



Kiera S. Gans

Partner

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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.

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

Spanish

LANGUAGES SPOKEN

- Spanish

SIGNIFICANT INVESTOR – STATE ARBITRATION EXPERIENCE

- Representing two investors in connection with their BIT claim arising out of investments in the renewable energy sector

- Representing Hungary in two different ICSID arbitrations 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-caucas 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

- Represent multinational technology company in ICC arbitration concerning dispute over breach of representation and warranty and indemnification claims arising out of acquisition
- 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 advising foreign energy company in connection with ICC arbitration related to Liquefied Natural Gas SPA
- Representing a multi-national company in two complex ICC arbitrations 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

- *Chambers Global*
 - Band 6, USA International Arbitration: Counsel (2022)
 - Up and Coming, USA International Arbitration (2016)
- *Chambers USA*
 - Band 5, Nationwide International Arbitration: Counsel (2022)
 - Band 6, Nationwide International Arbitration: Counsel (2021)
 - Up and Coming, Nationwide International Arbitration (2015-2016)
- *The Legal 500 Latin America*
 - Recommended, Latin America International Arbitration (2017-2018)
- Recognized, "Arbitration Future Leaders," *Who's Who Legal* (2022)
- Nominated, 23rd edition of "*Best Lawyers in America*" (2016)

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.

Kiera has also been named to the international panel of arbitrators for the International Centre for Dispute Resolution (ICDR).

Kiera also served as a delegate for the UNCITRAL Working Group II Session on Expedited Arbitration.

- 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

Supreme Court limits the use of 28 U.S.C. § 1782 discovery in international arbitration

27 June 2022

This decision largely puts an end to a long-standing debate.

Paris Court of Appeal finds PCA lacked power to intervene in OIC investor-state arbitration

6 April 2021

The decision of the Paris Court of Appeal casts uncertainty on arbitrations under the OIC Agreement for which the PCA Secretary-General has agreed to act as appointing authority.

US Supreme Court to decide whether 28 U.S.C. § 1782 includes international arbitration

24 March 2021

The intervention is likely to provide much-needed clarity.

Americas Arbitration Roundup

26 October 2020

In this first edition of *Americas Arbitration Roundup*, our thought leaders across the region provide updates on recent key developments in international arbitration in the Americas.

US: Four significant developments in arbitration case law

26 October 2020

US-style discovery; compelling arbitration on the basis of equitable estoppel; class-wide arbitration when the arbitration agreement is ambiguous; ongoing use of the US DDCC for ICSID award enforcement.

Seventh Circuit prohibits § 1782 discovery in international commercial arbitration

6 October 2020

The decision further cements a circuit split on the issue, making it a likely candidate for resolution by the Supreme Court.

US Court of Appeals permits § 1782 discovery in private arbitration

22 April 2020

The decision may indicate a significant new trend.

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, "The Wisdom of Using AI for Middle Value Arbitration Disputes," *New York Law Journal*, June 5, 2020
- Author, "Report from Arbitral Women's Representative at the February 2020 UNCITRAL Working Group II Session in New York on Expedited Arbitration," *Arbitral Woman*, February 21, 2020
- 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 (Obermaier & Morvillo eds., 2000) (updated periodically) (2012)

Events

- Speaker, "The 1782 Conundrum: The American Dream or a Global Nightmare?" American Bar Association's 2020 ILS Virtual Annual Meeting, June 2, 2020
- Speaker, A debate on the motion: "The House Believes that Arbitral Tribunals Should Regulate Ethical Conduct in International Arbitration," New York International Arbitration Center, Program sponsored by White & Case LLP, New York, New York, November 7, 2019
- Speaker, "Conflict Prevention and Resolution at Work in Brazil and Mexico," CPR Institute, November 6, 2019
- 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 announces partnership promotions for 2021

28 April 2021

DLA Piper is proud to announce that 44 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2021 in the United States and May 1, 2021 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 33 different offices throughout 17 countries.

MEDIA MENTIONS

- "The Wisdom of Using AI for Middle Value Arbitration Disputes," *Law.com*, June 5, 2020
- "Rolls-Royce seeks US Supreme Court ruling on scope of discovery," *Global Arbitration Review*, April 29, 2020
- "Corruption Cases Provide Warning for Those Expanding Abroad," *Franchise Times*, October 9, 2012