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The David D. Caron Praelium

Thursday, November 20, 2025

THREE CROWNS



Three Crowns is an elite specialist firm dedicated to providing excellence in counseling and advocacy in international arbitration and international law. We are recognized by our clients and leading legal directories as “one of the premier arbitration practices in the world” and “the go-to firm for high-value and complex matters.”

Our firm has acted on some of the largest and most significant international disputes in recent years. Clients – leading corporates and sovereign states – entrust us with their largest and most important disputes. On their behalf, we have an outstanding track record of securing positive awards and settlements, including obtaining many of the most influential awards in the history of international arbitration.

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The David D. Caron Praelium

An annual celebration of advocacy

Thursday, November 20, 2025 | New York City

The Harmonie Club

Registration | 5:00 pm

Proceedings commence | 5:30 pm

Refreshments commence | 7:15 pm

The distinguished tribunal:

Samaa A. Haridi

The Honorable Charles N. Brower

Professor George A. Bermann

The advocates:

Anneliese Day KC

Patrick W. Pearsall

The Praelium is an annual celebration of advocacy, with two leading international advocates deploying their oratorical and advocacy skills in the service of important current legal issues before a distinguished three-member tribunal.¹

The event has been renamed to honor the life and legacy of Praelium co-founder, Professor David D. Caron, an individual of great humility and kindness, whose esteemed career in international law will long serve as a source of guidance and inspiration.

¹ The opinions expressed are in the spirit of academic debate and do not necessarily reflect the advocates' or arbitrators' views.

THE FACT PATTERN

1. Fresh off their lavish wedding, Shawn Patten – a 20-something heir to a Tazlandian mega-trust – and his new wife, Raquel, jetted off to The White Orchid, a luxury resort in Maui famed for its Instagrammable cocktails, five-star suites, and surprisingly high guest mortality rate (which, crucially, was not disclosed in the brochure).
2. Shawn had booked the exclusive “Papaya Suite” specifically because it came with its own private plunge pool. To his horror, upon arrival, the suite had been double-booked. Instead, he and Raquel were dumped into a suite featuring three bedrooms, fake bamboo furniture, and no plunge pool. Convinced this was a personal slight, Shawn accused the hotel manager, Edmund, of harboring a vendetta.
3. While Raquel suggested they just relax and enjoy the trip, Shawn called his mother in a rage. She flew to Maui immediately (as wealthy, meddling mothers do), and, in true dynastic fashion, convinced Shawn to buy the hotel, fire Edmund, and launch a rebranded paradise: The Papaya Colony, a luxury resort where every suite would feature its own papaya-shaped plunge pool.
4. In the weeks that followed, local media outlets leaked details of the acquisition plan. These included the conversion of The White Orchid into a high-end luxury resort called The Papaya Colony. The buildout was to occur pursuant to the terms of an investment agreement between Mr. Patten and the Local Government of Maui (the “Agreement”). Among the terms of the Agreement, Mr. Patten was required to obtain all necessary approvals for construction from neighboring jurisdictions, including a region traditionally used by Native Hawaiian communities for cultural, agricultural, and spiritual practices. The Agreement also included an ICSID arbitration clause, applied US federal law, and named the seat of arbitration as Washington, DC.
5. Despite initial backlash to The Papaya Colony proposal – protests, sit-ins, angry TikToks – community opposition mysteriously disappeared after a series of “consultations” held at The White Orchid spa bar. Reports swirled of shady contracts signed under the influence of psychedelic piña coladas. Things escalated when a body was found floating in the ocean outside the hotel.
6. As public scrutiny mounted, the Maui government launched an investigation. Though no one could conclusively tie Shawn to the deceased floater, the government claimed he failed to obtain proper environmental permits and commenced litigation before the District Court of Hawaii, seeking to enjoin further work on The Papaya Colony. After a comprehensive review of available evidence, the District Court ruled in February 2025 that Mr. Patten had in fact properly acquired all necessary permits.
7. The following month, due to a 350% “liberation tariff” on imported papayas, U.S. domestic papaya prices skyrocketed. Spurred by this, Maui legislators began

advocating for a return to local agriculture and introduced bills proposing that the land allocated under the Agreement for the construction of The Papaya Colony be repurposed into a public-private papaya farming cooperative, to be known as The Papaya Sweet. With public support sky-high and tropical smoothies running low, the legislation passed in April 2025.

8. Meanwhile, private investigators confirmed the floater's identity: Edmund. Rumors suggested he'd discovered that Shawn's mother had bribed officials to push the Agreement through. Investigators also uncovered evidence that Shawn's mother had later persuaded the same officials to misappropriate community funds, previously earmarked for papaya restoration initiatives, to secure environmental permits for The Papaya Colony.
9. Prosecutors filed charges against Shawn's mother and several ex-government officials. Although they couldn't pin the bribes on Mrs. Patten, two officials who signed the Agreement were convicted of corruption. The Maui government, citing this and increasing papaya patriotism, formally terminated the Agreement and pulled the plug on The Papaya Colony.
10. Outraged, Shawn invoked the US – Tazlandia Bilateral Investment Treaty, filing an ICSID claim for USD 4.2 billion. He denies any involvement in bribery, insists the Agreement was above board, and claims Edmund died in a scuffle with a disgruntled guest. He argues that the District Court confirmed his permits, and that shutting down the project in favor of The Papaya Sweet constitutes an unlawful expropriation and a violation of his Fair and Equitable Treatment rights.
11. Maui counters that the Agreement was tainted by corruption from the start and is therefore void ab initio. They add that the District Court couldn't have considered all the facts – especially the allegations of embezzled papaya funds used for permit approvals. As there are no permits for the project, the project is not protected under the Treaty.

ISSUES FOR DETERMINATION

The Tribunal has invited the parties to address the following issues:

1. Is the dispute regarding the validity of the environmental permits admissible, given the earlier decision of the District Court?
2. Does the alleged payment of bribes to government officials render the investment illegal ab initio, thereby barring protection under the ICSID Convention?

THE DISTINGUISHED TRIBUNAL



Samaa A. Haridi
King & Spalding

Samaa A. Haridi is a civil and common law-trained, trilingual lawyer with over 20 years of experience representing clients from all over the world in international commercial and investment arbitration, under the rules of all major arbitral institutions. Samaa has been singled out by clients for being “spectacular,” “outstanding,” “energetic and determined,” a “magnificent lawyer,” and “really, really phenomenal” (Chambers USA). Sources also acknowledge her as being a “first-class arbitration lawyer; one of the best in the region” (Lexology Index) and a “global leader” whose “reputation is sky rocketing” (Lexology Index). She is one of 15 international arbitration practitioners in North America singled out by Lexology Index as a Global Elite Thought Leader – Arbitration.



The Honorable Charles N. Brower
Twenty Essex

Judge Brower has recently served as Judge ad hoc of the International Court of Justice in three active contentious cases, as a result of which he is the most-appointed of the only five Americans ever so appointed, has been a Judge of the Iran-United States Claims Tribunal since 1983, and has served as Judge ad hoc of the Inter-American Court of Human Rights. He is a member of Twenty Essex Chambers in London and has served as Distinguished Visiting Research Professor of Law at George Washington University Law School. Previously, Judge Brower served as Acting Legal Adviser of the United States Department of State, as Deputy Special Counsellor to the President of the United States, and as a partner at White & Case LLP, where he co-founded the firm’s Washington, D.C. office. Judge Brower has been awarded the ASIL Manley O. Hudson Medal, U.C. Berkeley Law School’s Stefan A. Riesenfeld Memorial Award, the ABA Section of International Law’s Lifetime Achievement Award, the ITA-CAIL’s Pat Murphy Award, GAR’s Lifetime Achievement Award, and the inaugural Lifetime Achievement Award of the Center for American and International Law.



Professor George A. Bermann
Columbia Law School

Professor George A. Bermann is the Jean Monnet Professor of EU Law, Walter Gellhorn Professor of Law, and the director of the Center for International Commercial and Investment Arbitration (CICIA) at Columbia Law School. He principally teaches courses in transnational dispute resolution (international arbitration and litigation) and European Union law. George is an active international arbitrator in commercial and investment disputes; chief reporter of the ALI’s Restatement of the U.S. Law of International Commercial and Investor-State Arbitration; co-author of the UNCITRAL Guide to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards; chair of the Global Advisory Board of the New York International Arbitration Center (NYIAC); co-editor-in-chief of the American Review of International Arbitration; founding member of the governing body of the ICC Court of Arbitration; chair of the advisory board of the Center for International Investor-State and Commercial Arbitration (CIICA) (Lahore, Pakistan), and the Thai Arbitration Center (Bangkok, Thailand); and member of the board of the Tehran Regional Arbitration Center (Tehran, Iran).

THE ADVOCATES



Anneliese Day KC (*Representing the Claimant*)
Fountain Court Chambers

The breadth and depth of her expertise is demonstrated by her selection as one of just 21 'Stars at the Bar' by Chambers & Partners, who note her to be "one of the most formidable commercial barristers in the world... her advocacy style is very authoritative... her strategic mind is exceptional."

She combines this legal acumen with having "the Midas touch in the way she communicates with clients and solicitors... you feel enormously supported and empowered when Anneliese rolls up her sleeves for you."

Anneliese's practice as "a leading lawyer of her generation" and "a ruthlessly brilliant advocate" covers all facets of commercial litigation and arbitration (as both lead counsel and arbitrator). She has worked on significant and complex cases (at both first instance and appellate level) in the UK and Ireland, Asia Pacific, the Caribbean, Europe and the Middle East. One of the limited number of "Stars at the Bar," she is recognized as a "leading light" in multiple practice areas by the legal directories, not only in the UK but in a variety of jurisdictions around the world and as a Global Elite Thought Leader in Lexology Index.

The exceptional quality of Anneliese's work has led her to win a number of coveted awards, including The Lawyer's 'Barrister of the Year', 'Silk of the Year' at Legal 500's UK Bar Awards, together with numerous individual practice area Silk of the Year Awards. She has also been identified as one of the 500 most influential people in the UK by Debretts, and as a "good leader for the 21st century."



Patrick W. Pearsall (*Representing the Respondent*)
Gibson Dunn

Patrick W. Pearsall is an international arbitration and disputes partner in the Washington, DC office of Gibson Dunn. He is Global Co-Chair of the Geopolitical Strategy and International Law practice. Patrick is Chambers-ranked in multiple practice areas and focuses on helping clients resolve complex disputes, respond to crises, and protect themselves in dozens of jurisdictions throughout the world. He has litigated in U.S. courts at the highest levels and has practiced under all of the world's leading arbitral rules. Patrick regularly advises sovereign states and Fortune 500 companies and is widely regarded as one of the foremost experts in the world on international law. Clients describe Patrick as a "rockstar" with an "unmatched razor-sharp mind" who is an "incredible," "terrific advocate and a real thought leader."

Patrick's experience cuts across several industries, including energy, mining, pharmaceuticals, telecommunications, maritime, fisheries, financial services, infrastructure, geographic boundaries, consumer products, emergent technology, and manufacturing. Clients reach out to Patrick at all stages of a potential or active dispute. In addition to his commercial and treaty disputes work, Patrick is often called upon to assist companies, executives, and sovereign states when they are struggling with exposure from a geopolitical crisis. Patrick is a recognized specialist in investment protection and dispute avoidance. He has successfully resolved claims involving tens of billions of dollars for clients.



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Columbia Law School is renowned for the intellectual rigor of its curriculum and the ground-breaking scholarship of its faculty. Drawing strength from the vast interdisciplinary resources of our distinguished research university – and the global stage of New York City – our students complete their legal training ready to engage with the world's most challenging issues across borders, jurisdictions, subject matters, sectors, and industries.



View from Bush House terrace,
Strand Campus

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The Dickson Poon School of Law, King's College London is one of the oldest law schools in England and recognised globally as one of the best law schools in the world. The School was established in 1831 and has played an integral role in the life of King's since the university was formed almost 200 years ago.

King's has been in service to society since its foundation and we're proud to continue that tradition to this day. Our research and teaching address some of the most pressing questions of our time relating to equality and human rights, the legal implications of climate change, globalisation, international relations, trade, competition and global finance, to name but a few. Members of The Dickson Poon School of Law advise governments, serve on commissions and public bodies and are seconded to national and international organisations, helping to shape policy and practice nationally and internationally.

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New York Arbitration Week

November 17-21, 2025

The New York International Arbitration Center (NYIAC) and the New York Branch of the Chartered Institute of Arbitrators (CIArbNY) are pleased to provide further details about the New York Arbitration Week (NYAW) 2025.

In a world increasingly defined by change and complexity, the field of international arbitration faces both formidable challenges and exciting opportunities. That is why this year's NYAW's theme will be "Searching for the North Star." This theme speaks to our community's quest for improvement and adaptability within the rapidly evolving landscape of international arbitration. Parties, practitioners, arbitrators, institutions, and other stakeholders are all searching for the guiding light of the proverbial North Star to steer us through complex issues of today's world, including those of legitimacy, transparency, diversity, efficiency, and sustainability of international arbitration.

The New York Arbitration Week Organizing Committee consists of members from across the globe, reflecting NYAW's goal of engaging with members of our international arbitration community in all regions. This year, the Committee is co-chaired by Christian Leathley and Ulyana Bardyn, and includes Juliya S. Arbisman, Jessica Beess und Chrostin, Prof. Yuliya Chernykh, Matthew Draper, Prof. Franco Ferrari, Elliot Friedman, Renato Stephan Grion, Samaa Haridi, Lucila Hemmingsen, Sherman Humphrey, Louis B. Kimmelman, Floriane Lavaud, Viren Mascarenhas, Jeff Newton, Jennifer Permesly, Rekha Rangachari, Claudio Salas, Steven Skulnik. This year's Committee Secretaries are Lucila Marchini, Lynn Moubarak, Rocio Monzón and Zack Lindsey.



NYIAC is a non-profit organization formed to advance, strengthen, and promote the conduct of international arbitration in New York. NYIAC presents thought leadership programs and hosts a range of educational and networking programs and events for the international arbitration and New York ADR community.

The Chartered Institute of Arbitrators is a learned society and charity headquartered in London. It provides worldwide scholarship and professional development for all areas of alternative dispute resolution, has approximately 17,000 members worldwide and is the only body to confer arbitrator credentials recognized around the world. CIArbNY represents the Institute in the States of New York, New Jersey and Connecticut; it offers training in international arbitration and other ADR programs in its territory.

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New York Branch

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