

## ERIC A. SCHWARTZ

Eric Schwartz is an American and French international arbitration lawyer. After a 40-year legal career, he now practices independently as an international arbitrator and as an arbitrator member of Fountain Court Chambers in London.

Until December 2016, Eric was a senior partner in the international arbitration practice group of King & Spalding in New York and Paris. Earlier in his career, he was a Paris-based partner of Freshfields Bruckhaus Deringer and, from 1992-1996, he served as Secretary General of the ICC International Court of Arbitration, of which he was subsequently a member and a Vice-President.

Educated at Dartmouth College (B.A. 1973) and Yale University (J.D. 1976), Eric has acted as counsel or arbitrator in over 100 international arbitrations throughout the world over the course of four decades. He has particular expertise in relation to disputes concerning large infrastructure projects as well as investment treaties and complex cross-border transactions in the energy, IP/IT and pharmaceutical sectors.

While Secretary General of the ICC International Court of Arbitration, Eric oversaw the administration of approximately 2,500 ICC arbitrations.

Eric is the author and editor of several books, and the author of dozens of articles, on the subject of international arbitration. He is recognized by his peers as one of the world's leading international arbitration practitioners and authorities.

Eric is fluent in English and French and is capable of conducting arbitrations in both languages. He was admitted to the California Bar in 1976 and the Paris Bar (of which he is now an emeritus member) in 1992.

### **Experience**

Eric has acted in arbitrations in most of the world's principal arbitration venues (including, among others, Paris, London, Geneva, Zurich, The Hague, Stockholm, Vienna, Hong Kong, Singapore, New York and Washington, D.C.). Although he is particularly well known for his expertise in ICC arbitration, he has also acted in arbitrations under the rules of the American Arbitration Association and its International Centre for Dispute Resolution (ICDR), CIETAC, the European Development Fund, the Netherlands Arbitration Institute, the LCIA, the Stockholm Chamber of Commerce, the Singapore International Arbitration Centre and the Vienna International Arbitration Centre, in addition to ICSID and UNCITRAL. He has experience of disputes under many legal systems, including notably those of France, the European Union, England, Switzerland and multiple United States jurisdictions as well as Russia, other former Soviet republics and a variety of African, Asian and Middle Eastern jurisdictions.

Project countries of which Eric has experience include: Afghanistan, Algeria, Angola, Azerbaijan, Bulgaria, Chile, China, Colombia, Costa Rica, Czech Republic, Egypt, Ethiopia, Georgia, Ghana, Guyana, Iraq, Iran, Jordan, Kazakhstan, Kuwait, Lebanon, Madagascar, Qatar, Malawi, the Philippines, Romania, Russia, Saudi Arabia, Senegal, South Africa, South Korea, Trinidad and Tobago, Turkey, the UAE, Ukraine, Uganda, the United States, Uzbekistan, Venezuela and Yemen.

Eric's recent arbitral appointments include the following:

President, ICC arbitration concerning a road project dispute in the United States;

Co-arbitrator, ICC arbitration in London concerning disputes arising out of a contract for the construction of various building facilities in a European country;

Co-arbitrator, ICC arbitration in New York concerning disputes arising out of a license and know-how agreement in the aerospace industry;

Sole arbitrator, ICC arbitration in Paris concerning the termination of consultant and distribution agreements in South America;

Co-arbitrator, ICC arbitration in Chicago concerning a pharmaceutical product co-development, license and sale agreement;

Co-arbitrator, ICC arbitration in Santiago concerning a dispute in relation to tunneling works.

President, ICC arbitration in Singapore concerning the breach of representations and warranties in a share purchase agreement.

Co-arbitrator, UNCITRAL arbitration concerning the alleged breach of the Spain-Colombia BIT in relation to an investment in the power sector;

Sole Arbitrator, LCIA arbitration in London between European parties in respect of the alleged breach of a loan agreement;

President, Staur Eindom AS, EBO Invest AS and Rox Holding AS v. Republic of Latvia, ICSID Case No. ARB/16/38;

Co-arbitrator, ICC arbitration in New York between Korean and Japanese parties concerning a contract for the supply of electronic products;

President, LCIA arbitration in London between Guyanese parties concerning a mining option agreement;

Co-arbitrator, ICC arbitration in Singapore between Korean parties concerning a distribution agreement for building materials;

President, LCIA arbitration in London between Russian and Chinese investors concerning a failed oil exploration project in Kazakhstan;

President, UNCITRAL arbitration in New York concerning alleged extra work and delays incurred in respect of a major construction project in New York;

President, ICC arbitration in Paris between a European contractor and a European government concerning a public works project;

President, ICC arbitration in Paris between a European aerospace company and a European supplier concerning allegedly defective parts;

President, Gilward Investments B.V. vs. Ukraine, ICSID Case No. ARB/15/33;

Co-arbitrator, ICC arbitration in Miami between a Latin American construction consortium and a Latin American power plant owner concerning the civil works for a hydroelectric power plant;

President, ICC arbitration in Paris between an Asian contractor and a Middle Eastern employer concerning the infrastructure works for an urban development project;

Sole arbitrator, AAA arbitration in New York between two U.S. companies concerning revenue sharing arrangements for ticket sales in a professional sports industry;

Co-arbitrator, Günes Tekstil Konfeksiyon Sanayi ve Ticaret Limited Sirketi, et al. vs. Republic of Uzbekistan, ICSID Case No. ARB/13/19;

Co-arbitrator, ICC arbitration in Paris between a European airplane manufacturer and a European airline concerning an aircraft supply agreement;

President, ICC arbitration in London between a European contractor and a property developer concerning a large commercial building project in a former Soviet republic;

Co-arbitrator, European Development Fund arbitration in Paris between an African contractor and an African State concerning a road project;

Co-arbitrator, ICC arbitration in Paris concerning an arms supply agreement;

Co-arbitrator, ICC arbitration in London between two European contractors concerning the civil works for a combined cycle electric generating plant in the Americas;

Co-arbitrator, ICC arbitration in Toronto between a Middle Eastern contractor and an African company concerning a slurry pipeline installation contract in Africa;

Chairman, ICC arbitration in Geneva between an African government and foreign investors in a failed gas and power project;

Co-arbitrator, ICC arbitration in Paris between a U.S. hotel management company and a Middle Eastern hotel company concerning the management contract for a property in the Middle East;

Co-arbitrator, ICC arbitration in Tokyo between a U.S. pharmaceutical company and an Asian pharmaceutical company concerning the alleged breach of a patent license agreement;

Co-arbitrator, VIAC arbitration in Vienna between an African company and a European company concerning the construction of a boiler in Africa;

Co-arbitrator, Karmar Marble Tourism and Commerce vs. Georgia, ICSID arbitration Case No. ARB/08/19;

Co-arbitrator, ICC arbitration in Geneva between a European subcontractor and an Australian contractor concerning a boiler construction project in the South Pacific;

Chairman, ICC arbitration in Vienna between a European contractor and a European football club concerning the construction of a football stadium.

### **Arbitration Panels, Positions and Memberships**

International Panel, American Arbitration Association/ICDR

International Panel, CPR/International Institute for Conflict Prevention & Resolution

Arbitration Panel, British Virgin Islands International Arbitration Centre

Arbitration Panel, Hong Kong International Arbitration Centre

Arbitration Panel, Asian International Arbitration Centre

Arbitration Panel, World Intellectual Property Organization

Vice-Chair and Council Member, ICC Institute of World Business Law

Board of Directors, SICANA (Secretariat of the International Court of Arbitration in North America)

Editorial Board, *Les Cahiers de l'Arbitrage / The Paris Journal of International Arbitration*

Member, the Chartered Institute of Arbitrators

Member, Comité Français de l'Arbitrage

Member, ICC Commission on Arbitration and ADR

Member, LCIA European Users Council

Member, SIAC Users Council

Member, Swiss Arbitration Association

Member, International Arbitration Institute

Member, New York International Arbitration Center

Fellow, Construction Lawyers Society of America

Former member and Vice-President, ICC International Court of Arbitration (2006-2015)

Former Member, ICC Commission Task Force on the Revision of the ICC Arbitration Rules (2009-2011)

Former Chair, International Arbitration Commission, Union Internationale des Avocats (2000-2005)

Former Member, Working Party on the Revision of the ICC Arbitration Rules (1995-1997)

Former Member, ICC Working Group of the Subcommittee on FIDIC Civil Standard Conditions of the International Bar Association, Section on Business Law, Committee Law, Committee T-International Construction Contracts

## **Publications**

### **Books:**

*Class and Group Actions in Arbitration* (ed. with B. Hanotiau) (ICC 2016)

*International Arbitration Under Review – Essays in Honour of John Beechey* (ed. with A. Carlevaris, L. Lévy, A. Mourre ) (ICC 2015)

*Multiparty Arbitration* (ed. with B. Hanotiau) (ICC 2010)

*A Guide to the ICC Rules of Arbitration* (with Y. Derains) 2<sup>nd</sup> Edition (Kluwer 2005)

*The Freshfields Guide to Arbitration and ADR* (with J. Paulsson, N. Rawding, L. Reed) (Kluwer 1999)

*A Guide to the New ICC Rules of Arbitration* (with Y. Derains) (Kluwer 1998)

### **Articles:**

“Security for Costs and Third-Party Funding: A Bridge Too Far?” *Liber Amicorum en l’Honneur de William Laurence Craig* (LexisNexis 2016), p. 371.

“A Sealed Letter Crosses the Channel,” *Stories from the Hearing Room: Experience from Arbitral Practice, Essays in Honour of Michael E. Schneider* (ed. Ehle and Baizeau) (Kluwer 2015), p. 167

“Witness Statements: Use and Abuse” (with R. Digon), in *The Leading Arbitrators’ Guide to International Arbitration* (3<sup>rd</sup> ed. Newman and Hill) (Juris Publishing 2014)

“Challenging Awards for Arbitrator Bias: Two Recent U.S. Cases,” *Les Cahiers de l’Arbitrage* (2013-3, 609)

- “Is Procedure Really Neutral? The Seat: Does It Matter? (A Tale of More than Two Cities),” *Dispute Resolution International*, vol. 6, no. 2 (October 2012), p. 193
- “Thirteen Ways of Looking at a Blackbird: Arbitral Independence, Impartiality and Waiver,” *Juridiska Föreningen i Finland*, 4-5 2011, p. 664
- “The New French Arbitration Decree: The Arbitral Procedure,” *Les Cahiers de l’Arbitrage* (2011-2, 349)
- “Thoughts on the Finality of Arbitral Awards,” *Liber Amicorum en l’honneur de Serge Lazareff* (ed. Derains and Lévy) (Pedone 2011), p.569
- “Zombie Awards: Annulled but not Dead,” *Stockholm International Arbitration Law Review* (2009:1, 235)
- “The Award” (with L. Reed and J. Sutcliffe), in *The Practitioner’s Handbook on International Arbitration and Mediation* (2<sup>nd</sup> ed. Rhoades et al) (Juris Publishing 2007)
- “International Arbitration Discovery Applications to Rise?” (with A. Howard), in *New York Law Journal* (May 4, 2007), p. 4
- “New Claims in ICC Arbitration: Navigating Article 19 of the ICC Rules,” *The ICC International Court of Arbitration Bulletin*, Vol. 17, No. 2 (2006), p. 55
- “Do International Arbitrators Have a Duty to Obey the Orders of Courts at the Place of the Arbitration? Reflections on the Role of the *Lex Loci Arbitri* in the Light of a Recent ICC Award,” in *Global Reflections on International Law, Commerce and Dispute Resolution, Liber Amicorum in Honour of Robert Briner* (ICC Publishing 2005)
- “Finality at What Cost? The Decision of the *Ad Hoc* Committee in *Wena Hotels v. Egypt*”, in *Annulment of ICSID Awards: The Foundation of a New Investment Protection Regime in Treaty Arbitration*, IAI Series on International Commercial Arbitration No. 1 (Juris Publishing, Inc. 2004)
- “Choosing between Broad Clauses and Detailed Blueprints”, in *Improving the Efficiency of Arbitration Agreements and Awards, 40 Years of Application of the New York Convention*, International Council for Commercial Arbitration, Congress series no.9, Kluwer Law International 1999, pp.105-113
- “The Role of the Arbitral Institution in the New Millennium”, *The Journal of the Chartered Institute of Arbitrators*, Vol. 65, No. 4 (Nov 1999)
- “The Effect of the Arbitration Agreement on the Enforcement of the Award: Issues for the Coming Decade”, *The ICC International Court of Arbitration Bulletin, Arbitration in the Next Decade – Special Supplement 1999*, pp.105-112
- “Reconciling Speed with Justice in International Arbitration”, in *Improving International Arbitration: The Need for Speed and Trust*, Liber Amicorum Michel Gaudet, ICC Publishing S.A. International Chamber of Commerce, Ed. Benjamin G. Davis, 1998, pp. 44-48
- “Court-Assisted Discovery in Aid of International Commercial Arbitrations: Two Recent U.S. Cases Regarding the Applicability of 28 U.S.C. §1782” (with R. Johnson), *Journal of International Arbitration*, Vol. 15, No. 3 (September 1998)

“Emergency Measures by Institution–Appointed Arbitrators: the Position Under the ICC Rules of Arbitration”, *Contemporary International Law Issues: New Forms, New Applications* (Asser Institute 1997), p. 212

“French Supreme Court Renders Final Judgment in the *Hilmarton* Case”, in *International Arbitration Law Review*, Vol. 1, No.1 (December 1997)

“The 1998 ICC Arbitration Rules”, in *Arbitration and Dispute Resolution Law Journal* (1997)

Comments, “The New 1998 ICC Arbitration Rules”, Special Supplement, *The Bulletin of the ICC International Court of Arbitration* (1997)

“Going Astray in Bordelais: A Comment on a Recent Decision of the Court of Appeal of Bordeaux”, in *Arbitration and Dispute Resolution Law Journal* (1997)

“A Comment on Chromalloy: *Hilmarton à l’américaine*”, in *Journal of International Arbitration*, Vol. 14, No. 2 (June 1997)

Book review, *Dealing in Virtue, ICSID Review – Foreign Investment Law Journal*, Vol. 12, No. 1 (Spring 1997)

“International Construction Arbitration” (with M. Hoellering), Cushman, Myers, Butler and Fisher (eds.), *Construction Dispute Resolution Formbook* (Wiley 1997)

“Arbitration Awards – Challenge and Enforcement”, in *Globalization and Harmonization of the Basic Notions in International Arbitration* (IFCAI 1996)

“Planning Efficient Arbitration Proceedings: Practical Experiences and Solutions”, in *ICCA Congress Series No. 7* (Kluwer 1996)

“The Rights and Duties of ICC Arbitrators”, in *The Status of the Arbitrator* (ICC Publishing 1995)

“The Resolution of International Commercial Disputes under the Auspices of the ICC International Court of Arbitration”, *The Hastings International and Comparative Law Review*, Vol. 18, No. 4 (Summer 1995)

“The Reform of Commercial Arbitration Procedures: Perspectives from the ICC”, *The Reform of Commercial Arbitration Procedures* (Strategic Corporate Services Ltd. 1995)

“Resolution of International Construction Disputes”, in *International Business Lawyer*, Vol. 23, No. 4 (April 1995)

“The Domain of Arbitration and Issues of Arbitrability: The View from the ICC”, *ICSID Review – Foreign Investment Law Journal*, Vol. 9, No. 1 (Spring 1994)

“International Conciliation and the ICC”, *The ICC International Court of Arbitration Bulletin*, Vol. 5, No. 2 (November 1994)

“ICC Arbitration and the Resolution of International Commercial Disputes”, *ICC World Business and Trade Review* (Sterling Publications 1994)

“The ICC Arbitration Rules and the UNCITRAL Model Law”, *Arbitration International*, Vol. 9, No. 3 (1993)

“Multi-Party Arbitration and the ICC: in the Wake of *Dutco*”, *Journal of International Arbitration*, Vol. 10, No. 3 (1993)

“Arbitration under the Rules of the International Chamber of Commerce”, *The Arbitration and Dispute Resolution Law Journal* (September 1993)

“The Practices and Experiences of the ICC Court”, *Conservatory and Provisional Measures in International Arbitration* (ICC Publishing 1993)

“The Costs of ICC Arbitration”, in *The ICC International Court of Arbitration Bulletin*, Vol. 4, No. 1 (May 1993)

“International Construction Arbitration under the Rules of the International Chamber of Commerce and UNCITRAL” (with S. Jarvin), in Cushman, Hedemann, Tucker (eds.), *Alternative Dispute Resolution in the Construction Industry* (Wiley 1990)

“Disputes Between Joint Venturers: A Case Study”, *The International Construction Law Review*, Vol. 3, Pt. 4 (July 1986)

### **Accolades**

Eric has been listed as a leading international arbitration lawyer in every one of the *Chambers Global* and *Chambers Europe* guides to leading business lawyers since the first global guide was published in 1999 through 2017. The 2015 *Chambers Global* guide describes Eric as “truly one of the outstanding arbitration lawyers of a generation.”

In 2009, 2013 and 2014, Eric appeared in the annual list of the world’s 20 (in 2009) and 25 (in 2013 and 2014) “most highly regarded individuals” in the field of commercial arbitration published by *Who’s Who Legal – Commercial Arbitration*. In addition to being recognized as a leading international arbitration lawyer by *Who’s Who Legal – Commercial Arbitration*, Eric has been identified as a leading construction lawyer, for the last several years, in *Who’s Who Legal – Construction*, which in its 2018 edition describes him as “one of the most impressive individuals in . . . [the United States] on construction arbitration.”

Eric was also a runner-up for the *Global Arbitration Review’s* “Best Prepared Arbitrator” award in 2012

He has consistently been recognized as a “leading individual” in the *Legal 500* guide for Europe, the Middle East and Africa and in every edition of France’s *Best Lawyers* from 2010-2016.

In 2009, Eric won Leaders’ League award for “arbitrator of the year” in France.

## **Contact**

150 East 58<sup>th</sup> St., 25<sup>th</sup> floor  
New York, New York 10155  
U.S.A.  
Telephone: +1 646 487 7045  
Mobile: +1 617 510 0023  
Email: [eschwartz@schwartzarbitration.com](mailto:eschwartz@schwartzarbitration.com)  
[www.schwartzarbitration.com](http://www.schwartzarbitration.com)

Fountain Court Chambers  
Fountain Court, Temple  
London EC4Y 9DH  
United Kingdom  
Telephone: +44 20 7583 3335  
Email: [eas@fountaincourt.co.uk](mailto:eas@fountaincourt.co.uk)  
[www.fountaincourt.co.uk](http://www.fountaincourt.co.uk)

27/29 rue de Bassano  
75008 Paris  
France  
Telephone: +33 1 76 73 28 00