

**David Martowski**

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**Background**

**Current:** International arbitration practice since 1968 as an advocate, arbitrator since 1984 and full-time arbitrator/mediator since 2004.

**Former:** President of Transport Mutual Services, Inc. (“TMS”) and Chairman of its successor, Thomas Miller (Americas), Inc. (“TMA”) and Thomas Miller’s first American Partner. (1979-2004). Responsible for the litigation and arbitration of international commercial shipping disputes arising in the Americas involving members of the United Kingdom Mutual Steam Ship Assurance Association (“UK P&I Club” - founded 1869) which insured 6,000 ships or 20% of the world’s merchant tonnage, flying the flags of 85 nations. Founded TMS as the Club’s U.S. representative with offices in New York, Miami, San Francisco and Houston, and served as its president. In 1996 TMS merged with a sister company to form TMA, serving as Chairman until retirement in 2004. In 1992 joined Thos. R. Miller & Son, a London based partnership responsible for managing Miller’s worldwide interests and serving throughout his career as a director of a number of related Bermudian entities. Has done business in Asia (Japan, China, Hong Kong, Taiwan, Korea, Singapore, Thailand, Vietnam, Malaysia, Philippines), Europe (England, France, Germany, Italy, Russia, Poland) and Latin America (Cuba, Mexico, Belize, Guatemala, Honduras, Nicaragua, El Salvador, Costa Rica, Panama, Venezuela, Ecuador, Peru, Brazil).

Associate/Partner at Kirlin Campbell & Keating (1968-1979) representing shipowners, charterers, oil majors and trading houses in complex international maritime and commercial litigation and arbitration. London internship with the largest British mutual shipowners’ association dealing with international commercial litigation and arbitrations in the United States and London. Houston internship with Fulbright & Jaworski concentrating on oil & gas law, offshore technology, and commercial disputes involving the international offshore oil and gas industries.

**Dispute Resolution Experience**

**Arbitration** – Since 1984 served as tribunal chair, sole and party-appointed arbitrator involving approximately 275 reasoned awards in accordance with the rules of the Society of Maritime Arbitrators (SMA), AAA/ICDR, ICC, London Maritime Arbitrators Association (LMAA) and CPR Institute for Dispute Resolution. In 2018 appointed as chairman, sole or party-appointed arbitrator in 22 proceedings; in 2019 an additional 22 proceedings; and in 2020 (to date) an additional 31 proceedings involving the rules of the SMA, BoatUS, AAA/ICDR, ICC and LMAA.

**Mediation** – Has served as mediator in 6-8 international disputes; most recently in a domestic matter involving ship design and an international dispute involving the carriage of nuclear materials.

**Representative Arbitration Matters**

- Chairman or sole arbitrator involving \$ multi-million claims against Venezuelan entities including PDVSA
- Co-arbitrator of several bunker quality and payment disputes
- Co-arbitrator involving a dispute over Venezuelan sanctions
- Co-arbitrator in a \$50 million dispute involving the construction of naval vessels (2019) with a \$13 million counterclaim
- Chairman of ICDR \$200+ million dispute involving terminal contracts (2018)
- Co-arbitrator of dispute involving \$147 million oil spill in Chile (2018)
- Chairman of \$1 million sales contract dispute involving Mexican entity (2017)
- Chairman of Tribunal entering an award on \$139 million settlement of oil supply contract (2017)
- Co-arbitrator of ICC \$2 million sales contract dispute involving Chinese entities (2016)

- Co-arbitrator of ICC \$19 million dispute involving a German-built mega-yacht with London hearings and Vienna deliberations (2015)
- Co-arbitrator of ICC \$1.7 million dispute involving demurrage (2015)
- Chairman of \$14 million dispute arising from Somali pirates' seizure of vessel, \$170 million of crude oil, officers and crew (2013)
- Chairman of \$3.3 million terminal dispute involving Ecuadorian interests (2011)
- Chairman of \$500+ million dispute involving the financing and construction of 12 tankers (2009)
- Chairman of \$4 million dispute involving sales contracts (2009)
- Co-arbitrator of ICDR \$ multi-million claims involving port authority contract (2007)
- Co-arbitrator of \$30 million insurance dispute involving the loss of vessel with all hands (2001)

### **Education, Awards and Recognition**

- Boston College (B.S. 1961) *cum laude*, Dean's List, Honors Program, *Beta Gamma Sigma* Honor Society
- Fordham Law School (J.D. 1968) Recipient of the *Am Jur* Prize in Admiralty Law
- New York University Law School (LL.M. International Studies 1973) Dean's Commendation
- Mediation Training at Harvard Law School (2002); The Straus Institute of Dispute Resolution at Pepperdine Law School (2000); Association of the Bar of the City of New York (2000)
- Martindale-Hubbell AV Rating

### **Professional Associations and Memberships**

- Society of Maritime Arbitrators, Inc., President (2001-2004); Current Member Board of Governors; Chairman of Nominating Committee; Co-Chairman of the MLA-SMA Liaison Committee
- London Maritime Arbitrators' Association
- Miami International Association of Arbitrators
- Houston Maritime Arbitrators' Association
- International Congress of Maritime Arbitrators (ICMA), Past Chairman of Steering Committee responsible for organizing the XX Congress held in Copenhagen in 2017 attended by 241 delegates from 33 countries; Past Chairman of the Topics & Agenda Committee
- The Maritime Law Association of the United States, Former Secretary, Member of the Arbitration/ADR and Carriage of Goods Committees
- Association of the Bar of the City of New York, Admiralty Committee
- International Arbitration Club of New York
- Past Member of the Whitehall, India House, Nippon and London Marine Clubs

### **Books and Selected Articles**

*Voyage Charters* (Informa 5<sup>th</sup> ed. 2021) co-author

*Navigating Maritime Arbitration: The Experts Speak* (Juris 2019) co-editor and co-author

*1826 International Intrigue – New York's First Maritime Arbitration Award* (BIMCO Review 2005)

*The International Criteria of Maritime Arbitration: Getting It Right – Expeditiously – at a Reasonable Cost* (BIMCO Review 2002 – Policy and Law)

*Vetting Clauses*, 26 Tulane Mar. L. J. 123 (2001)

### **Selected Presentations**

*Ordering Pre-Award Security*, Houston Arbitration Seminar (2019), International Arbitration Club of New York (2018), and MLA Arbitration/ADR Committee (October, 2018)

*Introduction to the Rules of the Society of Maritime Arbitrators*, II Brazilian Bar Association Maritime Law and Port Conference (Rio de Janeiro 2015)

*Consolidation Under Section 2 of the SMA Rules*, ICMA Congress (Hong Kong 2015)

*Ordering Pre-Award Security*, ICMA (Vancouver 2013)

*Awarding Attorneys' Fees and Costs in New York Maritime Arbitration*, ICMA (Hamburg 2009)

*Introduction to the Rules of the Society of Maritime Arbitrators*, U.S. Maritime Law Association Young Lawyers Committee (2009)

*Maritime Arbitration in the United States*, Arbitration training for prospective arbitrators with lectures and mock hearings – Panama (1999-2002) and Mexico (2003).

**Other**

Life experiences include service in the U.S. Marine Corps and as a Federal Narcotics Agent.