

**Paul Friedland**

Partner, New York

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Bars and Courts

New York State Bar

US District Courts for the Southern and Eastern Districts of New York

US Court of Appeals for the Second Circuit

US Supreme Court

Education

JD, Columbia University School of Law, Law Review, Kent Scholar

BA, Yale University

Languages

English

French

Citizenship

United States

Practice Experience

Mr. Friedland is a New York-based partner in White & Case's top-ranked International Arbitration practice. A renowned practitioner, he advises clients as lead counsel and serves as arbitrator in high-stakes commercial and investment disputes around the world.

"The 'enormously respected' Mr. Friedland earns praise for his extensive experience: 'He's excellent, very well prepared and very smart'" (*Chambers USA 2019*). Clients describe him as "a go-to on major international arbitrations," adding: "nobody knows how to present a case better than Paul." (*Chambers USA 2017*). Mr. Friedland has been repeatedly ranked as a Band 1 practitioner by *Chambers Global*, *Chambers USA*, and by other major legal directories.

Mr. Friedland, "one of the most respected advocates on the international scene" and "one of the leading lawyers in the world" (*Chambers Global 2014*), served as global head of the Firm's International Arbitration practice group from 2002 to 2019, during which time the group became the world's largest and top-ranked international arbitration practice globally.

Mr. Friedland's leadership positions include: American Arbitration Association (Executive Committee, 2011-14; Chair of Law Committee, 2008-14; Chair of Subcommittee on ICDR Rules revision, 2013-14), International Bar Association (Arbitration Committee Co-Chair, 2014-15), Singapore International Arbitration Centre (Court member, 2013-19), and LCIA (Court member, 2006-10).

A frequent writer and speaker on international arbitration topics, Mr. Friedland is the author of Arbitration Clauses for International Contracts, described as a "must-have for all practitioners working in the burgeoning field of international arbitration" (*New York Law Journal, April 2008*).

Client and market sources say:

- "The 'terrific' Paul Friedland garners widespread praise for his investor-state expertise and adept handling of high-value commercial disputes. A source reports: 'He is very smooth and very calm under pressure. He is super experienced.'" (*Chambers Global 2020*) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).
- "The 'first-rate' Paul Friedland is highly respected for his excellent track record in high-value arbitral proceedings, with considerable expertise in commercial and investment treaty arbitration." (*Chambers Global 2019*) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case

Arbitration Group as Band 1).

- "An outstanding advocate and arbitrator, garnering praise from interviewees for his 'very smart and engaged' manner and his skills as 'a top-quality lawyer.'" (*Chambers USA 2018*) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).
- "One of the most talented lawyers.... He is extremely well known for his work on both investment treaty and commercial arbitrations in the energy, construction and insurance sectors." (*Chambers Global 2016*) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).

Select Cases

Power & Energy

- ICC arbitration in New York between a US energy company and a Latin American company (client) over an unpaid bonus in connection with a pipeline project in Colombia. Colombian law applied. Complete victory for our client.
- Representation of energy industry insurer in multiple coverage cases, including disputes arising from MTBE pollution, a dispute concerning the meaning of "physical loss", a dispute regarding the insurability and quantum of damage to a coal mine, a dispute regarding applicability of the war exclusion to strife in the Middle East, a dispute regarding reinsurability of a settlement, and a dispute regarding liability arising from environmental harm. Repeated awards in favor of our client.
- Post-acquisition ICC arbitration in New York, governed by New York law, arising out of the purchase by our client of power plants in Asia and involving breaches of representations and warranties and a price adjustment clause.
- ICC arbitration in New York between a Latin American oil services company in dispute with a joint venture partner over the operation of two drilling rigs, and involving parallel proceedings in the US, Brazil and the BVI.

Construction

- ICC arbitration in Geneva between a Latin American construction company (client) and a consortium of international companies over the construction of a \$600 million pipeline in Latin America. New York law applied. Concluded by amicable settlement.

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- Cairo Centre arbitration between a Middle Eastern company and a European construction company (client) over the construction of a lube oil plant. Concluded by amicable settlement.
- UNCITRAL arbitration between an owner (client) and a Turkish contractor regarding the rehabilitation of a road in Central Asia. Concluded by amicable settlement.
- ICDR arbitration seated in NY under NY law between a US owner and an EPC contractor to resolve delay and disruption claims related to the construction of a 655 MW combined-cycle power plant on the East Coast of the United States.

Gaming, Retail & Food

- Obtained an AAA award in favor of the State of New York, with revenue impacts to local communities exceeding \$1 billion, arising from a dispute over revenue sharing under a gaming compact.
- Victorious award obtained on behalf of client in an ICC case in New York involving tax and accounting issues arising out of a duty free business in South America.
- ICC arbitration in New York between two Latin American companies arising out of the sale of a retail business. Concluded by amicable settlement.
- ICDR arbitration in New York between a US food cooperative and an Italian food company (client) over the marketing of food products in the US. Concluded by amicable settlement.

Technology & Telecommunications

- Represented Toshiba in three ICC arbitrations relating to the sale of Toshiba's US\$18 billion memory chip business. Achieved a procedural victory that allowed the sale to close and the disputes to settle.
- Representation of a Swedish investor in an ICC case concerning the privatization of the telecommunications sector of an E. European nation. Concluded by amicable settlement.
- ICDR arbitration, governed by New York law and seated in New York, concerning performance of sapphire furnaces in South-East Asian high-tech zone. Complete victory for our client.

Mining & Metals

- Three cases (two LCIA and one ICC), governed by English law and seated in London and Zurich, concerning bauxite/alumina

supply contracts. Concluded by amicable settlement.

- ICC arbitration (discovery phase) concerning gold mining in the Congo. Concluded by amicable settlement.
- Ad hoc arbitration, governed by New York law, concerning coal mining operations. Concluded by amicable settlement.
- Representation of a major international mining company in relation to international claims against the DRC arising out of changes to the state's tax regime.
- Representation of a Canadian junior mining company regarding arbitration and treaty protection rights under six mineral exploration agreements with the Government of Liberia.

Insurance

- Representation of an insurance company in the energy industry in ad hoc arbitration in London governed by New York law brought by a large Canadian energy company over the destruction of a gas field in the Middle East. Issues include whether the policy's war exclusion clause excludes recovery, sanctions, and if there was actual loss.
- Representation of an insurance company in the energy industry in ad hoc arbitration in London governed by New York law arising out of the sinking of an oil tanker. Complete victory for our client, including costs.

Investor/State Cases

- Representation of a US-based independent power producer in an ICSID arbitration against the Government of Grenada arising out of certain regulatory changes in the electricity sector. (GPP v. Grenada). Complete victory for our client, including costs.
- Representation of Korea in two UNCITRAL disputes, one arising out of a dispute involving shareholdings in the Samsung Group and the other arising out of an investment in Hyundai Elevators. (Mason v. Korea, Schindler v. Korea). Ongoing.
- Representation of the Republic of North Macedonia in two ICSID disputes, one arising out of the bankruptcy of a nickel mine and smelter project, and the other arising out of the termination of the concession for the exploitation of a gold and copper mine. (Cunico v. North Macedonia, Skubenko v. North Macedonia). Ongoing.
- Representation of the Kingdom of Saudi Arabia in an ICSID case arising out of a construction project in Saudi Arabia.

(Samsung v. KSA). Ongoing.

- Representation of SGS Société Générale de Surveillance in a groundbreaking ICSID arbitration against the Government of Paraguay involving the interpretation of the "Umbrella Clause". A complete victory for SGS.
- Representation of the investor in a multi-phase ICSID case that created numerous precedents for ICSID arbitration and for international public and private law. (Amco Asia v. Indonesia).
- Obtained dismissal plus costs on behalf of Bulgaria in an ICSID case involving the operation of an oil refinery brought under the Energy Charter Treaty and relevant BIT. (Plama v. Bulgaria).
- Representation of Indonesia in the first ICSID case where jurisdiction was premised upon the ASEAN Treaty. (Cemex v. Indonesia).
- Representation of Sri Lanka in a case dismissed on the finding that a pre-investment did not constitute an investment. (Mihaly v. Sri Lanka).
- Representation of Sri Lanka in the first ICSID case brought under a bilateral investment treaty. (AAPL v. Sri Lanka).

Publications

Select publications since 2010 include:

"AAPL v Sri Lanka — Rethinking Protection and Security for 21st Century Claims," Arbitration Academy 2016 The Berthold Goldman Lecture, 3 *Paris J. Int'l Arb.* 605, 2016

"Fact-Finding by International Arbitrators — Sua Sponte Calls for Evidence," Domitille Baizeau and Frank Spoorenberg (eds.), *The Arbitrator's Initiative*, ASA Special Series No. 45, 2016

"Differential Capacity and the Duty to Protect Foreign Investment From Physical Violence," *Liber Amicorum en L'Honneur de William Laurence Craig*, LexisNexis, 2016 (with Robert Hornick)

"Drafting Considerations for Clauses Designating New York as the Place of Arbitration," J. Carter & J. Fellas (eds.), *International Commercial Arbitration in New York*, 2d ed., 2016 (with Damien Nyer)

"Soft Law and Power," S. Brekoulakis, J. Lew & L. Mistelis (eds.), *The Evolution and Future of International Arbitration*, 2016

"The 2014 Revisions to the IBA Guidelines on Conflicts of Interest in

International Arbitration," 9 *Dispute Resolution Int'l* 55, 2015 (with Eduardo Zuleta)

"The Revised ICDR International Arbitration Rules," *LexisNexis Arbitration*, April 2014 (with John Templeman)

"Rabid Redux: The Second Wave of Abusive ICSID Annulments," 27 *Am. U. Int'l L. Rev.* 727, 2012 (with Paul Brumpton)

"The 2012 International Arbitration Survey: Current and Preferred Practices in the Arbitral Process," *JAMS Global Engineering and Construction New sletter and NYSBA Dispute Resolution Journal*, November 2012 (with John Templeman)

"Discoverability of Communications between Counsel and Party-Appointed Experts in International Arbitration," 28 *Arb. Int'l* 1, LCIA, 2012 (with Kate Brown de Vejar)

"Discoverability of Communications between Counsel and Party-Appointed Experts in International Arbitration," 15 *ICCA Congress Series* 160, 2011 (with Kate Brown de Vejar)

"Negotiating and Drafting Arbitration Agreements with Chinese Parties — Special Considerations of Chinese Law and Practice," 28 *J. Int. Arb.* 5, 467, 2011 (with Bing Yan)

"The New ICC Rules: Continuing Evolution of Case Management Powers to Control Costs and Delays in International Arbitration," *Kluwer Arbitration Blog*, 13 September 2011 (with Paul Brumpton)

"Cláusulas de Arbitraje para Contratos Internacionales," *Abeledo Perrot*, 2010 (with Rafael E. Llano Oddone)

"Drafting Class Arbitration Clauses after Stolt-Nielsen," 22 *Dispute Resolution Journal*, May/October 2010 (with Michael Ottolenghi)

"Drafting Considerations for Clauses Designating New York as the Place of Arbitration," James H. Carter & John Fellas (eds.), *International Commercial Arbitration in New York* 71, 2010

"Comments on the 2008 Survey on International Arbitration: Corporate Attitudes and Practices on Recognition and Enforcement of Arbitral Awards," 19 *Am. R. Int. Arb.* 3, 2010 (with Michael Ottolenghi)

Professional Associations

AAA, Chair, Law Committee (2008-14); Board of Directors (2002-14); Executive Committee (2011-14); Chair, Sub-Committee on ICDR Rules revision (2013-14); Chair, Conflict Management Practice Committee

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(2000-08); International Advisory Committee (since 2015)

IBA, Co-Chair, Arbitration Committee (2014-15); Chair, Task Force on Guidelines for Drafting International Arbitration Clauses (2009–10)

LCIA, Court Member (2006–10)

SIAC, Court Member (2013-19)

Australian Centre for International Commercial Arbitration (ACICA), Council (2016-19)

ICSID, Panel of Arbitrators and Panel of Conciliators (2013-19)

Institute for Transnational Arbitration, Executive Committee (2002–11)

KCAB, Panel of International Arbitrators (since 2018)

Fellow, CIArb (since 2018)

ICC Commission on Arbitration (2009–10)

Câmara de Conciliação, Mediação e Arbitragem CIESP/FIESP (since 2012)

CPR Panel of Distinguished Neutrals (since 2003)

College of Commercial Arbitrators (2006–12)

COMBAR The Commercial Bar Association, Member (since 2010)

US Council for International Business, Board of Trustees and Arbitration Committee (since 2002)

International Commercial Disputes Committee of the New York City Bar Association (2000–06 and since 2016)

Arbitration International, Editor (since 2011)

World Arbitration and Mediation Reporter, International Editor (since 2002)

Revista de Arbitragem e Mediação, Editorial Board (since 2011)

Oxford University Press, Editorial Board (since 2011)

SICANA, Board of Directors (since 2016)