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Courses in international tax, finance, and arbitration

General Editor, *Arbitration International*

Vice 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 W. Laurence Craig & Jan Paulsson.

INTERNATIONAL FORUM SELECTION (1995).

INTERNATIONAL COMMERCIAL ARBITRATION: CASES, MATERIALS AND NOTES ON THE
RESOLUTION OF INTERNATIONAL BUSINESS DISPUTES (1997).
With W. Michael Reisman, W. Laurence Craig & Jan Paulsson.

ANNOTATED GUIDE TO THE ICC ARBITRATION RULES (1998).
With W. Laurence Craig & Jan Paulsson

INCOME TAX TREATY ARBITRATION (2004). With David R. Tillinghast.

ARBITRATION OF INTERNATIONAL BUSINESS DISPUTES (Oxford University Press, 2006).

Articles:

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

Le Nouveau Statut des Banques Etrangères aux Etats-Unis, 32 REV. INTERNATIONALE DROIT COMPARE 75 (1980).

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translated as *El arbitraje comercial internacional y la lex loci arbitri*, 2 REVISTA DE LA CORTE
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12 BROOKLYN J. INT'L L. 629 (1986).

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Controls in the Arbitral Process*, 5 ARB. INT'L 230 (1989).

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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); 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).

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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 (No. 1) 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); *Expropriation and Taxation in the NAFTA*, in NAFTA INVESTMENT LAW AND ARBITRATION 93 (T. Weiler, ed. 2004).

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Shorter Pieces & Book Reviews:

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2 ARB. INT'L 266 (1986). With Laurent Lévy.

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Vratislav Pechota, 85 AM. J. INT'L L. 586 (1991).

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INTERNATIONAL 391 (ABA, Alan Gutterman ed., 1994).

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CONFLICTS BY ARBITRATION 35 (G. Lindencrona ed., I.F.A. Congress Series, 1994).

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BUSINESS (1996); 2d Edition, with LARS KIRCHHOFF AND GABRIELE SCHERER (2005).

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CHRISTIAN 57 (1999) (Introduction and Translation).

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International Commercial Dispute Resolution, 37 INT'L LAWYER 445 (2003). With Andrea Bjorklund & Jack Coe.

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

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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); 5 INT'L ARB. QUARTERLY 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, 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).

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Arbitrator Incentives and Judicial Review Standards, in Columbia University Colloquium on Mandatory Norms (forthcoming 2007).

Tax and Arbitrability, in ARBITRABILITY IN INTERNATIONAL ARBITRATION (L. Mistelis & S. Brekoulakis, eds., forthcoming 2008).

PROFESSIONAL ASSOCIATIONS AND SERVICE

American Arbitration Association, Board of Directors
American Law Institute
Fellow, Chartered Institute of Arbitrators
Fellow, College of Commercial Arbitrators
Senior Adviser & Former Chair, ABA International Dispute Resolution Committee
Editorial Board, STOCKHOLM INTERNATIONAL ARBITRATION REVIEW
Editorial Board, Oxford International Arbitration Series
Editorial Board, Transnational Dispute Management
Academic Council, Institute for Transnational Arbitration
Boston Correspondent, *Institut d'arbitrage international*
CPR Institute, Executive Committee
Justice of the Peace, Commonwealth of Massachusetts