congress, Evolution and Adaptation: The Future of International Arbitration, Sydney, Australia, April 16, 2018
- Speaker, “Diversity and Inclusion in International Arbitration – the Practitioner’s Dilemma,” 15th Annual ITA-ASIL Conference, Washington, DC, April 04, 2018
- Speaker, “ICSID Report – States and State-owned Entities in International Arbitration – the Selection of Arbitrators,” iLaw2018, Global ILS Forum on International Law, Miami, Florida, February 16, 2018
- Speaker, “Counterclaims,” Georgetown International Arbitration Society Conference, Washington, DC, February 13, 2018
- Speaker, “Rapid Fire Session – Diversity in Arbitration,” 34th Annual Joint Colloquium: AAA/ICC/ICSID, New York, NY, December 01, 2017
- Speaker, “International Investment Dispute Settlement: What Perspective? Momentum on Procedural Reforms – the Way Forward: A State Perspective,” 6th Asia Pacific ADR Conference, Seoul, Korea, November 09, 2017
- Moderator, “NAFTA on the Table,” ICC NY Conference, New York, NY, September 27, 2017
- Speaker, “Investor-State Arbitration & Development in the Americas,” New York State Bar Association International Section Seasonal Meeting, Antigua, Guatemala, September 12, 2017 to September 14, 2017
- Speaker, “Deliberate Diversity: A New Model for Arbitration,” BVI International Arbitration Centre, Tortola, BVI, May 30, 2017 to June 02, 2017
- Debater, “Debate on future of ISDS in investment treaties,” GAR Live BITs, Washington, DC, May 23, 2017
- Participant, “The Expert in the International Adjudicative Process,” Max Planck Institute Luxembourg for Procedural Law Symposium, Luxembourg, April 27, 2017 to April 28, 2017
- Speaker, “Recognition and Enforcement of Arbitral Awards in Domestic Courts,” AIPN/ICC Panel, New York, New York, March 02, 2017
- Speaker, “Women in International Law,” New York City Bar Association, New York, New York, November 14, 2016
- Moderator, “Towards Chaos in Investment Arbitration,” International Law Weekend, New York, New York, October 28, 2016
- Speaker, “TPP and Investment Protection,” American Bar Association Section of International Law, Fall Meeting, Tokyo, Japan, October 21, 2016
- Speaker, “A Conversation about Trade and Investment,” Institute for International and Comparative Law Symposium on Global Markets, Plano, Texas, June 14, 2016
- Speaker, “*Temas corrientes en el arbitraje de inversion*,” Tenth Latin America Arbitration Conference, Lima, Peru, April 27, 2016
- Speaker, “Impact of Mega Treaties,” Second GAR Live BITs, Washington, DC, April 18, 2016

- Speaker, “Appellate and Review Mechanisms,” 32nd ICSID/AAA/ICC Joint Colloquium on International Arbitration, Washington, DC, December 01, 2015
- Speaker, “ICSID at 50: The Evolution of International Investment Treaties and Dispute Resolution” conference (jointly organized by Xi’an Jiaotong University and World Bank’s ICSID), “Procedural Innovations,” Xi’an, China, November 26, 2015
- Speaker, “A Critical Look at Motions to Disqualify Arbitrators,” International Law Weekend, New York, NY, November 07, 2015
- Speaker, “The Law as a Primary Tool,” 13th ICC Americas Conference, Miami, Florida, November 03, 2015
- Speaker, “Evidence in International Arbitration and Implications for Confidentiality,” ABA Section of International Law, Fall Meeting, Montreal, Canada, October 22, 2015
- Speaker, “New Developments in International Arbitration,” Hispanic National Bar Association Annual Convention, Boston, Massachusetts, September 04, 2015
- Speaker, “*La Prueba en el arbitraje: La influencia del Common Law en el proceso arbitral*,” Ninth Latin America Arbitration Conference, Lima, Peru, April 28, 2015
- Speaker, “Transparency and Due Process in International Economic Law,” Annual Congress of the American Society of International Law, Washington, DC, April 10, 2015
- Speaker, “Necessity and Financial Crisis,” 2014 Investor-State Dispute Settlement Seminar, organized by the Korean Commercial Arbitration Board, the Korean Ministry of Justice, Ministry of Trade, Industry & Energy and the Seoul International Dispute Resolution Center, Seoul, Korea, August 20, 2014
- Speaker, “International Trade Law and International Investment Law: Complexity and Coherence,” American Society of International Law Conference, April 11, 2014
- Speaker, “Complex Issues in International Arbitration,” Symposium hosted by ABA Section of International Law, ICSID and LCIA, April 23, 2013
- Speaker, “Ethical Challenges for a Globalized Legal Profession: Experiences and Tips for the Practice of Law Across Borders,” The New York Chapter of the Inter-American Bar Association and the Irish American Bar Association of New York: Bernardo O’Higgins Memorial Lecture, March 18, 2013
- Speaker, “Using International Trade Law to Enforce International Arbitration Awards,” DC Bar International Dispute Resolution Committee Program, November 29, 2012
- Speaker, “Arbitraje de Infraestructura y Minería,” Primer Congreso Regional de Arbitraje, Arequipa, Peru, August 28, 2012
- Speaker, “Competing Views of Necessity,” Second Singapore IIA Conference on Investment Arbitration, Sentosa, Singapore, May 31, 2011
- Speaker, “Arbitrator Challenges” (delivered in Spanish) Fifth Latin American Congress on Arbitration, Lima, Peru, April 28, 2011
- Speaker, “Practical Aspects Regarding the Enforcement of Arbitrative Awards,” Washington College of Law, American University, Washington DC, Seventh Annual Seminar on International Commercial Arbitration, October 14, 2010
- Speaker, “Arbitration with States and State Entities under Contracts and Treaties,” ICC Young Arbitrators Forum, Washington, DC, July 20, 2010

- Moderator and Speaker, “Elements of a CAFTA Appellate Mechanism,” ABA Section of International Law, Fall Meeting, Miami, FL, October 30, 2009
- Public Meeting on the Review of the Model US Bilateral Investment Treaty, United States Department of State and US Trade Representative, July 29, 2009 to July 31, 2009
- “20th Century Economic Nationalism or Essential Security in the 21st Century? An Analysis of Foreign Investment Restriction Laws in Germany, Canada, the US and China,” ABA Section of International Law, Spring Meeting, Washington, DC, April 16, 2009
- Moderator, “Foreign Investment Dispute Arbitration,” ABA Section of International Law, Fall Meeting, Brussels, Belgium, September 24, 2008
- “Investment Arbitration in Latin America,” ABA Section of International Law Spring Meeting, April 01, 2008
- “Complex Disputes and the World Trade Organization’s Dispute Settlement System,” ABA Section of International Law Spring Meeting, April 01, 2008
- Presentation on establishing and protecting investments, Inter-American Bar Association meeting, March 08, 2008