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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
Nationalities: Switzerland & United States

PROFESSIONAL EXPERIENCE

President, London Court of International Arbitration, 2010-16
Panel of Arbitrators, ICSID (World Bank), Appointed by USA, 2008-16
Senior Claims Judge, 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, Graduate Institute of International and Development Studies, Geneva, 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)

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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)

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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)

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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)

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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)

Procedural Tradeoffs in Arbitration, forthcoming in TRIBUTE TO PROFESSOR EMMANUEL GAILLARD (Yas Banifatemi, ed. Forthcoming 2022)

Awards in ICSID Arbitration, with Jeremy Bloomenthal, in ICSID ARBITRATION RULES: AN ARTICLE-BY-ARTICLE COMMENTARY (Richard Happ & Stephan Wilske, eds. C.H. Beck, Fothcoming2022)

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)

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

National Legal Systems and Private Dispute Resolution, 82 AM. J. INT' 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)

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

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

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ASSOCIATIONS & AFFILIATIONS

American Arbitration Association, Board and Council, 2002 - 2019
American Law Institute, Member
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
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Chartered Institute of Arbitrators, Fellow
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Cohasset Historical Society
College of Commercial Arbitrators, Fellow
Comité français de l'arbitrage, Paris
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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
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