



## EMILY WESTPHALEN ASSOCIATE

[New York](#)  
[Latin America Group](#)

Emily is an associate in in the International Arbitration practice at Herbert Smith Freehills New York LLP.

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## BACKGROUND

Emily holds a Bachelor of Laws from the Centro Universitário Unicuritiba, Brazil, and a LL.M degree from New York University, New York.

Emily is admitted to the Brazilian Bar and the New York State Bar.

## KEY SERVICES

[Dispute Resolution](#)

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## EXPERIENCE

# EXPERIENCE



Emily has extensive international arbitration experience, having previously worked with arbitration in Curitiba, Buenos Aires, London and Paris. She holds an LL.M in International Business Regulations Litigation and Arbitration from New York University (2018) and an LL.B from Centro Universitario Unicuritiba (2015).

Emily has represented oil and gas companies, major developers and contractors in international arbitration disputes across a range of sectors including mining, oil and gas, energy and social infrastructure. Her international projects experience includes working on different associations in Latin America and Brazil, most recently for renewable energy developments in Colombia and a mine expansion in Chile.

Emily is based in New York and dedicates much of her practice to our clients' interests in Latin America. She is fluent in English, Portuguese, has advanced knowledge of Spanish and basic knowledge of French.

Emily's experience includes advising:

- a confidential client in an AAA arbitration seated in Rio de Janeiro relating to a shareholders agreement dispute in relation to the operation of an iron ore pipeline in Brazil
- a globally diversified mining company in two parallel arbitrations concerning joint venture corporate governance issues and the declaration of force majeure due to failures in a major pipeline, with over US\$100 million in dispute
- a confidential client on insurance issues in relation to a tailings dam failure
- a subsidiary of a major energy company in an AAA/ICDR commercial arbitration (New York seat) relating to a JV corporate dispute regarding a business venture in the methanol market in the Caribbean
- a joint venture between French and Japanese conglomerates based in Uruguay in Spanish language ICC arbitration proceedings with seat in Madrid
- a Spanish oil company in an CIArb commercial arbitration (London seat) relating to the termination of a contract governed by English law regulating potential business ventures in an African state

## RECENT PUBLICATIONS

- "*US District Court in New York reviews AAA Appellate Arbitral Panel Decision with the Same Deference as Arbitral Awards under the FAA*," HSF Arbitration Notes, March 6, 2019.
- "*Brazilian Court of Appeals Finds 'Manifestly Illegal' Arbitration Agreement As An Exception To Kompetenz-Kompetenz*", Kluwer Arbitration Blog, January 29, 2020.

## MEMBERSHIPS

- Founder of the Brazil Very Young Arbitration Practitioners (BRVYAP)

- Member of Associação Brasileira de Estudantes de Arbitragem (ABEARb)
  - Member of the Young International Arbitration Group (YIAG) LCIA
  - Member of the Young International Council for Commercial Arbitration (ICCA)
  - Member of the Young Arbitrators Forum (YAF) of the International Chamber of Commerce (ICC)
  - Former Director of the Brazilian Legal Society at New York University
  - Former Graduate Editor of the Journal of International Law and Politics at New York University
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