


ERIKA WILLIAMS

Counsel

BA, LLB, DipICArb



Bar admission :
New South Wales, 2011; High Court of
Australia, 2011
Nationality : Australian
Languages : English

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AREAS OF EXPERTISE

- > Arbitration/Litigation
- > Cross-Border Disputes
- > Private International Law
- > Commercial Contracts
- >

INDUSTRY SECTORS

- > Construction & Engineering
- > Energy & Power
- > Mining & Metals
- > Fashion & Luxury Goods

PROFESSIONAL PRACTICE

Erika Williams is a leading international arbitration practitioner having acted in some of Australia's largest disputes resolved through arbitration. Erika has acted in arbitrations under various arbitral institutions including ACICA, LCIA, ICC, SIAC, CIETAC and JCAA.

In addition, Erika has a broad range of general commercial litigation experience, particularly in relation to cross-border disputes, from commencing proceedings and interlocutory actions through to full trials and appeals, including all the way to the High Court of Australia.

Erika has acted for a range of clients, including individuals, small and large business, major Australian public companies, and multinational corporations across a broad range of sectors including energy, resources and renewables, construction, and technology.

Erika is also on the arbitrator panels of leading arbitral institutions including the Chartered Institute of Arbitrators, the Australian Centre for International Commercial Arbitration, the Resolution Institute, and the Queensland Law Society and accepts arbitrator and tribunal secretary appointments.

RANKING

- > Senior Associate of the Year Finalist – category of the Lawyers Weekly Women in Law Awards 2019
- > Arbitration Practitioner of the Year Finalist – category of the Australian ADR Awards 2019
- > Senior Associate of the Year Finalist – category of the Lawyers Weekly Australian Law Awards 2019
- > Senior Associate of the Year Finalist – category of the Lawyers Weekly Women in Law Awards 2017

CAREER

- > Counsel, Peter & Kim, Sydney (2021 to Present)
- > Senior Associate, McCullough Robertson Lawyers, Brisbane (2016 to 2020)
- > Associate, Baker McKenzie, Sydney (2011 to 2016)

EDUCATION

- > Diploma in International Commercial Arbitration, Chartered Institute of Arbitrators, Australia (2013)
- > Diploma of Legal Practice, College of Law, Sydney (2011)
- > Bachelor of Law (Honours Class II), University of Sydney (2010)
- > Bachelor of Arts (Japanese Studies), University of Sydney (2008)

PROFESSIONAL ASSOCIATIONS

- > Fellow of the Chartered Institute of Arbitration
- > Fellow of the Australian Centre for International Commercial Arbitration (ACICA)
- > Fellow and Graded Arbitrator of the Resolution Institute
- > Director of ArbitralWomen

REPRESENTATIVE CASES

- > Acting as lead solicitor on a multi-million dollar construction arbitration involving over 1,000 separate claims and managing a large team of 12 lawyers and five barristers;
- > Acting as lead solicitor in Supreme Court litigation in \$60 million claim against a China and Hong Kong based fashion clothing retail group for unpaid consultancy and development fees;
- > Acting in an investor-state claim under a bilateral investment treaty against a South American country for an Australian investor in a lithium mine;
- > Acting for a coal trader in a misrepresentation dispute administered by SIAC;
- > Acting in a dispute involving delay claims and standby claims in relation to an oil refinery project in Qatar under the JCAA Rules, including drafting detailed witness statements following which the parties were able to reach a settlement beneficial to our claimant client;
- > Acting for Netherlands principal contractor against subcontractor in a dispute arising from termination of a construction contract under the Resolution Institute Rules;
- > Advising and acting in relation to international commercial arbitrations under various arbitral institutions including ACICA, LCIA, UNCITRAL, SIAC and JCAA; and;
- > Advising and acting in relation to complex issues arising in arbitration and litigation proceedings including obtaining cross-jurisdictional freezing orders and evidence in cross-border arbitration and litigation.

TRIBUNAL SECRETARY APPOINTMENTS

- > USD \$10 million claim against the defence force of a Pacific Island nation in relation to a catering services contract where the respondent did not participate substantively in the arbitration;
- > USD\$10 million repudiation claim involving iron ore mine and Chinese steel mill concerning an offtake agreement and involving a jurisdictional dispute;
- > Arbitration under the Sugar Code involving the terms of a sugar contract between approximately 250 growers and the relevant sugar mill;
- > Restraint of trade dispute involving the sale of a cleaning and facilities management business;
- > Expedited arbitration to resolve a partnership dispute between unrepresented parties arising upon the dissolution of the partnership;
- > Arbitration to resolve the finalisation of a 30-year lease of a caravan park in North Queensland; and
- > Expert determination regarding a warranty dispute following a multi-million dollar commercial real estate transaction.

PUBLICATIONS

- > 'Foreign Investors' Increasing Awareness of Investor-State Arbitration – view from Australia' (2020) 39 *Australian Resources and Energy Law Journal* 35
- > 'Federal Court of Australia enforces ICSID Awards against Kingdom of Spain' (2020) 8(1) *The ACICA Review* 32

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- > 'A change in Investment Treaty Climate: *Infrastructure Services Luxembourg S.A.R.L. v Kingdom of Spain*' (2019) 7(2) *The ACICA Review* 39
- > 'The Non-Responsive Respondent: Taking an Arbitration Forward and How' (2019) 85(1) *The International Journal of Arbitration, Mediation and Dispute Management* 65
- > 'Arbitrating Down Under: Highlights and lessons learned from 2018 to 2019' (2019) 15(2) *Asian International Arbitration Journal* 133
- > 'The 'Bones' Arbitration: An American Cautionary-Tale for Australian Practitioners' (2019) 7(1) *The ACICA Review* 37
- > 'Arb-med-arb: Follow the rules or face the costs: *Ku-ring-gai Council v Ichor Constructions Pty Ltd*' (2019) 38(1) *The Arbitrator & Mediator* 108
- > 'Out in the cold: WA Court of Appeal upholds freezing order against Spanish-owned construction company involved in arbitration' (2019) 38(1) *The Arbitrator & Mediator* 112
- > 'Internationalising the *International Arbitration Act*' (2019) 38(1) *The Arbitrator & Mediator* 122
- > 'Apply to Set Aside, or Appeal Against an Award?' (2018) 38(8) *Proctor* 14
- > 'Due process paranoia and its role in the future of international commercial arbitration' 37(1) *The Arbitrator & Mediator* 43
- > 'Indemnity cost orders for overzealous applicants: *John Holland Pty Ltd v Adani Abbot Point Terminal Pty Ltd*' 37(1) *The Arbitrator & Mediator* 99
- > 'Director's fury over road block to litigation: Mad Max arbitration to be heard in Hollywood' (2018) 6(1) *The ACICA Review* 25
- > 'International Arbitration Australia: 2018 Year in Review' *McCullough Robertson Publication*
- > 'Australia Signs the Mauritius Convention: How Investor-State Arbitration Might Look With More Transparency' (2017) 5(2) *The ACICA Review* 40
- > 'The Rinehard Saga Continues... in private' (2017) 4(1) *The CI Arb Australia News* 103
- > 'International Commercial Arbitration 101' (2017) 37(11) *Proctor* 16
- > 'Turbines tussle may test free trade agreement' (2017) 37(5) *Proctor* 20
- > 'Australia: coal and wind interests power ISDS threats' (2017) 22(1) *International Bar Association Arbitration News* 16
- > 'Australian Courts' Approach to Multi-Party and Multi-Contract Arbitration' (2016) 4(2) *The ACICA Review* 29
- > 'Court Slams Sino Dragon's Attempt to Set Aside Arbitral Award' (2016) 3(2) *The CI Arb Australia News* 51
- > 'The Saga of *Ye v Zeng*' (2016) 35(1) *The Arbitrator & Mediator* 105