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CARTER
INTERNATIONAL
SYMPOSIUM
Laws and
their Applications

27 Nov - 1 Dec 2023, Hyatt's Dreams Playa Bonita, Panama

Hunter T. Carter

PARTNER AND INTERNATIONAL PRACTICE CO-LEADER

International Arbitration, Litigation, Investigations,
Human Rights



Industries

Beverage & Food

Construction

Insurance & Reinsurance

Life Sciences

Private Companies

Practices

Business Compliance & Integrity
Monitorships

Complex Litigation

Government Enforcement &
White Collar

– Anti-Corruption & FCPA

International Arbitration &
Dispute Resolution

Investigations

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Co-Chair of AFSInternational, Hunter has his finger on the pulse of international business, focusing on Latin America.

Hunter regularly advises clients in foreign and domestic arbitration and has served as an arbitrator appointed by the International Chamber of Commerce. Hunter also excels at leading domestic and international internal corporate investigations, with an emphasis on anti-corruption for multinational corporations. A recognized leader in the field, he often instructs corporate clients on global compliance.

A vigorous advocate, his work includes human rights. Hunter is one of the most active lawyers in the hemisphere in cases pursuing marriage equality.

International

Latin America

Bar & Court Admissions

District of Columbia

New York

Virginia

Supreme Court of the United States

US District Court, Eastern District of New York

US District Court, Southern District of New York

US Court of Appeals, District of Columbia Circuit

US Court of Appeals, 4th Circuit

US Court of Appeals, 2nd Circuit

US District Court, District of Columbia

Education

University of Virginia School of Law, JD, 1988

University of Virginia, BA, 1984

Université Catholique de l'ouest (Angers, France), 1980

Client Work

International

- Co-arbitrator in ICC case involving share purchase agreement dispute between parties from Panama and Colombia. Award confirmed: ***Superior Energy Services Colombia SAS v Premium Petroleum Services, et al.***, 2019 WL 2717692 (S.D.N.Y.).
- Co-arbitrator in ICC arbitration no. 24637/MK, Avions De Transport Regional G.I.E v. Avian Lineas Aereas S.A., concerning a French/Italian aircraft manufacturing consortium in its claim to recover two commercial airliner aircraft from an Argentine airline which is in an Argentine restructuring process (*concurso*), and for damages. The Tribunal's award, as disclosed in the *concurso*, issued partial final awards on jurisdiction, interim relief measures, liability and possession, and finally on damages, awarding US\$40,288,506.24.
- Claimant's counsel in ICC arbitration resulting in award for US based crop-protection products distributor against European manufacturer.
- Respondent's counsel in ICDR arbitration for Canadian university researcher with breakthrough patent related to treatment for glaucoma, kidney, and other diseases against US biotech company over rights ownership, staying US federal court complaint and compelling arbitration enforcing recent US Supreme Court law.
- Respondent's counsel for Peruvian cocoa growers cooperative in New York federal court decision setting aside an arbitration award due to the absence of an agreement to arbitrate. ***Cooperativa Agraria Industrial Naranjillo Ltda. v. Transmar Commodity Group Ltd.***, 2016 WL 5334984 (SDNY), case dismissed after appeal without confirmation of award.
- Claimant's counsel in ICDR arbitration resulting in award enforcing severance package for Brazilian multinational executive.
- Claimant's counsel in ICC arbitration for multinational metals manufacturer and distributor arising out of acquisition of a South American producer.
- Plaintiff's counsel in \$250 million pharmaceutical distribution agreement wrongful termination claim against Swiss manufacturer, reversing summary judgment once on appeal and once more on reconsideration by the District Court, resulting in a favorable settlement. ***Luitpold Pharm., Inc. v. Ed. Geistlich Söhne A.G. Für Chemische Industrie***, 784 F.3d 78, 97 (2d Cir. 2015), ***Luitpold Pharm., Inc. v. Ed. Geistlich Sohne A.G. Fur Chemische Industrie***, No. 11-cv-681 (KBF), 2015 WL 5459662 (S.D.N.Y. Sept. 16, 2015).
- Defense counsel for Peruvian investor, dismissing RICO claims by co-investor in quinoa commodity transactions.
- Plaintiff's counsel to international metals manufacturer and distributor in litigation matters relating to coal-related product supply agreements.
- Defense counsel of Italian glass manufacturer in commercial distribution litigation in the United States.

- Advisory and investigation counsel for FCPA compliance for Chile-based multinational corporation.
- Internal investigation counsel in US tax matter for multinational South American commodities producer.
- Internal investigation counsel for FCPA issues at Brazil-based multinational pharmaceutical device manufacturer.
- Investigation counsel to special litigation committee of the board of a US holding company that invested in next-generation wireless broadband telecommunications in Eastern Europe, assessing claims against corporate management concerning capital raising, asset disposition, capital infusion, and advising the special committee during a contested change of control transaction.
- Special counsel to Colombia-based financial services multinational in US commercial legal dispute.
- Special counsel to South American pension fund administration trade group on US real estate investment issues
- Co-chaired trial team for Chilean Air Force Officers who were tortured for refusal to participate in the Augusto Pinochet coup d'etat, conducting an **examination of the UN Special Rapporteur on Torture**, Dr. Juan Mendez, in the trial (in Spanish) before the Inter-American Court on Human Rights. The resulting decision broke new ground in strengthening the rights of torture victims and duties of states where torture occurred.
- Defense counsel to award-winning leading Colombian investigative journalist Daniel Coronell rejecting libel threat by ex-Senator and ex-President Alvaro Uribe.
- Special counsel to the Mayor and Council of Elders of Rapa Nui (Easter Island), Chile, regarding recovery of cultural property of indigenous people.

Commercial, Corporate, and Bankruptcy

- Defense counsel in NY federal court for public company CFO, securing dismissal of complaint alleging Rule 10b-5 violations.
- Defense counsel to Transcom Enhanced Services, Inc. in precedent-setting 7-0 ruling by the New York Court of Appeals holding that judgment creditors cannot attach funds paid under an agreement that is terminable at will and does not contain have firm/non-contingent payment obligation cannot
- Defense counsel in NY bankruptcy court for family members of Ruth Madoff in the investigation into Bernard L. Madoff Investment Securities by the BLMIS and SIPC Trustee, resulting in restitution settlement and release of claims.
- Defense counsel to family members who were directors, officers, and controlling shareholders of M. Fabrikant & Sons, a worldwide diamond and jewelry manufacturing and distribution company. Led the attack undermining *ex parte* orders that froze \$200 million in assets, restricting and reducing the freezes and leading to eventual withdrawal of asset seizure claims, ending with a settlement favorable for the clients.

- Plaintiff counsel to corporate bond trustee in New York Commercial Division litigation against holding company that guaranteed bankrupt airline's lease of Boeing 757s, winning summary judgment on liability and trying the complex damages case for two weeks to victory.
- Plaintiff's counsel in Maryland federal court for national dialysis services provider in a putative class action seeking to enjoin a \$115 million acquisition and follow-on merger. Led trial team that ensured timely and successful completion of the acquisition and merger with no settlement or payment to the plaintiffs.
- Plaintiff's counsel in NY Commercial Division for leading internet co-location and data center services provider against major nationwide data and voice carrier, securing injunctive relief permitting termination of services, posting of a significant bond, and leading to favorable settlement of all disputes.
- Co-defense counsel in NY Supreme Court for investor fund holding hundreds of millions of dollars' worth of subprime mortgage-backed securities in fraud and breach of contract litigation against mortgage originator.
- Plaintiff's counsel in NY federal court for victim of fraudulent stock-based lending scheme and in NJ federal court criminal proceedings resulting in asset forfeiture substantial victim compensation as well as conviction and unreduced sentence.
- Defense counsel in NY federal court for US broadband communications product manufacturer/distributor in litigation with PIPE lender/investor.
- Co-defense counsel to major mortgage lenders in consumer class actions alleging predatory lending, unfair trade practices, and violation of mortgage borrower protection laws.
- Respondent counsel to national financial advisor and fund manager in arbitration over claims against and by former marketing and management consultants.

Intellectual Property and Entertainment

- Patent holder in [successful appeal to Federal Circuit](#), reversing dismissal of royalties suit. *Alexsam, Inc. v. Mastercard International Incorporated*, No. 2021-1785 (Fed. Cir. Mar. 3, 2022).
- Broadcast TV station group purchaser in arbitration of claims against portfolio seller for misrepresentation and breach of contract in the acquisition of several stations.
- Consumer products advertiser in NY and CT federal court jury trials for trademark infringement
- International TV network in claims against on-air talent for breach of contract and restraining order.
- Consumer products distributor in false advertising class actions and before state attorneys general and the FTC.
- Consumer products distributor in patent infringement and mismarking, unfair trade practice federal court litigation.

Real Estate

- Claimant counsel in AAA arbitration for national women's health and reproductive services provider as commercial tenant against owner exercising purchase option on \$40 million national headquarters building in NY, and defense counsel in related NY Commercial Division trial and First Department appellate litigation to enforce arbitration, resulting in litigation stay and arbitration award enforcing option.
- Defense counsel to funds of worldwide investment bank in various real estate portfolio litigation in numerous states concerning purchase and sale, leasing, operations, and partnership dispute issues involving commercial, hospitality, multifamily, and marina property portfolios.
- Plaintiff and defense counsel to major national REIT in all aspects of commercial operations Class A New York City office buildings.
- Defense counsel in DC federal court for purchaser of mortgage portfolio, defending claims to recoup or offset damages from alleged breach of refinancing agreement, resulting in DC Circuit decision affirming that the thrift's assets were sold free and clear of all liabilities including recoupment defenses.

Professional Activities

Hunter is a leader in international legal activities. He serves on the New York City Bar's Council on International Affairs, and New York City Bar's Committee for the Vance Center for International Justice. He has chaired the New York City Bar Committee on Inter-American Affairs. He serves as a founding board and executive member of Global Americans, an innovative Latin America-focused think tank.

Hunter periodically teaches at Latin American law schools and at conferences on anti-corruption compliance, international arbitration, and human rights litigation.

Hunter is also active in the field of attorney responsibility and legal ethics, speaking at conferences and serving two terms as a member of the New York State Bar Ethics Committee, as well as serving as chair of the ethics committee of the New York Intellectual Property Law Association, and the ethics partner for the firm's New York office.

Publications & Presentations

Hunter has lectured frequently on current corporate, litigation, and Latin America-related issues. He has also contributed to various publications, blogs, and seminar

materials. Recent speaking engagements, publications, and interviews include:

- "Ecuador Esta Luchando Contra La Corrupcion Pero También Esta Debilitado," *America Economia*, March 2022
- "[Corrupción: quiénes saben, dónde es más frecuente, cómo se combate](#)," *Latin Trade*, January 10, 2022
- "['Hay que asegurarse de tener una cultura de cumplimiento': Hunter Carter](#)," *Forbes*, January 3, 2022
- "[The long road ahead in the fight against corruption in LatAm](#)," *BN Americas*, December 6, 2021
- Guest Lecturer, Chapter 11 Litigation and Integration With Foreign Insolvency Proceedings: Theory and Practice, Diplomado en Insolvencia y Reorganizacion, Facultad de Derecho, Universidad Católica en Santiago de Chile, June 2021
- Guest Lecturer, Corporate Compliance Programs and Anti-Bribery Laws: Theory and Practice, Maestría en Derecho de la Empresa, Escuela de Posgrado, Pontificia Universidad Católica Del Peru, March-April 2021
- "[Los desafíos y oportunidades del pro bono en America Latina](#)", Podcast, Albagli Zaliasnik
- Guest Lecturer, Corporate Compliance Programs and Anti-Bribery Laws: Theory and Practice, Maestría en Derecho de la Empresa, Escuela de Posgrado, Pontificia Universidad Católica Del Peru, October-November 2020
- "[Chile Advocacy Group Withdraws from Marriage Agreement with Government](#)," *Washington Blade*, October 20, 2020
- Speaker, Evento Internacional de Compliance, USMP Derecho, May 14, 2019
- "[An Interview with Hunter Carter about the legal fight for marriage equality](#)", Two Gringos with Questions, Podcast, *Global Americans*, February 8, 2019
- "[Venezuela: Questions for the day after](#)," *Global Americans*, February 7, 2019
- "[The IACHR Held a Hearing on Marriage Equality After a Year of Delays from the Region in Implementing the Court's 2017 Decision](#)," *Global Americans*, December 12, 2018
- "[Regional: Equal Marriage](#)," *Inter-American Commission on Human Rights*, December 5, 2018 (in Spanish)
- "[Gobierno respalda solicitud de Rapa Nui para repatriar moai desde Londres](#)," *Revista Capital*, August 6, 2018 (in Spanish)
- "[Daniel Coronell recibe desafiante advertencia para callar sus columnas contra Uribe](#)," *Pulzo*, July 22, 2018 (in Spanish)
- "Panelists Question Miami's Arbitration Credentials," *Latin Lawyer*, June 20, 2018
- Latin Lawyer / GAR on International Arbitration in LatAm in Miami, April 2018
- LatAm Regional Pro Bono Summit in Mexico, April 2018
- Hunter Carter Rated Among Latin America's Top Lawyers for the Third Consecutive Year, *Latinvex*, February 15, 2018
- "3 International Arbitration Trends To Watch In 2018," *Law360*, January 1, 2018

- NYSBA International Section in Guatemala – Host Committee, Chair of Keynote Panel on Ethics in International Practice, Panelist on International Arbitration, September 2017
- Chambers Diversity in Guatemala, September 2017
- "[Advances in marriage equality in unlikely places in the Americas](#)," *Global Americans*, June 21, 2017
- "[Un amigo a favor de la igualdad](#)," *La Prensa*, June 15, 2017 (in Spanish)
- NYS Bar Annual Convention, Panelist on International Ethics at International Section meetings, January 2016 and January 2017
- LatAm Regional Pro Bono Summit at NY City Bar, December 2015
- "[Caso FIFA y la alerta para las empresas multinacionales](#)," *Capital*, June 12, 2015
- "[Yo soy un varón que ama a otro varón](#)," *El Mundo*, May 23, 2015 (in Spanish)
- "[Lawyers Weigh In On High Court's Same-Sex Marriage Silence](#)," *Law360*, October 6, 2014
- "[Observations and Recommendations of New York City Bar Association Follow-Up Delegation of Lawyers of the Americas to Guatemala](#)," 2014
- "[Observaciones y Recomendaciones de la Delegación de Abogados Comerciales de Distintos Países de América Que Viajaron a Guatemala en Representación del Colegio de Abogados de la Ciudad de Nueva York](#)," 2013 (in Spanish)
- "Q&A: Hunter T. Carter", *New York Law Journal*, November 1, 2013
- "[Caso Ríos Montt: Un termómetro del clima de negocios en Guatemala](#)," *Plaza Pública*, August 14, 2013
- "Aseguran sentencia a Ríos Montt por genocidio fortalece al Estado guatemalteco," *La Gente*, August 13, 2013
- Gay marriage debate with conservative Colombian Senator, Edgar Espindola, *W Radio Colombia*; April 17, 2013 (in Spanish)
- "Will Supreme Court Punt on Gay Marriage Case?" *Lawyers.com*; March 26, 2013
- "Hunter Carter, a lawyer who sponsors IACHR complaint against Chile: The AVP is a form of discrimination," *The Clinic*; March 25, 2013
- "[Senadores y sociedad civil analizan con experto internacional el matrimonio igualitario y el AVP](#)," *MOVILH*, March 12, 2013
- "Mexican Supreme Court: American Cases Demand Marriage Equality," *Buzzfeed.com*; February 18, 2013
- Speaker, Concluyó el 3º Congreso de Ética, Transparencia y Compliance Anti-corrupción: La corrupción en política y el fraude corporativo, entre los principales temas, 2013
- "Same-Sex Marriage in Chile," *Americas Quarterly*; June 7, 2012
- "[Guest Column: Train Leaves the Station, Slowly](#)," *Financial Times*; May 8, 2012
- Conference Moderator, "Exporting to Russia Forum," Arent Fox New York Office; October 6, 2011
- "A Proposed New Arbitration Law is Circulating Among Circles in Colombia," *Latin American Law & Business Report*; July 13, 2011

- “Preventing Piracy or Creativity? The “Ley Lleras” – Colombia’s Version of the Digital Millennium Copyright Act,” *Latin American Law & Business Report*; May 4, 2011
- Report on Private Equity Developments and Related Legal Issues in Brazil, Colombia and Mexico, *Latin American Law & Business Report*; October 18, 2010
- The Colombia Law & Business Forum (Conference Chair) – Investors conference with 80 participants and 14 presenters, Colombian American Association; October 14, 2010
- Conference Moderator, “Uribismo – What Is It and What Does It Mean For Colombia and the Region,” New York City Bar; May 2010
- Private Equity in Latin America, Conference Sponsored by New York City Bar Association, Speaker and Author of Dispute Resolution Chapter; May 2010
- [Report on Private Equity Developments and Related Legal Issues in Brazil, Colombia and Mexico](#), New York State Bar Association; May 2010
- [Report and Recommendations on Marriage Rights For Same-Sex Couples and Marriage](#), New York State Bar Association; May 2009
- The [Colombia Law and Business Post](#), which covers subjects such as FCPA, the OFAC list, foreign arbitration, legal stability contracts, and IFC investment in Colombia

Recognitions

Hunter has been consistently recognized as one of the Top 100 Lawyers in Latin America by Latinex. He is a multiple award-winning advocate for the LGBTI+ community.

Life Beyond The Law

Hunter is an honorary member for familiares y amigo unidos por la diversidad sexual (FAUDS) and is a member of The Vestry of St. Bartholomew's Church in the City of New York.