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Volterra Fietta founder scoops 2015 Smit-Lowenfield Prize

Rebecca Carter - 16 January, 2015

The International Arbitration Club of New York has announced the recipients of its prestigious annual prize for best article in the field.

Stephen Fietta and **James Upcher** have been named as this year's winners of the Smit-Lowenfield Prize for an article published in 2013. Fietta is a name partner at boutique public international law firm **Volterra Fietta**, where Upcher previously worked as an associate, before taking up his current post as a law lecturer at Newcastle University in September 2014.

The prize honours the late professor Hans Smit of Columbia Law School and Andreas Lowenfeld, the Rubin Professor Emeritus at the New York University School of Law, for their distinguished careers in the field of international arbitration.

It is issued each year by the International Arbitration Club of New York – a not-for-profit organisation founded in 2010 – which comprises 97 leading practitioners and scholars in the field of international arbitration, who are either living or working in the New York City area.

The Club aims to provide a forum for discussion of issues in international arbitration and to foster recognition (<http://www.cdr-news.com//categories/arbitration-and-adr/5248-arbitration-alternative:-new-york-litigation>) of New York City as an ADR venue. Members of the Club are drawn from such elite arbitration law firms as **Debevoise & Plimpton**, **Cleary Gottlieb Steen & Hamilton** (<http://www.cdr-news.com//firms/cleary-gottlieb-steen-and-hamilton>), **Simpson Thacher & Bartlett** (<http://www.cdr-news.com//firms/simpson-thacher-and-bartlett>), **Skadden, Arps, Slate, Meagher & Flom**, **Sullivan & Cromwell** (<http://www.cdr-news.com//firms/sullivan-and-cromwell>), **Weil, Gotshal &**

Manges (<http://www.cdr-news.com//firms/weil-gotshal-and-manges>) and **White & Case** (<http://www.cdr-news.com//firms/white-and-case>).

New York arbitration was boosted in December 2014 with the launch of a new set (<http://www.cdr-news.com//categories/arbitration-and-adr/5291-arbitration-revived>) of international arbitration rules by the **International Institute for Conflict Prevention and Resolution** (CPR). Relating specifically to cross-border business transactions, the rules are intended to offer an alternative approach (<http://www.cdr-news.com//categories/arbitration-and-adr/4771-arbitral-institutions>) to that of other ADR institutions.

EYE ON THE PRIZE

Having practiced public international law for almost 20 years, Fietta advises on a wide range of issues, including the protection of international investments under bilateral and multilateral investment treaties, and the resolution of subsequent disputes by arbitration, as well as territorial and sovereignty disputes.

Upcher, who is an Oxford graduate, focuses his research on international dispute settlement, and the history and theory of international law, as well as the law of armed conflict and the use of force. He worked on a range of public international law disputes and investment treaty arbitrations during his tenure at Volterra Fietta.

The pair were awarded the accolade for their article, “*Public International Law, Investment Treaties and Commercial Arbitration: an emerging system of complementarity?*”, which was published in *Arbitration International*, Volume 29, Issue 2.

The article examines the increasingly harmonious relationship between public international law and international commercial arbitration rights, particularly in light of recent regional court decisions and international investment and commercial arbitration awards.

Fietta’s firm recently successfully acted (<http://www.cdr-news.com//article-tags/malaysia/5271-triumph-of-the-tiger>) for Malaysia in one such example of the cross-over between arbitration and public international law – a dispute between the South East Asian country and neighbouring Singapore over development charges for parcels of land.

HEAD AND SHOULDERS

The winning article was selected by a committee comprised of **McDermott Will & Emery**’s head of international arbitration **B. Ted Howes**, **Kelley Drye & Warren** partner **Daniel Schimmel**, **Jones Day** (<http://www.cdr->

[news.com//firms/jones-day](http://www.cdr-news.com//firms/jones-day)) consultant **Fred Sherman** and commercial arbitrator and counsel, **James Rhodes**.

“Among a strong showing of articles, this piece stood out for its wide-ranging and meticulous analysis of the current state of play,” commented committee chairman **Rory Millson**, a partner at **Cravath, Swaine & Moore**, who announced the award.

“Stephen’s broad international legal practice and James’ academic and practical expertise make them particularly fit for a thorough review of the current state of international arbitration,” he added.

The prize of USD 2,500 will be formally presented to the pair at a dinner to be held in their honour later this month at The University Club in New York.

Lawrence Newman, presiding member of the Club and of counsel at **Baker & McKenzie** (<http://www.cdr-news.com//firms/baker-and-mckenzie>), said in a statement that it would be a pleasure to present the award to “such esteemed and thoughtful leaders in the international arbitration space”. He added that their article “takes a fascinating look at regional interpretations of The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards”.

Previous winners of the accolade have included **Gary Born** (<http://www.cdr-news.com//firms/wilmerhale/gary-born>), international arbitration chair at **Wilmer Cutler Pickering Hale and Dorr**, who was awarded the prize last year. Already recognised as a leading academic in this field, Born was appointed as a visiting professor (<http://www.cdr-news.com//categories/arbitration-and-adr/5313-professor-borns-new-beijing-beginning>) at Tsinghua University School of Law in Beijing last month.

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