

What's Good For Miami Is Good For Arbitration: Concepción

By **Caroline Simson**

Law360 (January 7, 2019, 5:37 PM EST) -- A main goal for the Miami International Arbitration Society this year is to expand the city's popularity as an arbitral venue, an ambition that could help both Miami and the field of international arbitration as a whole, according to the group's newly elected president, Carlos F. Concepción.

With millions of dollars worth of hotel, restaurant and other revenues at stake, competition among cities throughout the world to become preferred arbitral venues has intensified as the popularity of this dispute resolution method has flourished. And while Miami has long held a reputation as the go-to venue for Latin American parties with cross-border disputes, Concepción says a big part of his agenda for the next year is continuing the association's efforts to expand that popularity to parties farther afield, particularly in London, Madrid and Asia.



Carlos F.
Concepción

Asked what separates Miami from the many other jurisdictions jockeying for a piece of the arbitration pie, Concepción, who is taking the reins from immediate past MIAS president Cristina Cardenas of Reed Smith LLP, spoke briefly about Miami's geographical advantages, among them that it's easily reachable by parties on both sides of the Atlantic. But that doesn't mean that the society's efforts boil down to simply trying to win an arbitration popularity contest, he said.

"Long ago, I learned that the rising tide lifts all boats, and I think that's true very much so in our international arbitration community," Concepción said. "So I don't see it as a competition within those jurisdictions. I see it as an opportunity to grow the tide for everybody involved in this industry."

Concepción, who chairs Shook Hardy & Bacon LLP's global arbitration practice group, was elected as the president of MIAS in December, and the position became effective on Jan. 1. MIAS was founded to promote the use of international arbitration and mediation and the selection of Miami as a location for international arbitration proceedings.

Concepción's efforts to increase the popularity of Miami as an arbitral seat are not new — he says that he intends to build on what his predecessors at MIAS have already done. He noted that the Asian market is a particularly important target at the moment given the preponderance of Asian investors in Latin America who are helping to fund infrastructure projects in the region.

He noted that many of the underlying contracts for those projects are being negotiated now, making it

an ideal time to plant the idea of Miami as an arbitral seat. There's also opportunity in some locations closer to home that have been overlooked, he noted, including the English-speaking and the Spanish-speaking Caribbean.

But there's more on Concepción's agenda for the next year as well, he said, noting that part of MIAS' mandate is to promote international arbitration as a whole.

So he intends to work more closely with local universities, including the University of Miami School of Law, Florida International University College of Law and University of Florida Levin College of Law — all three of which have member representatives on the MIAS board of directors — to promote the production of legal papers that can be used by the judiciary when deciding on arbitration-related issues.

The idea is for these papers to provide legal backing for judges to give arbitrators more independence and autonomy from the courts, meaning that awards will be readily enforced and not subject to second-guessing, he explained. The finality of arbitration is of particular importance for users of this dispute resolution method, so ensuring that the local judiciary understands that is critical to promoting an area as a seat of arbitration.

Providing certainty and finality to the parties is "the backbone of the entire international arbitration process," he said. "Anything that stands in the way of finality for those tribunals is an impediment to international arbitration."

--Editing by Jay Jackson Jr.

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