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**Paul Friedland**

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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, 1980

BA, Yale University, 1976

**Languages**

English

French

**Citizenship**

United States

**Practice Experience**

Mr. Friedland is (since 2002) global head of the White & Case International Arbitration practice group, which is ranked No. 1 by Chambers and GAR. Mr. Friedland has been repeatedly ranked in the top tier by Chambers Global and other industry publications.

He has served as counsel or arbitrator in numerous international arbitrations, both commercial and investor state.

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, since 2013), and LCIA (Court member, 2006-10).

"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).

"One of the most respected advocates on the international scene" and "one of the leading lawyers in the world" (Chambers Global 2014) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).

"An excellent leader of the practice and an excellent counsel." (Chambers Global 2013) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).

"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) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).

"A wonderful person to work with,' [his] leading practice ... garners praise from market commentators for his strength in both commercial and investment treaty arbitration." (Chambers USA 2012) (ranking Friedland as Band 1 for Leading Individuals and ranking the White & Case Arbitration Group as Band 1).

"He has carved a reputation based on a 'high degree of professionalism' and a capacity for 'inventive and lateral thinking'. Moreover, this New York-based partner is 'extremely bright and quick' and 'works well with inside counsel, as well as technical and business people'. Lastly, he is 'very well connected in the world of international arbitration and is well-known and respected by the leading practitioners and arbitrators in the field'" (The Legal 500, 2009).

"A 'tenacious, sharp and analytical operator who is always able to cut right to the heart of the issue'. Clients, meanwhile, have nothing but admiration for his 'flexibility and responsiveness'" (Chambers USA, 2008).

A frequent writer and speaker on international arbitration topics, Mr. Friedland is the author of *Arbitration Clauses for International Contracts* (2d. ed. 2007), described as a "must-have for all practitioners working in the burgeoning field of international arbitration" (N.Y. Law Journal, April 2008).

Mr. Friedland also has broad experience of US litigation, having secured favorable verdicts on behalf of his clients in two jury trials and one bench trial.

### **Representative Cases**

#### *Power/energy sector cases*

- ICC case, in London under English law, concerning chargeability of costs between operator and non-operators with respect to a JV for gas production.
- Two cases concerning disputes over long-term gas supply contracts price re-openers.
- ICC case, governed by New York law, concerning representations in share purchase agreements in the power sector.
- ICDR case between a Japanese subcontractor and a US contractor regarding responsibility for delay at a US power plant.
- Representation of Bulgaria in the jurisdictional phase of an ICSID case under the Energy Charter Treaty arising from an energy sector investment (Plama v. Bulgaria).
- Defense of the Government of Georgia against ICSID claims brought by US and Dutch companies arising from energy sector disputes (Itera v. Georgia).
- Representation of a multi-national energy company in a dispute arising from termination of power purchase agreement.
- Representation of a Latin American power company in a dispute concerning price indexation.
- Ad hoc arbitration, governed by New York law, concerning an oil

drilling platform.

- ICC arbitration in New York, governed by Colombian law, concerning interpretation of a pipeline construction contract in Colombia.
- Two ICC cases concerning delay in construction of pipelines in Peru and Ecuador.
- Representation of a LNG distributor on price adjustment clause in dispute subject to New York law.
- Representation of the Ministry of Energy of an Eastern European State in an arbitration with an energy company in connection with a gas supply contract under the auspices of a regional arbitral institution.
- Advising two Chilean power companies in a dispute against three Argentinian gas suppliers subject to Spanish language ICC arbitration governed by Argentinian law.
- Two ICC cases (as arbitrator) concerning price review of long-term gas supply agreements.

### *Construction cases*

- UNCITRAL case between an international organization and a Turkish contractor regarding delay and extra costs claimed on a road-building project.
- ICDR case between a Japanese subcontractor and a US contractor regarding responsibility for delay at a US power plant.
- ICDR case between a Japanese owner and a US contractor concerning responsibility for delay at a NYC construction project.
- ICC case in Geneva, governed by Swiss law, concerning construction of a fiber glass plant in Thailand.
- ICC case in Paris, governed by Indian law, concerning delay in the construction of a telecommunications ground station.
- ICC arbitration in Paris, governed by Egyptian law, concerning variations and delay on a construction project in Egypt.
- ICC arbitration in New York, governed by Colombian law, concerning interpretation of a pipeline construction contract in

Colombia.

- Two ICC cases concerning delay in construction of pipelines in Peru and Ecuador.
- ICC arbitration in Paris, governed by Libyan law, concerning defects on a public works project in North Africa.
- ICC case in Paris, governed by Swiss law, concerning delay and change order disputes on a university project in the Middle East.

### *Investor/state cases*

- Representation of SGS in an ICSID case against Paraguay (SGS v. Paraguay) in which an ICSID Tribunal ruled for the first time that a case could proceed based on an umbrella clause notwithstanding a local court forum selection clause in the investment contract. During the annulment phase, an ad hoc committee ruled for the first time that enforcement should not be stayed pending the annulment application. A complete victory for SGS.
- Defense of the Government of Georgia against ICSID claims brought by US and Dutch companies arising from energy sector investments (Itera v. Georgia).
- Defense of the Government of Georgia against ICSID claims brought by a Turkish contractor concerning a road-building project (Karmar v. Georgia).
- Representation of Bulgaria in the jurisdictional phase of an ICSID case under the Energy Charter Treaty arising from an energy sector investment (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).
- 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 v. Indonesia).

- Representation of a Swedish investor in an ICC case concerning the privatization of the telecommunications sector of an E. European nation.
- Advisor to the Government of Canada on its defense of two NAFTA cases.

### *Insurance cases*

- Ad hoc case in London, governed by New York law, concerning reinsurance coverage.
- Ad hoc arbitration, governed by New York law, concerning coverage of environmental clean-up costs.
- Ad hoc case in London, governed by New York law, concerning scope of insurable interest.
- Ad hoc arbitration in London, governed by New York law, concerning coverage of repair costs in damaged mine.
- ICDR case concerning interpretation of an agreement to insure a telecommunications satellite.

### *Telecommunications cases*

- ICC case in Paris, governed by Japanese law, concerning interpretation of a telecommunications satellite contract.
- ICC case in Paris, governed by Indian law, concerning delay in the construction of a telecommunications ground station.
- Representation of a Swedish investor in an ICC case concerning the privatization of the telecommunications sector of an E. European nation.
- Representation of a client with respect to a pre-paid telephony contract dispute subject to ICC arbitration.
- ICDR case as arbitrator concerning the Russian telecommunications industry.

### *Mining and minerals cases*

- Ad hoc arbitration, governed by New York law, concerning coal mining operations.
- ICC arbitration (discovery phase) concerning gold mining in the

Congo.

- Three cases (two LCIA and one ICC), governed by English law, concerning bauxite/alumina supply contracts.
- ICC case in Geneva, governed by Swiss law, concerning disputed coal deliveries.
- Representation of iron ore supplier in dispute regarding long term supply contracts.

### *Other commercial cases*

- ICDR case concerning performance of sapphire furnaces in SE Asian high-tech zone.
- ICC case regarding scope of indemnity in share purchase agreement.
- ICDR case arising out of a partnership agreement concerning a tourism development project in the Bahamas.
- ICC case in New York involving tax and accounting issues arising out a duty free business in South America.
- ICC case in Zurich, governed by Czech law, concerning performance of a music industry contract.
- Two ICC cases in New York between financial institutions, arising from the Asian banking crisis in the late 1990s.
- ICDR case concerning equipment supplied by a French company to the US navy.
- ICC arbitration regarding a joint venture in the cement industry in Latin America that led to parallel proceedings (also argued by Mr. Friedland) before the New York Supreme Court and the Second Circuit Court of Appeals (*Lafarge v. Venezolana*).
- Twenty ICC and ICDR cases as arbitrator concerning inter alia long-term gas supply contracts, shareholder agreements, JVs, the steel industry, SPAVs, sports contracts, and contracts for the supply of high tech goods.

## **Publications**

*"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, in The Arbitrators' Initiative: When, Why and How Should it be Used?" ASA Special Series No. 45 (Domitille Baizeau & Frank Spoorenberg eds. 2016)*

*"Differential Capacity and the Duty to Protect Foreign Investment From Physical Violence," in 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," in J. Carter & J. Fellas, International Commercial Arbitration in New York (2d ed 2016) (with Damien Nyer).*

*"Soft Law and Power," in 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 - Key Changes," 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 Newsletter and the 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 (kluwarbitrationblog.com/blog/2011/09/13/the-new-icc-rules-continuing-evolution-of-case-management-powers-to-control-costs-and-delays-in-international-arbitration) (with Paul Brumpton)*

Cláusulas de Arbitraje para Contratos Internacionales, AbeledoPerrot 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," in 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)

*Controlling Cost in International Arbitration*, 24 *Japan Com. Arb. Ass'n. Newsl.*, December 2009

"Recognition And Enforcement Of Annulled Awards: From Chromalloy To Comity, The U.S. Story So Far" in *Mealey's The New York Convention: 50 Years of Experience*, October 2008 (with Judith Levine)

"Reconocimiento Y Ejecución de Los Laudos Arbitrales Nulos. La Experiencia en Los Estados Unidos de Norteamérica" in Guido Tawil & Eduardo Zuleta (eds.), *El Arbitraje Comercial Internacional* 568, 2008 (with Judith Levine)

Arbitration Clauses for International Contracts, Juris Publishing, (2d ed.) 2007

"A Claim for Monetary Relief for Breach of Agreement to Arbitrate as a Supplement or Substitute to an Anti-Suit Injunction," in Albert Jan van den Berg (ed.), *International Arbitration 2006: Back to Basics?* (with Kate Brown)

"The Amicus Role in International Arbitration," in Loukas Mistelis & Julian Lew (eds.), *Pervasive Problems in International Arbitration*, 2006

"Stay of Enforcement of the Arbitral Award Pending ICSID Annulment Proceedings," in E. Gaillard (ed.), *Annulment of ICSID Awards* 177, 2004

"The Internationalization of American Commercial Arbitration," 18 *ITA News and Notes*, Spring 2004 (with Ank Santens)

"Arbitral Subpoenas Under US Law and Practice," 14 *Am. R. Int. Arb.* 3, 2003 (with Lucy Martinez)

"Commentary on the July 2003 Revisions to the AAA Commercial Arbitration Rules," *Dispute Resolution Journal*, November 2003 (with John Townsend)

"Commentary: ICSID Tribunals and Injunctions by State Courts,"



*Arbitration International*, November 2002

"Arbitration," *Corporate Legal Department*, Practising Law Institute, November 2001

"The Arbitration Clause," *Commercial Contracts: Strategies for Drafting and Negotiating*, Aspen, 2001

"Place of Arbitration in Contract Is Vital," *New York Law Journal*, October 2001

"Drafting Provisional Relief Clauses," 6 *ADR Currents* 1, 2001

"Choosing Between Administered and Non-Administered Arbitration for International Contracts," *Corporate Counsel*, April 2001

Arbitration Clauses for International Contracts, Juris Publishing, 2000

"The Written Phase: Disclosure and Memorials," *AAA Manual for International Arbitrators*, 1999

"Party Criteria for the Selection of Party-Appointed Arbitrators," *IFCAI Dispute Resolution Conference Papers*, 1999

"International Arbitration in the US: Enforcement of Awards," in *International Commercial Arbitration - US Litigation Yearbook*, 1999

"US Courts' Misapplication of the 'Agreement in Writing' Requirement for Enforcement of an Arbitration Agreement under the New York Convention," 13 *Int. Arb. Rep.* 21, 1998

"Selecting the Party-Appointed Arbitrator," 3 *Currents* 8, 1998

"Combining Civil Law and Common Law Elements in the Presentation of Evidence in International Commercial Arbitration," 12 *Int. Arb. Rep.* 25, 1997

"A Standard Procedure for Presenting Evidence in International Arbitration," 11 *Int. Arb. Rep.* 4, 1996

"The Swiss Supreme Court Sets Aside an ICC Award," 13 *J. Int'l Arb.* 1, 1996

"The Relevance of International Standards for US Courts in the Enforcement of Arbitration Agreements under the New York Convention," 6 *Am. R. Int. Arb.* 2, 1995 (with Robert Hornick)

"International Law - Arbitration or Litigation?" *New York Law Journal*, Nov. 20, 1995

"Anticipating Arbitration of Intellectual Property Disputes During Contract Negotiations", Paper presented at ICSID/ICC/AAA Joint Colloquium on

International Commercial Arbitration (San Francisco October 1994)

**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 (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 (since 2013)

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

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

Kuala Lumpur Regional Centre for Arbitration, Member of Panel of Arbitrators (since 2014)

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

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)

U.S. 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 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)

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