

## **William W. Park**

Professor of Law, Boston University  
Butler Scholar in International Law  
Courses in international tax, finance, and arbitration

General Editor, *Arbitration International*

President, London Court of International Arbitration

Panel of Arbitrators, International Centre for the Settlement of Investment Disputes (ICSID)

NAFTA Chapter 14 Financial Services Roster

Member, International Council for Commercial Arbitration (ICCA)

### PROFESSIONAL EXPERIENCE

Admitted to Bar, Massachusetts (1972); District of Columbia (1980)  
Law Practice, Paris: 1972-79 (Coudert Frères and Hughes Hubbard & Reed)  
Professor of Law, Boston University: 1979-present  
Director, Boston University Center for Banking and Financial Law Studies: 1990-93  
Arbitrator, Claims Resolution Tribunal for Dormant Accounts in Switzerland: 1998-2002  
Appeals Tribunal, International Commission on Holocaust Era Insurance Claims: 2001-06  
Counsel, Rope & Gray, Boston: 1990-2005

Arbitrator in ICC, AAA, CPR, LCIA, ICSID, UNCITRAL, IACAC, HKIAC and *ad hoc* proceedings in English and French. Foreign investment, joint ventures, insurance, acquisitions, LNG price adjustment, taxation, construction and finance.

### VISITING ACADEMIC APPOINTMENTS

Fellow, Selwyn College, Cambridge  
Adjunct Professor, Fletcher School of Law and Diplomacy  
Visiting Professor, Institut Universitaire de Hautes Etudes Internationales  
Visiting Professor, Faculty of Law, Université de Dijon  
Visiting Professor, Faculty of Law, University of Hong Kong  
Sir John Lubbock Lecturer, University of London  
Freshfields Lecturer, University of London  
Clayton Utz Lecturer, University of Sydney  
Visiting Professor, University of Auckland  
Visiting Professor, University of Geneva

### EDUCATION

Yale, B.A., 1969 (Paris, Institut d'Etudes Politiques, 1967-68)  
Columbia, J.D., 1972 (Harlan Fiske Stone Scholar)  
Cambridge, M.A. 1975

## PUBLICATIONS

### Books:

INTERNATIONAL CHAMBER OF COMMERCE ARBITRATION (1984; Third Edition, 2000), with Craig & Paulsson

INTERNATIONAL FORUM SELECTION (1995)

INTERNATIONAL COMMERCIAL ARBITRATION: CASES, MATERIALS AND NOTES ON THE RESOLUTION OF INTERNATIONAL BUSINESS DISPUTES (1997), with Reisman, Craig & Paulsson

ANNOTATED GUIDE, ICC ARBITRATION RULES (1998), with Craig & Paulsson

INCOME TAX TREATY ARBITRATION (2004), with Tillinghast

ARBITRATION OF INTERNATIONAL BUSINESS DISPUTES (2006)

### Articles:

*Fiscal Jurisdiction and Accrual Basis Taxation: Lifting the Corporate Veil to Tax Foreign Company Profits*, 78 COLUM. L. REV. 1609 (1978)

*Judicial Supervision of Transnational Commercial Arbitration*, 21 HARV. INT'L L. J. 87 (1980)

*Tax Characterization of International Leases: The Contours of Ownership*, 67 CORNELL L. REV. 103 (1981)

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*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 consentis à des débiteurs étrangers*, 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)

*Bridging the Gap in Forum Selection: Harmonizing Arbitration and Court Selection Clauses*, 8 TRANSNAT'L L. & CONTEMP. PROBLEMS 19 (1998)

*Duty and Discretion in International Arbitration*, 93 AM. J. INT'L LAW 805 (1999), reprinted in 15 INT'L ARB. REP. 28 (Jan. 2000); Japanese translation in 33 SEINAN GAKUIN L.REV. 71 (2001)

*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)

*Arbitration's Discontents: Of Elephants and Pornography*, in FOUNDATIONS AND PERSPECTIVES OF INTERNATIONAL TRADE LAW 258 (Ian Fletcher, Loukas Mistelis & Marise Cremona eds. 2001), reprinted in 17 ARB. INT'L 263 (2001) and 17 INT'L ARB. REP. 20 (Feb. 2002)

*Why Courts Review Arbitral Awards*, in RECHT DER INTERNATIONALEN WIRTSCHAFT UND STREITERLEDIGUNG IM 21. JAHRHUNDERT: LIBER AMICORUM KARL-HEINZ BÖCKSTIEGEL 595 (R. Briner, L. Y. Fortier, K.-P. Berger & J. Bredow, eds., 2001), reprinted in 16 INT'L ARB. REP. 27 (November 2001)

*Income Tax Treaty Arbitration*, 10 GEORGE MASON L. REV. 803 (2002), reprinted in 31 TAX MANAGEMENT INT'L J. 219 (2002), translated as *L'arbitrato nei trattati sulle imposte sui redditi*, RIVISTA DI DIRITTO TRIBUTARIO INTERNAZIONALE 3 (gennaio-dicembre 2003)

*The New Face of Investment Arbitration*, 28 YALE J. INT'L L. 365 (2003), with Guillermo Aguilar Alvarez; reprinted 19 INT'L ARB. REP. 39 (Jan. 2004); 1 REVISTA DEL CIRCULO PERUANO DE ARBITRAJE 41 (2006); INTERNATIONAL COMMERCIAL ARBITRATION: IMPORTANT CONTEMPORARY QUESTIONS 392 (ICCA Congress Series No. 11, A.J. van den Berg ed. 2003).

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*The Nature of Arbitral Authority: A Comment on Lesotho Highlands*, 21 ARB. INT'L 483 (2005)

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*Treaty Obligations and National Law*, 58 HASTINGS LAW REV. 251 (2006), with Alexander Yanos

*Jurisdiction to Determine Jurisdiction*, in 13 ICCA CONGRESS SERIES 55 (Permanent Court of Arbitration, The Hague, 2007)

*Two Faces of Progress: Fairness and Flexibility in Arbitral Procedure*, 23 ARB. INT'L 499 (2007)

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

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Shorter Pieces, Festschrifts & Book Reviews:

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

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

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

*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 REVUE 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)

*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)

*Particularités de l'arbitrage en matière bancaire et financière*, 1994 SEMAINE JUDICIAIRE (Geneva) 621 (1994)

*The Raison d'Etre of International Arbitration*, 1995 LOV OG RETT 641 (Oslo, 1995)

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

*Fields and Gardens: The Why and Wherefore of Arbitration*, WORLD AND I 317 (April 1996)

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)

*International Dispute Resolution*, NAT'L L. J., C-18 (4 May 1998)

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

*The Art of Doubting and Believing*, by Sebastian Castellion, 54 UNITARIAN UNIVERSALIST CHRISTIAN 57 (1999) (Introduction and Translation)

*The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, in HANDBOOK OF INTERNATIONAL DISPUTE RESOLUTION 519 (B. Barin ed., 1999)

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

*Jurisdictional Issues in Financial Arbitration*, in FESTSCHRIFT FÜR OTTO SANDROCK ZUM 70. GEBURTSTAG 745 (Klaus Peter Berger, Werner F. Ebke, Siegfried Elsing, Bernhard Grossfeld & Gunther Kühne, eds. 2000)

Book Review, LA COMPROMETTIBILITÀ PER ARBITRI: STUDIO DI DIRITTO ITALIANO E COMPARATO, by Aldo Berlinguer, in 16 INT'L ARB. REP. 19 (March 2001), with Luisa Arosio

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

*Investor Nations as Host States under NAFTA Chapter 11*, in INVESTMENT TREATIES AND ARBITRATION 9 (Gabrielle Kaufmann-Kohler & Blaise Stucki, eds.), Association Suisse de l'Arbitrage, Special Series No. 19 (Zürich 2002)

*The Contours of Arbitral Jurisdiction: Who Decides What?*, 3 INT'L ARB. NEWS 2 (ABA, Summer 2003), reprinted in 18 INT'L ARB. REP. 21 (August 2003)

*Arbitrability and American Securities Law*, in ARBITRATION IN BANKING AND FINANCIAL MATTERS 81 (Gabrielle Kaufmann-Kohler & Viviane Frossard, eds.), Association Suisse de l'Arbitrage, Special Series No. 20 (Geneva 2003)

*International Commercial Dispute Resolution* (Annual Review), 37 INT'L LAWYER 445 (2003), with Andrea Bjorklund & Jack Coe

*Irony in Intellectual Property Arbitration*, 19 ARB. INT'L 451 (2003)

*Developments in International Commercial Dispute Resolution*, 38 INT'L LAWYER 265 (2004), with Jack Coe, Mark Friedman, Dietmar Prager & Steven Smith

*Saving the FAA*, 4 INT'L ARB. NEWS 10 (ABA, Summer 2004), reprinted 19 INT'L ARB. REP. 27 (Nov. 2004) and 5 INT'L ARB. Q. LAW REV. 117 (Winter 2004)

*NAFTA Challenges*, in INVESTMENT TREATY LAW (F. Ortino, A. Sheppard & H. Warner, eds. 2006, Symposium of 7 May 2004, British Institute of International & Comparative Law)

*The French Influence on International Arbitration*, in CONTRASTING APPROACHES TO GLOBAL BUSINESS 107 (J-M Burguburu, ed. 2005) (Proceedings of Paris Bar Association Conference, November 2004, Washington, D.C.)

*The Good Arbitrator*, 10 LCIA NEWS 28 (August 2005)

*Private Disputes and the Public Good*, 20 AM. U. INT'L L. REV. 903 (2005)

*The Faith of Hosea Ballou*, 60 UNITARIAN UNIVERSALIST CHRISTIAN 21 (2005)

Foreword to LEONARD SCHNEIDMAN, UNITED STATES TAXATION OF FOREIGN PORTFOLIO INVESTORS (2006)

*Procedural Default Rules Revisited*, in ARBITRATION INSIGHTS 331 (J. Lew & L. Mistels, eds. 2006)

*Rules and Standards in Private International Law*, Review Essay of DICEY, MORRIS AND COLLINS: THE CONFLICT OF LAWS (Sir Lawrence Collins, 14th ed.) 73 ARBITRATION 441 (2007)

*Du respect de la Convention de New York* 18 (2) BULLETIN COUR INTERNATIONALE DE L'ARBITRAGE CCI. 65 (2007) and *Respecting the New York Convention*, 18 (2) ICC COURT OF ARBITRATION BULLETIN 65 (2007)

*The Uses of Comparative Arbitration Law*, 24 ARB. INT'L 615 (2008), review Essay of Jean-François Poudret & Sébastien Besson, COMPARATIVE LAW OF INTERNATIONAL ARBITRATION (2d Ed. 2007), with Thomas W. Walsh

*The International Currency of Arbitral Awards*, in INTERNATIONAL ARBITRATION 359 (Vol. I, Practising Law Institute, 2008)

*Framing the Case on Quantum*, in Damages in International Arbitration, 2 WORLD ARBITRATION & MEDIATION REPORT 59 (2008), adapted from Keynote Address to Institute for Transnational Arbitration, Dallas (June 2008)

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

*The Transient and the Permanent in Good 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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#### PROFESSIONAL ASSOCIATIONS AND SERVICE

American Arbitration Association, Board of Directors  
American Law Institute  
Comité français de l'arbitrage  
Editorial Board, Oxford International Arbitration Series  
Fellow, Chartered Institute of Arbitrators  
Fellow, College of Commercial Arbitrators  
Justice of the Peace, Commonwealth of Massachusetts  
Trustee, King's Chapel, Boston