

Tips from the top: Young ICCA interviews Nora Fredstie

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Young ICCA

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Nora is an associate in the Paris office of Latham & Watkins and a member of the firm's International Arbitration Practice. Her work focuses on international investment arbitration, international commercial arbitration, and public international law.

She acts for clients across a broad spectrum of sectors, including investment, oil and gas, energy, construction, pharmaceutical, and automotive. Nora operates in a range of geographic locations and with a current emphasis on South American related and intra-EU disputes. She has acted and participated in international arbitrations conducted under the ICC, ICSID, LCIA, SCC, CRCICA and UNCITRAL arbitration rules. Further to her counsel work, she has acted as administrative secretary to arbitral tribunals, both in commercial and in investment arbitrations. She has also assisted with IBA and ICC projects and speaks at conferences on various international arbitration topics.

Originally from Norway, she completed her LLB/BA at the Australian National University and an LLM in International Dispute Settlement (MIDS) in Geneva, Switzerland. She is an Attorney and Counselor at Law in the State of New York as well as a Solicitor in England and Wales. Prior to joining Latham & Watkins in Paris, Nora gained experience working in Australia, the Netherlands, Chile, Norway, and France.

What drew you to the world of International Arbitration?

The mind-against-mind intellectual challenges you are faced with is what drew me to international arbitration. For example, I love exchanging with experts. There is something uniquely challenging about getting an expert report in a field you do not know, or a legal system you have not encountered, and start learning and challenging the statements of a preeminent expert. In a very short time, you will have to understand the field in order to challenge their conclusions and to undermine their points. It is invigorating. I have the same feeling about cross-examinations.

When did you start laying the groundwork for a career in International Arbitration? (e.g., was it while in law school, during a moot court, during your career or placed on a case within your firm)

ICSID arbitration was the first thing I learned about international arbitration while doing the Jessup moot for the ANU. I remember pronouncing it "I"- "C"- "S"- "I"- "D". At this point, international arbitration was only a part of the international law career I was pursuing. I therefore did not do any international arbitration related courses in law school. After law school, I did an internship at the ICTY in The Hague, working for the Radovan Karadžić defence team. International Criminal Law did not turn out to be what I expected. I therefore quickly looked around to do something else. In The Hague, I had come across individuals working with the Permanent Court of Arbitration. The way they described their job made it sound like real litigation on an international plane. I decided that it was what I wanted to do and started the MIDS LLM in Geneva, Switzerland. MIDS was my first full introduction to international arbitration. Thereafter, I built my career through an internship with BMAJ Abogados in Chile and Freshfields in Paris until I was hired at Latham & Watkins.

What kind of groundwork did you do to set yourself up? (e.g., what steps did you take to enter the field?)

I first did a masters specialising in international arbitration and then followed-up with internships in the field. I know some older practitioners still advise that candidates pursue a career domestically before moving to international arbitration. It is my opinion that this is less and less true when looking at the candidates being hired for associate positions in the main international arbitration hubs. I believe

doing this specialised international arbitration masters gave me the grounding I needed to enter the field. Not only did I leave with a broad knowledge of the field, I also had the insight to know where there were job opportunities and a network that would make me happy living in any of the big international arbitration centres.

Describe a pivotal moment in your career in arbitration and how did that affect your career (e.g., an opportunity to work with a prominent arbitrator/on a pioneering case?)

A pivotal moment of my career is when I decided to join an arbitration group that had just been set up. I joined Latham & Watkins in Paris. Although Fernando Mantilla-Serrano (the group's leader) and John Adam (the group's counsel), had a reputation as being excellent practitioners, it was still a gamble. It is obviously more comfortable to join an established team, where everything has been set up and everyone has a specific role.

The gamble paid off in a big way. Within a few weeks, I was working on a number of large cases in a variety of areas. I was given responsibility and tasks that were more akin to mid-level associates in more established groups. For example, I got to do my first cross examination in international arbitration in my second month as a second-year associate. While I initially felt like I was drowning, I would not have wanted it any other way. I cannot imagine that I would learn that much in such a short period if I were not with Fernando and John in Latham's Paris arbitration group.

It was very educational to see an arbitration practice created around me. Although we are now a bigger team, when I joined it was still so small I genuinely felt I was part of the creation of a team and its processes.

If we look at arbitration as a battlefield, what are the three metaphorical weapons any lawyer needs, and why?

I do not look at international arbitration as a battlefield. Being one of the arbitration/litigation warrior class can make you blind to the real wants and needs of your client. I further believe it blinds you to the real strength and weaknesses of your case, creating pitfalls as you overestimate your skill as a warrior.

That being said, if I could only have three metaphorical weapons I would want: 1) a

real team; 2) passion; and 3) attention to detail. I have listed this in the order of importance.

First, it is my opinion that, regardless of who you are, you cannot get anywhere without being part of a real team. You will never learn enough to be strong enough on your own. You need a group that complements and supports you. A team will not only allow you to successfully represent your client, it will build you as a professional and also allow you to be successful in achieving a work/life balance.

Second, when it comes to passion, this is what will help you survive. There is no way around the fact that international arbitration requires an extreme commitment from you in terms of hours. You will also operate in high stress situations. Unless you are truly passionate about what you are doing, you will be miserable. To find the unique arguments, to be happy while working, to be successful in general, you must be passionate about international arbitration.

Third, my final weapon is attention to detail. You must become a detail sniper. You can go far without being the smartest or most knowledgeable person if you are diligent with a good attention to detail. Attention to detail is what will win or lose the case for your client. It is never your knowledge of the deep philosophical principles of international arbitration that does so. Attention to detail is the one trait that is more or less consistent across those who makes it in international arbitration today; it is also the consistent trait in who is and is not hired as an associate.

Upon reflection, are there any decisions you made that you feel aspiring arbitration practitioners could learn from?

Of the decisions I have made, the one I believe is worth sharing is my decision to go off the beaten track and not to be afraid to leave what was not right for me. Moving on from international criminal law is the best decision I have made in my career. I am now in a profession I genuinely like and which I can see myself in for the foreseeable future, instead of sticking with something I had worked to achieve for so long but could not have fulfilled me. Sometimes you just have to jump. When it comes to going off the beaten track, I think this can give you unique perspectives and opportunities. When I finished my masters, most of my classmates were looking for internships in the traditional arbitration law firms in Geneva, Paris, and London. I instead went to do an internship at BMAJ Abogados in

Chile. This helped me understand a different way of working, gave me insight into Latin America, helped me learn some Spanish, and let me build a global network. I am currently working on many cases with links to Latin America with underlying documentation in Spanish. Had I not gone off the beaten track, I would not have learned the skills that are now essential to my work.

Is there any additional candid advice or insight that you can offer to assist those who are entering the field, deciding whether to enter the field, or already are in the field of International Arbitration?

You need to find what makes you unique or something that you are better at than anyone else. Maybe you already speak a relevant arbitration language; if not, consider learning one. Are you particularly good at oral advocacy? Then you should hone that skill and use any opportunity to perfect it. Are you a good writer? Perfect your writing style. Start reading literature, like Hemingway, which will improve your legal drafting skills.

You will also need to think about your reputation and what you want it to say about you. Everyone has a reputation, whether you want it or not, whether you care about it or not. Given that you have a reputation, you should control it. Arbitration is a small community; your reputation will always play a pivotal part in your career. Be genuine. Remember, your reputation is not only built on whom you mingle with at conferences. It is a sum of how you come across to all the people you encounter, from opposing counsel to your trainees.