



Kiera S. Gans

Of Counsel

New York

T: +1 212 335 4587
F: +1 212 884 8687
M: +1 646 641 3580

Kiera Gans has represented individuals, domestic and foreign companies and sovereign governments in both ad hoc arbitrations and also arbitrations under the ICC, SIAC, UNCITRAL, AAA/ICDR and ICSID rules, in venues around the globe. Ms. Gans has extensive experience with investor treaty arbitration and has been an advocate acting both for and against sovereign states in a number of prominent claims.

Kiera has provided training to foreign governments related to investment treaty disputes and strategies for managing and preventing such disputes. She has been involved in complex arbitrations and litigations across a wide variety of sectors including oil and gas, education, energy, construction, telecommunications and mining.

Kiera has litigated in connection with arbitration, including enforcing arbitral awards, and routinely advises on the drafting of arbitration agreements and pre-dispute strategy.

Kiera also has extensive experience conducting internal investigations and FCPA due diligence, as well as representing clients in matters involving anti-bribery restrictions worldwide. In particular, she has conducted multi-jurisdictional investigations for clients in the defense, financial services, aerospace and telecommunications industries in Latin America, Europe, the Middle East and Asia. She also routinely advises clients across various industries regarding the practical implications of the FCPA and its application to business issues, including those resulting from the retention and use of third-party consultants and vendors, government tenders and whistleblower allegations.

LANGUAGES SPOKEN

- Spanish

EXPERIENCE

SIGNIFICANT INVESTOR – STATE ARBITRATION EXPERIENCE

RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Arbitration
- International Trade, Regulatory and Government Affairs
- White Collar and Corporate Crime
- Global Employment Law Compliance
- Global Governance and Compliance

LANGUAGES SPOKEN

Spanish

- Representing Hungary in two different ICSID arbitration brought by French investors under the Franco-Hungarian bilateral investment treaty related to the "social vouchers" industry and in annulment proceedings related to a third case
- Representing the Sultanate of Oman in connection with a claim by a Saudi investor pursuant to the OIC Agreement concerning a construction project
- Representing Transban Investments Corp., a Barbadian investor, in an ICSID arbitration against Venezuela. The aggregate of claims in excess of US\$200 million arose from the expropriation of investments in the automotive sector and was asserted under the Barbados-Venezuela bilateral investment treaty
- Representing Valle Verde Sociedad Financiera, a Spanish investor, in an ICSID arbitration against Venezuela. The aggregate of claims is over US\$100 million and the dispute arose from the expropriation of investments in the banking sector and was asserted under the Spain-Venezuela bilateral investment treaty
- Representing the Sultanate of Oman in connection with a claim by a US investor pursuant to the US-Oman Free Trade Agreement concerning lease agreement and mining rights
- Representing the Republic of Moldova in an ICSID arbitration brought pursuant to the France-Moldova bilateral investment treaty related to duty-free stores
- Representing Czech Republic in an investment treaty arbitration for over US\$50 million brought by a German investor under the UNCITRAL Rules involving water rights
- Representing Czech Republic in an investment treaty arbitration under the UNCITRAL Arbitration Rules and a bilateral investment treaty related to investment of real property and related business
- Representing Georgia (country in the Caucasus) in a \$350 million ICSID arbitration brought under a bilateral investment treaty and the Energy Charter Treaty
- Representing Georgia (country in the Caucasus) in an ICSID arbitration involving the Trans-caucus pipeline
- Representing Georgia (country in the Caucasus) in an ICSID arbitration brought under the Italian-Georgia bilateral investment treaty related to restructuring and the alleged expropriation of a steel plant

SIGNIFICANT INTERNATIONAL COMMERCIAL ARBITRATION EXPERIENCE

- Representing an investment fund in ad hoc proceedings pursuant to the CPR Procedures related to breach of contract, conversion and other related claims
- Representing an Omani mining company in *ad hoc* proceedings related to breach of lease agreements for limestone quarry
- Representing a Brazilian company in an ICDR arbitration in connection with claims to breach of exclusive distributorship in Asia
- Representing US university in an ICC arbitration brought by a Vietnamese company involving education programs in Vietnam
- Representing a US company in ICDR arbitration concerning a contract dispute regarding steel from Asia
- Representing a concessionaire in an ICC arbitration in London against a Central American country involving the construction of a toll road
- Representing oil company in an ICC arbitration in connection with breach of contract dispute
- Representing foreign company in a SIAC arbitration in connection with breach of joint venture agreement
- Representing global communications provider in a JAMS arbitration and related court proceeding in New York Supreme Court
- Representing and advised foreign energy company in connection with ICC arbitration related to Liquefied Natural Gas SPA
- Representing a multi-national company in two complex ICC arbitration involving construction of a pipeline in Venezuela and subject to Venezuelan law. The dispute involved Spanish language documents, and Spanish speaking witnesses

INVESTIGATIONS AND OTHER LITIGATION

- Representing company before the Department of Justice regarding activity of its subsidiary in Asia
- Representing company in connection with an internal investigation resulting from activity of its affiliate in Asia
- Representing private-owned Swiss bank in fraudulent transfer/RICO litigation in US District Court in Florida and the Eleventh Circuit and managed related litigation in Lichtenstein

CREDENTIALS

Admissions

- New York

Clerk Experience

- Clerked for the Honorable John Evans at the Federal Court of Appeals, Ottawa, Canada

Prior Experience

Before joining DLA Piper, she worked for a leading international law firm in New York and had a public interest law fellowship in Argentina.

Recognitions

Nominated for 2016 in the 23rd edition of "*Best Lawyers in America*." Additionally, Chambers & Partners has recognized Kiera as an "Up and Coming" lawyer in their well-respected global and US legal ranking directories for her work in International Arbitration. *Chambers USA* and *Chambers Global* stated, "Kiera Gans is a rising star in the market and earns rave reviews from clients, with one describing her as 'incredibly professional, logical and attuned to the practicalities of business.' She counts the Sultanate of Oman among her clients and has experience in investment treaty matters." Kiera was also ranked as a future leader in *Who's Who Legal: Arbitration, 2018*.

Education

- J.D., University of Toronto 2001
Editor, International Law Section, *University of Toronto Law Review*
- M.A., International Relations, University of Toronto 2001
- B.A., Cornell University 1998

Courts

- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Second Circuit
- United States District Court for the Southern District of New York

Memberships

She serves on the Panel of International Commercial Arbitrators of the ICC National Arbitration Committee of the Canadian Chamber of Commerce. She is also on the Board of Directors for the New York International Arbitration Center. In addition, she was a member of the Young Attorneys in Alternative Dispute Resolution (Y-ADR) Steering Committee for the International Institute for Conflict Prevention and Resolution (CPR) and served as a chair of the Young Lawyers Interest Network for the American Bar Association, International Law Section.

- 100cameras, Board of Directors
- Mentor, Young ICCA Mentoring Programme
- Mentor, Leadership Council on Legal Diversity Mentoring Program
- Lecturer in international arbitration, DLA Piper Signature Project in Tanzania, Africa involving government officials
- Trainer, partnered with the National Center for State Courts (NCSC) to provide trial advocacy training to police prosecutors in the Caribbean

INSIGHTS

Publications

Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related “cures”

Tackling the realities of due diligence in a global setting

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

- Co-Author, "How to Secure Emergency Relief in International Arbitration," *Corporate Counsel*, November 16, 2016
- Co-Author, "Arbitral Awards-Challenging to Challenge," *International Arbitration Law Review*, 2016
- Co-Author, "Rule Revisions From 5 Top Global Arbitral Institutions," *Corporate Counsel*, October 23, 2014
- Co-Author, "The Potential for Arbitrators to Refer Suspicions of Corruption to Domestic Authorities," *Transnational Dispute Management Journal*, Special Issue (Spring 2013)
- Author, "The Foreign Corrupt Practices Act: 2012 Annual Review", *Government Contract*, Vol. 26, March 18, 2013
- Co-Author, "The Foreign Corrupt Practices Act," in *White Collar Crime: Business and Regulatory Offenses*, Chapter 16 (Opermaier & Morvillo eds., 2000) (updated periodically) (2012)

Events

- Speaker, Securing the Decision: A Primer on Arbitral Award Writing, New York State Bar Association Dispute Resolution Section's (NYSBA DRS') Fall Meeting, October 2018
- Speaker, GAR Live Inquisition: - This house believes that all awards tainted by corruption should be unenforceable, 7th Annual GAR Live New York, September 2018
- Speaker, "The Legacy of the Argentine Gas Sector Cases in Investor-State Arbitration," American Bar Association's 2017 Section of International Law Fall Conference, October 2017
- Speaker, "Conversations about International Arbitration: The New IBA Conflict-of-Interest Rules and New York as a Venue for International Arbitration," Program sponsored by ICC YAF, ICDR Y & I, Weil, and IBA, New York, New York, November 13, 2014
- Speaker, "International Arbitration: Pre-Arbitration Considerations," ADRIC 2014, ADR Canada's Annual National Conference, Montreal, Canada, October 2014
- Lecturer, Pace Law School: Institute of Commercial Law, Four Part Series: The Nuts and Bolts of the Foreign Corrupt Practices Act & Other Anti-Corruption Legislation, 2014
- Lecturer, Introduction to Investment Treaty Arbitration, Pace International Institute, December 2013
- Moderator, "Anti-Corruption & Bribery Facing Tribunals In International Arbitration," ICC Canada, International Arbitration Conference, October 2013
- "To Defer or Not To Defer: Canadian, American, and ICSID Perspectives on the Review of Arbitral Rulings on Jurisdiction." Joint Symposium ICDR Y&I and YCAF, June 2012
- Speaker, "Canada-US Energy and Trade Policy: Cooperation or Confrontation?", Canadian Corporate Counsel Association World Summit and National Spring Conference, April 2012
- Moderator, ABA International Law Spring Meeting, "Life Balance and the Generational Gap in the Legal Workplace"
- Lecturer, Osgoode Professional Development Program, International Commercial Arbitration Workshop

- Moderator, New York City Bar: Pathways to Employment in International Law Program
- Speaker, Agreements to Expand the Scope of Judicial Review, YAF/YCAP Symposium
- Lecturer, Internal training session entitled, "Managing Disputes before the Dispute Arises"

NEWS

DLA Piper lawyers and practices were highlighted in the 2017 directory of Who's Who Legal

22 DEC 2017

DLA Piper is pleased to announce *Who's Who Legal* designated us as both the Real Estate Firm of the Year and the Franchise Firm of the Year for 2017.

MEDIA MENTIONS

- "Corruption Cases Provide Warning for Those Expanding Abroad," *Franchise Times*, October 9, 2012