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Professor of Law, Boston University  
Courses in tax, banking, arbitration, and conflict of laws  
Honorary Fellow, Selwyn College, Cambridge  
General Editor, ARBITRATION INTERNATIONAL, London  
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#### **PROFESSIONAL EXPERIENCE**

President, London Court of International Arbitration, 2010-16  
Panel of Arbitrators, ICSID (World Bank), Appointed by USA, 2008-16  
Arbitrator, Claims Resolution Tribunal for Dormant Accounts in Switzerland: 1998-2002  
Appeals Tribunal, International Commission on Holocaust Era Insurance Claims: 2001-06  
International Council for Commercial Arbitration (ICCA), Governing Board, 2010-2019  
Counsel, Ropes & Gray, Boston: 1990-2005  
Director, Boston University Center for Banking and Financial Law Studies: 1990-93  
Legal Adviser, Edmond J. Safra, Geneva, 1982-99  
Law Practice, Paris: 1972-75 & 77-79 (Coudert Frères; Hughes Hubbard & Reed)  
Cambridge University, Law Faculty, 1975-77  
NAFTA Chapter 14, Roster for Financial Services Arbitration, 1998-2016  
Admitted to Bar, Massachusetts (1972); District of Columbia (1980)

Arbitrator in cases related to finance, insurance, energy, construction, licensing, tax and foreign investment. Proceedings in Abuja, Basel, Boston, Geneva, Hague, Helsinki, Honolulu, Hong Kong, Houston, London, Miami, New Delhi, New York, Paris, São Paulo, Singapore, Stockholm, Toronto, Washington and Zürich. Arbitrations *ad hoc* and under rules of AAA, Finnish Institute, ICC, ICSID, LCIA, SIAC, Stockholm Chamber, Swiss Chambers, and UNCITRAL

#### **VISITING APPOINTMENTS AND LECTURES, SPECIAL PROJECTS**

Lecturer, Masters International Dispute Settlement (MIDS), Geneva, 2010-present  
Visiting Professor, Fletcher School of Law and Diplomacy, 1980-86  
Visiting Professor, University of Geneva (HEI) 1983  
Professeur Associé, Université de Dijon, 1984  
Visiting Professor, University of Hong Kong, 1990  
Sir John Lubbock Lecturer, University of London, 1999  
Freshfields Lecturer, University of London, 2002  
Clayton Utz Lecturer, University of Sydney, 2004  
Visiting Professor, University of Auckland, 2007  
Fellow, New York University, Center for Transnational Litigation, 2012  
Co-Chair, Task Force, Third Party Funding in Arbitration, ICCA/QMU London, 2014-18  
Columbia University, Proskauer Lecture on International Arbitration, 2015  
Goldman Lecture, University of Paris Arbitration Academy, 2018  
USC Gould School of Law, Keynote, Judge Judith O. Hollinger Symposium, 2019  
American University College of Law, 13th Annual Lecture on International Arbitration, 2019

## **EDUCATION**

Yale, BA, 1969  
US Navy Scholarship (NROTC)  
Naval Institute Proceedings Award, 1969  
Junior Year at *Institut d'Etudes Politiques*, Paris, 1967-68  
  
Columbia, JD, 1972, Harlan Fiske Stone Scholar  
Articles Editor, Columbia J. Law & Social Problems  
  
Cambridge, MA, 1975

## **PUBLICATIONS**

### **Books**

THIRD-PARTY FUNDING IN INTERNATIONAL ARBITRATION, with Stavros Brekoulakis & Catherine A. Rogers (ICCA Report 4, Permanent Court of Arbitration, ICCA & QMU London, 2018)  
  
ARBITRATION OF INTERNATIONAL BUSINESS DISPUTES (OUP, 2006; 2d ed. 2012)  
  
INCOME TAX TREATY ARBITRATION (IFA, Sdu Fiscale, 2004), with David Tillinghast  
  
INTERNATIONAL CHAMBER OF COMMERCE ARBITRATION (OUP, 1984; 2d ed. 1990; 3d ed. 2000), with W. Laurence Craig & Jan Paulsson; 4th ed. with Georgios Petrochilos & Eduardo Silva Romero (forthcoming 2021)  
  
ANNOTATED GUIDE TO 1998 ICC ARBITRATION RULES (Oceana, 1998)  
  
INTERNATIONAL COMMERCIAL ARBITRATION (West/Foundation Press, 1997; 2d ed. 2015) with W. Michael Reisman, W. Laurence Craig & Jan Paulsson  
  
INTERNATIONAL FORUM SELECTION (Kluwer, 1995)  
  
TRENDS IN INTERNATIONAL BANKING LAW, Editor, Symposium Proceedings, Gerzensee, Switzerland (Schweizerischen Nationalbank, Bern, 1990)

### **Articles**

*Fiscal Jurisdiction and Accrual Basis Taxation: Lifting the Corporate Veil to Tax Foreign Company Profits*, 78 COLUMBIA L. REV. 1609 (1978)  
  
*Judicial Supervision of Transnational Commercial Arbitration*, 21 HARVARD INT'L L. J. 87 (1980)  
  
*Tax Characterization of International Leases: Contours of Ownership*, 67 CORNELL L. REV. 103 (1981)  
  
*Legal Issues in the Third World's Economic Development*, 61 B.U. L. REV. 1321 (1981)  
  
*Lex Loci Arbitri and International Commercial Arbitration*, 32 INT'L & COMP.L.Q. 21 (1983), translated as *El arbitraje comercial internacional y la lex loci arbitri*, 2 REVISTA DE LA CORTE ESPANOLA DE ARBITRAJE 57 (1985)  
  
*Private Adjudicators and the Public Interest: The Expanding Scope of International Arbitration*, 12 BROOKLYN J. INT'L L. 629 (1986)

*National Law and Commercial Justice*, 63 TULANE L. REV. 647 (1989), reprinted as *Judicial Controls in the Arbitral Process*, 5 ARB. INT'L 230 (1989)

*Legal Policy Conflicts in International Banking*, 50 OHIO STATE L. J. 1067 (1989)

*When the Borrower and the Banker Are at Odds: Arbitration and International Finance*, 65 TULANE L. REV. 1323 (1991)

*Spiritual Energy and Secular Power*, in RELIGION AND INTERNATIONAL LAW 171 (Mark Janis ed., 1991; revised for 2d ed. 1999)

*L'Arbitrage et le recouvrement des prêts*, 37 MCGILL L. J. 375 (1992)

*Illusion and Reality in International Forum Selection* 30 TEXAS INT'L L. J. 135 (1995)

*Neutrality, Predictability and Economic Cooperation*, 12 (No. 4) J. INT'L ARB. 99 (1995)

*L'Arbitrage en Matière Financière*, 40 REV. JURISPRUDENCE COMMERCIALE 41 (1996)

*The Arbitrability Dicta in First Options v. Kaplan: What Sort of Kompetenz-Kompetenz Has Crossed the Atlantic?*, 12 ARB. INT'L 137 (1996), reprinted 11 INT'L ARB. REP. 28 (Oct. 1996), translation in 3 REVISTA DE ARBITRAGEM E MEDIAÇÃO 142 (2006)

*The Relative Reliability of Arbitration Agreements and Court Selection Clauses*, in INTERNATIONAL DISPUTE RESOLUTION: THE REGULATION OF FORUM SELECTION 3 (J. Goldsmith ed., 1997)

*When and Why Arbitration Matters*, in THE COMMERCIAL WAY TO JUSTICE 73 (G.M. Beresford Hartwell ed., 1997), reprinted in 13 INT'L ARB. REP. 14 (January 1998), adapted as *Text and Context in International Dispute Resolution*, 15 B.U. INT'L L. J. 191 (1997)

*Determining Arbitral Jurisdiction: Allocation of Tasks Between Courts and Arbitrators*, 8 AM. REV. INT'L ARB. 133 (1997), reprinted in [2000] ADR LAW J.19 (March 2000)

*The Interaction of Courts and Arbitrators in England*, 1 INT'L ARB. L. REV. 54 (1998), reprinted in 13 INT'L ARB. REP. 21 (June 1998)

*Arbitration in Banking and Finance*, 17 ANNUAL REV. BANKING LAW 213 (1998), reprinted in 1997 YEARBOOK INT'L FINANCIAL & ECONOMIC LAW (1999) 141, adapted for BANKS AND REMEDIES 187 (2d Ed., William Blair, ed., 1999)

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*Arbitration and the Fisc: NAFTA's Tax Veto*, 2 CHICAGO J. INT'L LAW 231 (2001); reprinted in 16 INT'L ARB. REP. 33 (May 2001), 2002 STOCKHOLM ARBITRATION REPORT 21 (2002), adapted as *Arbitration and Tax Measures in North America*, in SETTLEMENT OF DISPUTES IN TAX TREATY LAW 565 (M. Lang & M. Züger, eds., 2002) and *Expropriation and Taxation in the NAFTA*, in NAFTA INVESTMENT LAW AND ARBITRATION 93 (T. Weiler, ed. 2004)

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*Amending the Federal Arbitration Act*, 13 AM. REV. INT'L ARB. 75 (2002), adapted *Specificity of International Arbitration: The Case for FAA Reform*, 36 VANDERBILT J. TRANSN'L L. 1241 (2003)

*Arbitration's Protean Nature: The Value of Rules and the Risks of Discretion* (2002 Freshfields Lecture), 19 ARB. INT'L 279 (2003), reprinted 19 INT'L ARB. REP. 30 (May 2004) & 5 INT'L ARB. Q. 85 (Summer 2004), translated as *Naturaleza cambiante del arbitraje: El valor de las reglas y los riesgos de la discrecionalidad*, 2 REVISTA INTERNACIONAL DE ARBITRAJE 11 (ENERO-JUNIO 2005); Chinese text, 13 J. INT'L ECONOMIC LAW 256 (2006, No. 4, Beijing University Press)

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*Determining Arbitral Jurisdiction: Timing and Finality*, 8 NEV. L.J. 135 (2007)

*Arbitrability and Tax*, in ARBITRABILITY: INTERNATIONAL AND COMPARATIVE PERSPECTIVES 179 (L. Mistelis & S. Brekoulakis, eds., 2008)

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*Non-signatories and International Contracts: An Arbitrator's Dilemma*, in MULTIPLE PARTY ACTIONS IN INTERNATIONAL ARBITRATION 3 (Permanent Court of Arbitration, 2009), adapted as *Non-Signatories and International Arbitration*, in LEADING ARBITRATORS' GUIDE TO INTERNATIONAL ARBITRATION 707 (L. Newman & R. Hill, 3d ed. 2014); 2 DISPUTE RES. INT'L 84 (2008); *Extending the Arbitration Agreement to Non-Signatories*, Chapter. 4 INT'L COMMERCIAL ARB. PRACTICE: 21ST CENTURY PERSPECTIVES (H. Grigera Naón & P. Mason eds. 2010; Rev. 2020, Lexis Nexis). Adapted *No Signatarios y el Arbitraje Internacional: El Dilema del Árbitro* (trans. Jose Luis Repetto Deville & Diego Perez Ara), FORSETI REVISTA (Online Law Review, Peru, 2014)

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*A Cautionary Tale on Arbitral Authority*, 3 PENN STATE Y.B. ARB. & MEDIATION 200 (2011)

*Rectitude in International Arbitration*, 27 ARB. INT'L 473 (2011)

*Les devoirs de l'arbitre: ni un pour tous, ni tous pour un*, 2001 Cahiers de l'Arbitrage 13 (2011); revised 8 REVISTA DE ARBITRAGEM E MEDIAÇÃO 117 (A. Wald, São Paulo, 2011) ; adapted *The Four Musketeers of Arbitral Duty*, in 8 ICC DOSSIERS 25 (Institute of World Business Law 2011)

*Arbitration in Autumn*, 2 J. INT'L DISPUTE SETTLEMENT 3 (2011); adapted as *Maturity in Arbitration*, 26 ICSID REVIEW/FOREIGN INVESTMENT LAW J. 1 (2011); Chinese version, translated Shibao Ye & Ling Yang, proofed Rui Xu, 107 BEIJING ARB. Q. 124-153 (2019, China Legal Publishing House).

*La jurisprudence américaine en matière de class arbitration: entre débat politique et technique juridique*, 2012 REVUE DE L'ARBITRAGE 507 ; adapted from *Le caractère définitif de la sentence*, Comité français de l'arbitrage, Paris, 11 May 2012; adapted as *La jurisprudencia estadounidense en materia de arbitraje colectivo*, 5 REVISTA DEL CIRCULO PERUANO DE ARBITRAJE 9 (2012/2013), with assistance of Orlando Cabrera ([www.limaarbitration.net](http://www.limaarbitration.net))

*Convention Violations and Investment Claims*, 29 ARB. INT'L 175 (2013), in *Agora on International Law Remedies for Wrongful Conduct by National Courts*, 29 ARB. INT'L 153-222 (2013)

*A Fair Fight: Professional Guidelines in International Arbitration*, 30 ARB. INT'L 409 (2014), in *Agora on Codes of Conduct for Cross-Border Dispute Resolution*, 30 ARB. INT'L. 409-551(2014)

*Arbitration's Discontents*, in MÉLANGES EN L'HONNEUR DU PROFESSEUR AUDIT 581 (2014); adapted as *Éticas del Árbitro: entre lo pernicioso y lo precario*, in RETOS CONTEMPORÁNEOS DEL ARBITRAJE INTERNACIONAL 331 (Ch. 14, ed. Héctor Flores Senties, Tirant lo Blanch, Ciudad de México, trans. Héctor Flores Senties & Diego Perez Ara, 2018)

*The Predictability Paradox: Arbitrators and Applicable Law*, 11 ICC DOSSIERS 60 (ICC Institute of World Business Law 2014)

*Gaps and Changed Circumstances in Energy Contracts: The Devil in the Detail*, 8 J. WORLD ENERGY LAW & BUSINESS 89 (2015)

*Explaining Arbitration Law*, in DEFINING ISSUES IN INTERNATIONAL ARBITRATION: CELEBRATING 100 YEARS OF THE CHARTERED INSTITUTE OF ARBITRATORS 7 (Julio César Betancourt, ed. 2016); translation as *Dreptul Arbitral, Explicat*, 2015 REVISTA DE DREPT MARITIM 95-111 (Bucharest 2015)

*Challenging Arbitral Jurisdiction: The Role of Institutional Rules*, in LIBER AMICORUM EN L'HONNEUR DE WILLIAM LAURENCE CRAIG 231 (2016)

*Soft Law and Transnational Standards: Challenge of Res Judicata*, in CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION 52 (2015 Fordham Papers, A. Rovine, ed., 2017)

*Rules and Reliability: How Arbitrators Decide Cases*, in THE ROLES OF PSYCHOLOGY IN INTERNATIONAL ARBITRATION 3 (Kluwer Arbitration Series, Tony Cole ed., 2017)

*Arbitration and Fine Dining*, in FESTSCHRIFT FÜR PIERRE KARRER 251 (Patricia Shaughnessy & Sherlin Tung eds., 2017)

*Unity and Diversity in International Law*, 99 B.U. L. REV. ONLINE 22 (2019)

*Retour sur L’Affaire de L’Alabama: De l’Utilité et des Limites de l’Histoire du Droit*, with Bruno de Fumichon, 2019 REVUE DE L’ARBITRAGE 743 (2019)

*Tax and Arbitration*, 36 ARB. INT’L 157 (2020)

*Arbitration and Law*, in OXFORD HANDBOOK OF INTERNATIONAL ARBITRATION 35 (T. Schultz & F. Ortino eds. 2020), Online Pub DOI: 10.1093/law/9780198796190.003.0002

*The Transient and the Permanent in Arbitration*, in LAWYER, SCHOLAR, TEACHER AND ACTIVIST, A LIBER AMICORUM IN HONOUR OF DEREK ROEBUCK 393 (Neil Kaplan & Robert Morgan eds. 2021)

*Decision Making in Arbitration*, in ARBITRATO, CONTRATTI E DIRITTO DEL COMMERCIO INTERNAZIONALE: STUDI IN ONORE DI GIORGIO BERNINI 569 (Fabrizio Marrella & Nicola Soldati, eds. Milano, Giuffrè-Francis Lefebvre, 2021)

*Swords into Plowshares: A Pilgrimage for the CSS Alabama*, 37 ARB. INT’L 515 (2021)

*Annulled Arbitration Awards: Cross-Border Excursions*, forthcoming in FESTSCHRIFT FOR PROFESSOR GEORGE A BERMANN 795 (Julie Bedard, ed. 2021)

### **Shorter Pieces and Book Reviews**

*Faith in God*, 20 UNITARIAN UNIVERSALIST CHRISTIAN 15 (No. 3, Summer 1965)

*Message of the Historical Jesus*, 25 UNITARIAN UNIVERSALIST CHRISTIAN 19 (No. 3/4 Autumn 1969)

*International Products Liability Litigation: The Applicable Law*, 12 INT’L LAWYER. 845 (1978)

*Le Nouveau Statut des Banques Etrangères aux Etats-Unis*, 32 REV. INTERNATIONALE DROIT COMPARÉ 75 (1980)

*French Codification of a Legal Framework for International Commercial Arbitration*, 13 GEORGETOWN J. L. & POL. INT'L BUS. 727 (1981)

*Quis Custodiet Ipsos Custodes?*, Foreword to FORUM LONDON (I.B.A., 1982)

*National Legal Systems and Private Dispute Resolution*, 82 AM. J. INT'L L. 616 (1988)

*The Binding Force of International Awards*, 23 VIRGINIA J. INT'L L. 253 (1983), with Jan Paulsson

Book Review, MUSTILL & BOYD ON COMMERCIAL ARBITRATION, 11 INT'L BUS. LAWYER 216 (1983)

*Predestination and Swiss Arbitration Law*, 2 B.U.INT'L L.J. 1 (1983), with Philippe Neyroud

*Arbitration of International Contract Disputes*, 39 BUS. LAWYER 1783 (1984)

*The Influence of National Legal Systems on International Arbitration*, in RESOLVING TRANSNATIONAL DISPUTES THROUGH ARBITRATION 80 (T. Carbonneau ed., 1984)

*Compelling Information from Foreign Corporations*, in INVESTMENTS IN UNITED STATES REAL ESTATE FROM A EUROPEAN PERSPECTIVE 385 (R. Zäch ed., 1985)

*Backup Withholding, Foreign Banks and Bearer Bonds*, J. STRAT. INT'L TAX'N 161 (1985)

*Tax Planning for Foreign Investment in American Real Estate*, J. STRAT. INT'L TAX'N 247 (1985)

*Arbitrage Commercial et Contrats Internationaux*, 45 REV.DU BARREAU 215 (1985), with Jan Paulsson

Book Review, THE FRENCH LAW OF ARBITRATION by Jean Robert & Thomas Carbonneau, 2 ARB. INT'L 266 (1986), with Laurent Lévy

*American Income Tax Aspects of Trans-Border Securities Investments*, 4 B.U.INT'L L. J. 67 (1986)

*Control Mechanisms in the Development of a Modern Lex Mercatoria*, in LEX MERCATORIA AND ARBITRATION 143 (T. Carbonneau ed. 1990; revised 1998)

Book Review, GUIDE TO INTERNATIONAL ARBITRATION AND ARBITRATORS by Hans Smit & Vratislav Pechota, 85 AM. J. INT'L L. 586 (1991)

*Anonymous Bank Accounts*, 15 FORDHAM INT'L L. J. 652 (1992)

*The Recognition of Foreign Arbitral Awards*, in COUNSELING EMERGING COMPANIES IN GOING INTERNATIONAL 391 (ABA, Alan Gutterman ed., 1994)

*Control Mechanisms in International Tax Arbitration*, in RESOLUTION OF TAX TREATY CONFLICTS BY ARBITRATION 35 (G. Lindencrona ed., I.F.A. Congress Series, 1994)

*Finality and Fairness in Tax Arbitration*, 11 (No. 2) J. INT'L ARB.19 (1994)

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Foreword to CHRISTIAN BÜHRING-UHLE, LARS KIRCHHOFF & GABRIELE SCHERER, ARBITRATION & MEDIATION IN INTERNATIONAL BUSINESS (1996; 2d Edition 2005)

Book Review, *CASES AND MATERIALS ON COMMERCIAL ARBITRATION* by Thomas Carbonneau, 7 AM. REV. INT'L ARB. 199 (1996)

*Documentary Credit Dispute Resolution: The Role of Arbitrators and Experts*, 12 INT'L ARB. REP. 15 (November 1997), adapted as *The UCP in Court*, DOCUMENTARY CREDITS INSIGHT 11 (International Chamber of Commerce, Winter 1997)

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*In Memoriam, Elizabeth B. Clark*, 78 B.U. LAW REV. 242 (1998)

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*Making Sense of Financial Arbitration/Comprendre les enjeux de l'arbitrage financier*, in ARBITRATION, FINANCE & INSURANCE 7, ICC ARBITRATION BULLETIN, Special Supplement 2000

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Book Review, *LA COMPROMETTIBILITÀ PER ARBITRI: STUDIO DI DIRITTO ITALIANO E COMPARATO*, by Aldo Berlinguer, 2000 (No. 2) STOCKHOLM ARB'N REP/ 187, with Luisa Arosio; reprinted 16 INT'L ARB. REP. 19 (March 2001)

*Complex Issues in International Arbitration*, TEXAS LAWYER (4 November 2002, Section 5)

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Foreword to SAM LUTTRELL, BIAS CHALLENGES IN INTERNATIONAL ARBITRATION (2009)

*Good Arbitrator Behavior*, 65 DISPUTE RES. J. 134 (May-Oct 2010), adapted from *Ethics in International Arbitration*, 3 WORLD ARB. & MED. REV. 283 (2009), Keynote Address to Institute for Transnational Arbitration (Dallas, June 2009)

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## ASSOCIATIONS & AFFILIATIONS

American Arbitration Association, Board and Council, 2002 - 2019  
American Law Institute  
American Society of International Law  
Association Suisse de l'Arbitrage  
Boston Athenaeum  
Boston International Arbitration Council, Co-Chair  
Cahiers de l'Arbitrage (Paris), Comité scientifique  
Cercle Suédois (Svenska Klubben), Paris  
Chartered Institute of Arbitrators, Fellow  
Cohasset Central Cemetery, Board of Directors  
Cohasset Historical Society  
College of Commercial Arbitrators, Fellow  
Comité français de l'arbitrage, Paris  
Commonwealth of Massachusetts, Justice of the Peace  
Elizabethan Club, Yale  
Harvard Club, Boston  
International Bar Association  
International Fiscal Association  
King's Chapel, Boston, Senior Warden (2002-04); Trustee, 2010-present  
London Court of International Arbitration, President (2010-16), Honorary Vice-President  
New York International Arbitration Centre, Board of Advisers  
Oxford International Arbitration Series, Editorial Board  
Selden Society  
Society of the Cincinnati, New Hampshire Chapter  
Somerset Club, Boston  
Tiro a Segno, New York  
Union International des Avocats  
Yale Club, New York