



David L. Earnest

Partner

david.earnest@diamondmccarthy.com

m

D 212.430.5430

Locations

New York / Washington D.C.

Related Practices

International Dispute Resolution
Complex Commercial Litigation

Education

- Universidad de Belgrano, Argentina (2000)
- The University of Arizona (BA in International Political Economy, 2001)
- University College of London, Faculty of Laws (2004)
- Pace University School of Law, New York (JD, 2005)

David is a dual-qualified (United States / England and Wales) lawyer resident in Diamond McCarthy's New York and Washington DC offices. His practice focuses on complex multinational disputes in international arbitration, as well as in litigation in the United States, England, and other international jurisdictions.

In international arbitration, David has acted for and advised private clients and sovereign governments on disputes before the ICC, AAA/ICDR, LCIA, Cepani and ICSID, as well as ad hoc arbitrations under the UNCITRAL Arbitration Rules and the English Arbitration Act. In litigation, he has acted in applications regarding arbitration, including injunctions, set-aside claims, and enforcement proceedings, as well as claims relating to product liability, shareholder rights, and complex business disputes. David has broad experience across a variety of industries, including energy and natural resources, telecommunications and technology, construction and infrastructure, finance, maritime, beverages, and pharmaceutical sectors.

In addition to David's work as counsel, he contributes to leading journals and treatises in the field of international arbitration and dispute resolution, speaks at conferences and law schools, and is active in numerous professional organizations. Prior to joining the Firm, David worked for leading international law firms in Washington, D.C., London, and Brussels.

Professional Associations

- Co-Founder, ArbTech
- Member, American Society of International Law (ASIL)
- Member, Silicon Valley Arbitration & Mediation Center (SVAMC)
- Member, London Court of International Arbitration (LCIA)
- Member, British Institute of International and Comparative Law (BIICL)
- Co-Founder / Co-Chair, Steering Committee (2017-2021), Silicon Valley Arbitration & Mediation Center – Young Professionals (SVAMC-YP)
- Co-Secretary, CPR Digital Transformation Committee (2019-2020)
- Global Advisory Board (2017-2020), AAA / International Centre for Dispute Resolution Young & International (AAA / ICDR Y&I)
- Steering Committee (2016-2019), CPR Young Attorneys in Dispute Resolution (CPR Y-ADR)

Bar Admissions

- District of Columbia

- New York
- England and Wales (Solicitor-Advocate)

Resources

- California Court of Appeal rules that cultural bias supports vacatur of arbitral award (FCM Investments, LLC v Grove Pham LLC et al)
- Eleventh Circuit rules that arbitrators' 'Professional Familiarity' does not support vacatur (Grupo Unidos por el Canal, SA, et al v Autoridad del Canal de Panama)
- USA—Arizona District Court finds 'Lucid' arguments compel arbitration (Schnellecke Logistics US LLC v Lucid US Inc)
- SCOTUS upholds foreign plaintiff's RICO lawsuit alleging evasion of judgment (Yegiazaryan, aka Egiazaryan v Smagin et al)
- Eleventh Circuit rules that domestic law governs arbitral award vacatur (Corporación AIC, SA v Hidroeléctrica Santa Rita)
- Fifth Circuit may consider the full arbitral record in determining a challenge on arbitrability (In the Matter of Jon Christian Amberson)
- "The Role of Human Rights Law in Investment Arbitration," Freshfields-American Society of International Law (ASIL)
- "Presentation and Use of Evidence in International Commercial Arbitration," International Law Institute Program on Arbitration and Mediation, Washington, D.C., May 2019
- "Preparing for the Robo-Revolution: Technology and Smart Contracts as Principal Actors in Dispute Resolution," International Institute for Conflict Prevention & Resolution (CPR)
- United States-Mexico-Canada Agreement: Fragmentation and Curtailment of Investor State Dispute Settlement
- "Avoiding Parallel Proceedings," International Law Institute Program on International Investment Treaties and Investor-State Arbitration
- "Smart Contracts and Blockchain: Where Will Disputes Arise and How Should They Be Resolved," International Law Association
- Delimitating Jurisdiction and Admissibility in Investor State Arbitration: an Enduring Lacuna or a Developing Consensus?, in Law & Practice of International Courts and Tribunals 17 (BRILL Publishing, 2018) 135-144
- "Emerging Technology and Dispute Resolution: What Does the Future Hold," Harvard Law School
- The Fate of Frivolous Claims, in Arbitration under International Investment Agreements: A Guide to the Key Issues, Second Edition (Yannaca-Small ed., Oxford University Press, 2018)
- "The State of International Arbitration in U.S. Courts in 2017," The George Washington Law School
- "So You Wanna Be an International Arbitrator," ICC Young Arbitrators Forum
- "The Evolving Use of International Arbitration and Mediation for Disputes in the Technology Sector," Stanford Law School
- "How Outside Counsel can be Effective 'Strategic Partners' in Dispute Resolution," CPR Y-ADR
- "Delimitating Jurisdiction And Admissibility In Investor State Arbitration: An Enduring Lacuna or a Developing Consensus," American University Washington College of Law conference on The Duties, Rights and Powers of International Arbitrators, Washington, D.C., September 2017
- The Trump Administration's Current Policy on Investor State Dispute Settlement
- The Trump Administration's Current Policy on Investor State Dispute Settlement, Investment Claims.com (Oxford University Press), April 24, 2017

- "International Dispute Resolution 2016 – Year in Review of Hot Topics," NYIAC / CPR Y-ADR Conference, New York City, December 2016
- "Mock Procedural Hearing under CPR Rules for Administered Arbitration of International Disputes," Washington, D.C., September 2016
- A Common Right to Arbitrate: Anti-Suit Injunctions in New York and England
- A Common Right to Arbitrate: Anti-Suit Injunctions in New York and England, New York Law Journal, July 18, 2016
- How to sharpen the Sword of Efficiency in International Arbitration, in Czech (& Central European) Yearbook Of Arbitration, Rights And Duties In Arbitration (Bělohávek & Rozehnalová eds., 2016)
- "Presentation and Use of Evidence in International Commercial Arbitration," International Law Institute Program on International Commercial Arbitration, Washington, D.C., June 2014
- The Future of ICSID and the Place of Investment Treaties in International Law, Current issues in Investment Treaty Law Volume IV, British Institute of International and Comparative Law (J.Calamita, D. Earnest, M. Burgstaller eds., BIICL, 2013)
- "Admissibility in Investment Arbitration: Two Steps Forward, One Step Back," Centre for International Legal Studies Conference on International Trade in Legal Services, Warsaw, October 2012
- "Jurisdiction and Admissibility in Investment Treaty Arbitration," Africa International Legal Awareness Training in Investment Treaty Law and Arbitration, London, September 2012
- "Principles of Investment Treaty Protection and Arbitration," European Bank of Reconstruction and Development, London, January 2011
- "Arbitrations Involving States or State Entities," ICC Young Arbitrators Forum, London, May 2010