

## Dr. MAXI SCHERER

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### 1. PERSONAL DETAILS

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Nationality: German

Languages: German (native), English (fluent), French (fluent)

Admitted to the Paris Bar (2001) and as solicitor in England and Wales (2010)

### 2. ACADEMIC APPOINTMENTS

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*Queen Mary University of London*, Senior Lecturer in International Arbitration and Energy, since 2012

*NYU Law School*, Global Professor, since 2014

### 3. PROFESSIONAL EXPERIENCE

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WILMER CUTLER PICKERING HALE AND DORR LLP, London, UK (2005- present)

Extensive experience with arbitral practice and procedure in civil and common law systems both in commercial and investment arbitration

Represented and advised clients in over 50 international arbitrations before most major arbitral institutions (including ICC, ICDR, DIS, LCIA, HKIAC, VIAC and SIAC) at various seats, governed by a variety of substantive and procedural laws (including Swiss, Austrian, French, German, English, Polish, Algerian, Kazak, US and Luxembourg law), in different industry sectors, with a particular focus on energy

Served as arbitrator in ad hoc and institutional arbitrations, in over 20 proceedings, including:

- emergency arbitrator in ICC proceedings between German and Polish companies (seat Austria, German law)
- presiding arbitrator in ICC arbitration between Indian and Turkish companies concerning an energy joint venture dispute (seat England, Turkish law)
- presiding arbitrator in LCIA arbitration between Chinese, UK, Turkish and other companies in a joint venture dispute (seat England, English law)
- presiding arbitrator in LCIA arbitration between Nigerian and English companies concerning a long-term gas contract (seat England, English law)
- presiding arbitrator in DIS arbitration between German and UK companies (seat Germany, German law)
- sole arbitrator in HKIAC arbitration between Chinese and English companies in the energy emissions trading sector (seat Hong Kong, Hong Kong law)
- sole arbitrator in ICC arbitration between a Swedish company and a State respondent in the satellite industry (seat England, English law)
- sole arbitrator in ICC arbitration between British Virgin Island and United Arab Emirates companies (seat England, Greek law)
- sole arbitrator in ICC arbitration between Swedish and Ukrainian companies concerning a services agreement (seat England, Swedish law)
- sole arbitrator in LCIA arbitration between Swiss and Greek companies concerning a service agreement in the energy sector (seat England, English law)

- sole arbitrator in LCIA arbitration concerning the financing of a power plant in Eastern Europe (seat England, English law)
- sole arbitrator in LCIA arbitration between Brazilian and UK companies concerning a financing agreement (seat England)
- sole arbitrators in LCIA arbitration between US and Belgian companies concerning a service agreement (seat England, Belgian law)
- sole arbitrator in ad hoc arbitration governed by UNCITRAL Rules between British Virgin Island and Kazak companies
- co-arbitrator in LCIA arbitration between Irish and Russian companies concerning several airplane lease agreements (seat England, English law)
- co-arbitrator in LCIA arbitration between Australian and Indian companies in the mining industry (seat England, English law)
- co-arbitrator in DIS arbitration between European companies concerning the adaptation of a long-term energy contract

BERNARD HERTZ BEJOT, Paris, France (2002-2005)

DEBEVOISE & PLIMPTON LLP, Paris, France (2001-2002)

#### 4. EDUCATION

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UNIVERSITE DE PARIS PANTHEON-SORBONNE, Paris, France

**PhD** (2001), with highest honours

**DEA** (1999) post-graduate degree in International Private and Commercial Law, with highest honors (top of class)

**Master of Law** (1998) in German and French Law, with highest honours

UNIVERSITÄT ZU KÖLN, Cologne, Germany

**LL.M.** (1998) with high honours

SCIENCESPO, Paris, France

**Certificate** (1998) in international political and social science

#### 5. VISITING POSITIONS AND OTHER TEACHING

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*Université de Paris I Sorbonne Law School*, Paris, France, 1999-2009, 2016

*Université de Dijon*, Dijon, France, 2016

*Paris Arbitration Academy*, Paris, France, 2015

*Bucerius Law School*, Hamburg, Germany, 2015

*Georgetown Center of Transnational Legal Studies (CTLS)*, 2010-2014

*Freie Universität Berlin*, Berlin, Germany, 2012-2014

*Universität Wien*, Vienna, Austria, 2014

*SciencesPo Law School*, 2010-2013

*Université de Versailles*, Paris, France, 2009-2014

*ESCP Europe Business School*, Paris, France & Berlin, Germany, 2009-2013

*Université de Fribourg*, Fribourg, Switzerland, 2009, 2011, 2013

*University of Melbourne*, Melbourne, Australia, 2010

*Universität Würzburg*, Würzburg, Germany, 2010

*Pepperdine Law School*, London, UK, 2008-2010

*Universität Basel*, Basel, Switzerland, 2007

## 6. INDICATIONS OF EXTERNAL RECOGNITION

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***Who's Who Legal, The Legal 500 UK***: regularly ranked as leading arbitration practitioner

***Hague Academy of International Law*** : Director of Studies, forthcoming in 2016

***Kluwer Journal of International Arbitration***, General Editor, since 2015

***International Bar Association (IBA)***, member of the committee on Recognition and Enforcement of Awards, since 2013

***DIS40***: co-Chair, since 2012

***ICDR Y&I***: member of the executive board, since 2010

***International Business Law Journal***: member of the editorial board of French-English bilingual law journal, in charge of international dispute resolution, 2010-2015

## 7. RESEARCH

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### 7.1. PUBLICATIONS (SELECTION)

#### 7.1.1. Books

*Transparency in International Investment Arbitration (A Guide to the UNCITRAL Standard on Transparency in Treaty-Based Investor-State Arbitration)* (co-editor), Cambridge University Press, 2015

*Arbitrating under the 2014 LCIA Rules* (co-author), Wolters Kluwer, 2015

*The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, author of sections on Articles III, IV and V(1)(b), R. Wolff (ed.), C. H. Beck München & Hart Publishing Oxford, 2012

*Le Nom en Droit International Privé, Etude de Droit Comparé Français et Allemand* [The Name in Private International Law – A Study of French and German Comparative Law], LGDJ, 2004

#### 7.1.2. Articles

*The New Emergency Arbitrator Provisions and Other Options for Urgent Relief Under the 2014 LCIA Rules*, *European International Arbitration Review*, pp. 81-105, 2015

*Ethical Questions Regarding Counsel Conduct in Arbitration*, in : *What a Counsel in Arbitration Can Do, Must Do or Must not Do?*, Vanessa Foncke and Benoît Kohl (eds.), Bruylant, pp. 17-38, 2015

*Transparency in International Investment Arbitration*, in *New Horizons of International Arbitration*, 3<sup>rd</sup> edition, A. Asoskov, A. Muranov, R. Khodykin (eds), pp. 166-172, 2015

*Les effets des jugements étrangers relatifs aux sentences arbitrales*, *Travaux du Comité français de droit international privé* (2013-2014), Pedone, pp. 101-135, 2015

*Set-Off In International Arbitration*, Austrian Yearbook of International Arbitration, C.H. Beck, pp. 451-474, 2015

*A Cross-Channel Divide Over Unilateral Dispute Resolution Clauses*, Dossier XII of the ICC Institute of World Business Law, pp. 10-20, 2015

*Effects of Foreign Judgments Relating to International Arbitral Awards: Is the 'Judgment Route' the Wrong Road?*, Oxford Journal of International Dispute Settlement (JIDS), pp. 587-628, 2013,

*Forum Shopping and Post-Award Judgments*, with Linda Silberman, in: *Forum Shopping in the International Commercial Arbitration Context*", F. Ferrari (ed.), Sellier, p. 313-345, 2013

*Third-Party Funding In International Arbitration: Towards Mandatory Disclosure Of Funding Agreements?* Dossier XI of the ICC Institute of World Business Law, pp. 95-100, 2013

*Third Party Funding in International Arbitration in Europe: Part 2 – The Legal Debate*, with A. Goldsmith and C. Flechet, RDAI/IBLJ, No.1, pp. 207-220, 2013

*Third Party Funding in International Arbitration in Europe: Part 1 – Funders' Perspectives*, with A. Goldsmith and C. Flechet, RDAI/IBLJ, No.2, pp. 649-665, 2012

*Le choix implicite dans les jurisprudences nationales : vers une interprétation uniforme du Règlement ? – L'exemple du choix tacite résultant des clauses attributives de juridiction et d'arbitrage* [Implied Choice Under National Case Law : Towards a Uniform Interpretation of the Regulation ? – The Example of Implied Choice Resulting From Jurisdiction or Arbitration Agreements], in : *Le règlement communautaire Rome I et le choix de loi dans les contrats internationaux* [The Rome I Regulation and Choice of Law in International Contracts], S. Corneloup & N. Joubert (eds.), Litec, pp. 253-283, 2011

*Globalization of International Commercial Arbitration*, Revue des Juristes de SciencesPo, No. 2, p. 64, 2010

*Zwänge und Entwicklungen im Prozessrecht: Das Neue Deutsche Schiedsverfahrensrecht* [Necessity and Development in Procedural Law: The New German Arbitration Law], in: *Gerichtsverfahren zwischen Gerechtigkeit und Ökonomie* [Judicial Process Between Justice and Economics], U. Blaurock (ed.), Mohr Siebeck, p. 141, 2005

*Pre-Trial Discovery nach dem Haager Beweisübereinkommen* [Pre-Trial Discovery Under the Hague Convention on the Taking of Evidence Abroad], Commentary of the Paris Court of Appeals decision dated 18 September 2003, IPRax, p.456, 2005

*Pre-Trial Discovery-Maßnahmen in Deutschland: Neuauflage des Deutsch-Amerikanischen Justizkonflikts* [Pre-Trial Discovery in Germany: Another US-German Judiciary Conflict?], with M. Reufels , RIW, p. 667, 1999

### **7.1.3. Short Comments, Notes and Reviews**

*Conduct of Legal Representatives under the 2014 LCIA Arbitration Rules: How to Apply the New Provisions*, Kluwerblog, 2015

*Private Dispute Resolution in International Business (Negotiation, Mediation, Arbitration)*, 3<sup>rd</sup> edition, by Klaus Peter Berger, Book review, GAR, 2015

*The Big Unknown Amongst the Arbitral Institutions? The American Arbitration Association – a leading provider of commercial dispute resolution services worldwide*, with S. Ganz, Dispute Resolution (online), 2015

*Success in International Arbitration: No Shortcuts*, Dispute Resolution Magazine, 2015

*Gruss aus Davos: International Arbitral Practice in Thomas Mann's Magic Mountain*, with D. Greineder, ICCA Newsletter, 2013

*French Arbitration Law (Domestic and International) by Christophe Seraglini and Jérôme Ortscheidt*, Book review, GAR, 2013

*The French Rothschild Case: A Threat For Unilateral And Hybrid Dispute Resolution Clauses?*, with S. Lange, Kluwerblog, 2013

*Third Party Funding in International Arbitration: Towards Mandatory Disclosure of Funding Agreements?*, Commercial Dispute Resolution, 2012

*Getting Up To Speed For 2012: The New ICC Arbitration Rules*, with B. Schlaefper, Young Arbitration Review, January 2012

*Revision To French Arbitration Law Arrives*, with G. Born & J. Pierce, New York Law Journal, dated 16 May 2010

*Long-Awaited French Arbitration Law Revealed*, Transnational Notes, Center for Transnational Litigation and Commercial Law, 2011

*Long-Awaited French Arbitration Law Revealed*, Kluwerblog, 2011

*Ethics in International Arbitration – Introduction to the European and Middle Eastern Arbitration Review*, with G. Born, Global Arbitration Review Special Report, p. 3, 2009

*The Effects of Insolvency on International Arbitration*, Kluwerblog, 2009

*Bridging Cultural Gaps in International Arbitration – Introduction to the European and Middle Eastern Arbitration Review*, with G. Born, Global Arbitration Review Special Report, p. 7, 2008

Commentary on the French Supreme Court decision dated 11 January 2005, *Revue Critique de Droit International Privé*, p. 85, 2006

## **8. CONFERENCES AND OTHER PUBLIC SPEAKING ENGAGEMENTS (PAST 3 YEARS)**

### **8.1. AS ORGANIZER**

*Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 4<sup>th</sup> Annual Arbitration Conference*, organisation and moderation of the conference on “Arbitration in Africa”, Paris, France, December 2015

*University of Oxford, Commercial Law Centre*, seminar on Transparency in International Investment Arbitration, Oxford, UK, November 2015

*Queen Mary University of London, Café des Arbitres*, organisation and moderation of the conference on “International Energy Disputes” Paris, France, October 2015

*Queen Mary University of London, 6<sup>th</sup> Paris LLM Opening Lecture*, organisation and moderation of the conference on “The Future of the Energy Industry” Paris, France, September 2015

*WilmerHale Scholar-in Residence Lecture*, on Arbitral Institutions' Role and Responsibility, London, UK, June 2015

*Queen Mary University of London, 5<sup>th</sup> Paris LLM Opening Lecture*, hosted by the International Chamber of Commerce (ICC), organisation and moderation of the conference on “The Application of the Law by Arbitrators”, Paris, France, January 2015

*International Center for Dispute Resolution (ICDR)*, webinar on “The New ICDR Rules”, December 2014

*Queen Mary University of London, SciencesPo Law School & ICDR Y&I*, 3<sup>rd</sup> Annual Arbitration Conference, organisation and moderation of the conference on “Nationality in International Arbitration”, Paris, France, November 2014

*Co-Chairs’ Circle (CCC)*, 1<sup>st</sup> Global Conference of over 15 young arbitration associations, organisation and moderation of the conference on “Cultural Differences in International Arbitration” Berlin, Germany, September 2014

*Queen Mary University of London*, 4<sup>th</sup> Paris LLM Opening Lecture, organisation of the conference on “When a Company’s On-Line Reputation is on the Line: What Can/Should the Lawyers Do?”, Paris, France, September 2014

*International Center for Dispute Resolution (ICDR)*, webinar on “The New ICDR Rules”, September 2014

*Queen Mary University of London & Wilmer Cutler Pickering Hale and Dorr*, organisation and moderation of the webinar on “BG Group v. Republic of Argentina”, April 2014

*Queen Mary University of London & University of Cambridge, Lauterpacht Centre for International Law*, organisation of research colloquium on “Transparency in Treaty-based Investor-State Arbitration: the New UNCITRAL Standard”, Cambridge, UK, January 2014

*Queen Mary University of London*, 3<sup>rd</sup> Paris LLM Opening Lecture, organisation of the conference on “Banking Union in Europe: Will It Solve the Next Crisis?”, Paris, France, January 2014

*Queen Mary University of London, SciencesPo Law School & ICDR Y&I*, 2<sup>nd</sup> Annual Arbitration Conference, organisation and participation of panel on “Conflicting Decisions in International Arbitration”, Paris, France, November 2013

*Queen Mary University of London & Freshfields & International Center for Dispute Resolution (ICDR)*, organisation of debate session with young practitioners, London, UK, October 2013

*Queen Mary University of London*, 2<sup>nd</sup> Paris LLM Opening Lecture, organisation of the conference on “Regulation and Control of International Transactions”, Paris, France, September 2013

*Queen Mary University of London*, 1<sup>st</sup> Paris LLM Opening Lecture, organisation of the conference on “Transnational Commercial Law: Allures and Challenges”, Paris, France, January 2013

*Queen Mary, University of London & Lauterpacht Centre for International Law, University of Cambridge*, conference on “The Paradoxical Argentina Cases”, London, UK, December 2012

*Queen Mary University of London & Freshfields & International Center for Dispute Resolution (ICDR)*, organisation of debate session with young practitioners, London, UK, November 2012

*Queen Mary University of London, SciencesPo Law School & ICDR Y&I*, 1<sup>st</sup> Annual Arbitration Conference, organisation and moderation of conference on “Techniques For Enhancing Procedural Efficiency In International Arbitration”, Paris, France, June 2012

*International Center for Dispute Resolution (ICDR)*, Anniversary Programme 2012, organisation and participation in colloquium on “Third Party Funding in International Arbitration”, Vienna, Austria, April 2012

*International Business Law Journal (IBLJ)*, organisation of Roundtable on “Third Party Funding in Europe: Part 2 – The Legal Debate”, Paris, France, April 2012

*International Business Law Journal (IBLJ)*, organisation of Roundtable on “Third Party Funding in Europe: Part 1 – Funders’ Perspectives”, Paris, France, January 2012

## **8.2. AS SPEAKER OR MODERATOR**

*Casablanca Arbitration Days*, presentation on Environment and Human Rights Issues in Arbitration in Africa, Casablanca, Morocco, December 2015

*French Comité of International Arbitration (Comité français de l’arbitrage)*, Annual conference on Res Judicata in International Arbitration, Paris, France, October 2015

*5th Investment Treaty Arbitration Conference 2015*, presentation on Third Party Funding of International Arbitration, Prague, Czech Republic, October 2015

CEPANI40 annual conference, presentation on What a Counsel in Arbitration Can Do, Must Do or Must not Do?, Brussels, Belgium, October 2015

*International Bar Association (IBA)*, Annual conference, presentation of a report on 40+ jurisdictions on the definition of public policy under the New York Convention, Vienna, Austria, October 2015

*New York University School of Law, Center for Transnational Litigation and Commercial Law*, Arbitration Forum, presentation and paper on “Party-Autonomy in the Post-Award Stage”, New York, US, September 2015

*Russian Arbitration Day*, Transparency in Investment Arbitration, Moscow, Russia, May 2015

*King’s College and Shearman & Sterling International Arbitration Speaker Series*, Third-party Funding in International Arbitration, London, UK, April 2015

*Pepperdine Law School Arbitration Symposium*, Recognition and Enforcement of Annulled Awards, Malibu, US, April 2015

*German-US Law Association*, The New LCIA Rules, Frankfurt, Germany, March 2015

*Annual ICC & Queen Mary Joint Symposium of Arbitrators*, Parallel proceedings in international arbitration, Paris, France, March 2015

*International Chamber of Commerce (ICC)*, ADR Training program, Krakow, Poland, March 2015

*International Bar Association (IBA)*, Annual conference, paper presentation on “Public Policy from the National Courts’ Standpoint”, Tokyo, Japan, October 2014

*International Energy Credit Association (IECA)*, training on Energy Charter Treaty Arbitration, London, UK, September 2014

*European Society of International Law (ESIL)*, 10<sup>th</sup> Anniversary Conference, paper presentation on “The Implications of Third-Party Finding on International Arbitration: An Economic Analysis”, Vienna, Austria, September 2014

*International Chamber of Commerce (ICC)*, UK Symposium on “The Arbitral Award”, presentation on “The Relevance of National Law to Drafting and Enforcement of Awards”, London, UK, September 2014

*Institute for Transnational Arbitration (ITA)*, Annual Workshop on “Modern Enforcement of Arbitral Awards: Show Me the Money” Dallas, US, June 2014

*Hong Kong International Arbitration Centre (HKIAC)*, Roadshow on “New Rules and Recent Practice”, London, UK, May 2014

*International Chamber of Commerce (ICC)*, Colloquium organized by Institute of World Business Law on “Jurisdictional Choices in Times of Trouble”, Paris, France, May 2014

*University of Paris, Sorbonne Law School*, Institute of Legal Research, presentation on “Conflicting Judgments in International Arbitration”, Paris, France, April 2014

*Belgrade University*, conference on “Arbitrators’ Powers and Party Autonomy”, Belgrade, Serbia, April 2014

*ERA Academy of European Law*, conference on “Arbitration and EU Law”, Tier, Germany, March 2014

*Vienna Arbitration Days*, conference on “Applicable Law in International Arbitration”, Vienna, Austria, February 2014

*Columbia Law School, Centre for International Commercial and Investment Arbitration*, First Annual Programme on Third Party Funding of International Arbitration, New York, US, February 2014

*ICC YAF*, conference on “Impartiality and Independence in Investment Arbitration,” Paris, France, January 2014

*University of St Gallen*, Colloquium on “Law & Economics of International Arbitration”, St. Gallen, Switzerland, October 2013

*Global ICC YAF Conference*, Panel on “Defying Investment Arbitration: Moral Hazards, Perceived Injustices and the Coming of a New Age”, New York, US, June 2013

*ASA below 40 (Swiss Arbitration Association)*, conference on “The Empty Chair – Arbitrating Against Absent Respondents”, Geneva, Switzerland, May 2013

*British Institute of International and Comparative Law (BIICL)*, Conference on “Unilateral Jurisdiction and Arbitration Clauses - Valid or Not?”, London, UK, May 2013

*UK Ministry of Foreign Affairs (Foreign Office)*, presentation on Energy Arbitration (April 2013)

*ESCP Europe Business School*, Conference on The EU-Russia Energy Relationship, presentation on “The Effect of the Yukos Case and Proceedings”, London, United Kingdom, February 2013

*Asser Institute*, Hague Prize Colloquium on International Law, presentation on “Recognition in Private International Law”, The Hague, Netherlands, January 2013

*New York University School of Law, Center for Transnational Litigation and Commercial Law*, Arbitration Forum, presentation and paper on “Forum Shopping in International Arbitration”, New York, US, March 2013

*International Chamber of Commerce (ICC)*, Colloquium organized by Institute of World Business Law, presentation on “Third Party Funding in International Arbitration”, Paris, France, November 2012

*Freie Universität Berlin*, Conference on “Practical Aspects of being a Lawyer in International Arbitration”, Berlin, Germany, November 2012

*International Bar Association (IBA)*, Annual conference, presentation on “Procedural and Substantive Hurdles to the Enforcement of Arbitral Awards”, Dublin, Ireland, October 2012