

LUCY REED

c/o Freshfields Bruckhaus Deringer
42:01 Ocean Financial Centre
10 Collyer Quay
Singapore 049315

Email: lreed252@gmail.com
Mobile: +65 8722 6126



As of 1 July 2016, the Director of the Centre for International Law and Professor on the law faculty of the National University of Singapore.

EDUCATION

J.D. 1977	University of Chicago Law School Law Review
B.A. 1974	Brown University Magna Cum Laude, Phi Beta Kappa '73

RECENT PROFESSIONAL EXPERIENCE

1998 through April 2016t	Partner, Freshfields Bruckhaus Deringer Based in Singapore 2014–2016; Hong Kong 2012–2014; New York 1998–2012 (Counsel 1998–2000). Member of the Bars of New York (1985) and District of Columbia (1977).
<i>Overall practice</i>	Since 2009, head or co-head of Freshfields' leading global international arbitration group and public international law group. Acting as lead counsel for private and public clients in commercial and investor-state arbitrations under the major institutional and ad hoc rules, and selectively as arbitrator in non-treaty arbitrations. Representing clients before international courts and tribunals. Advising clients on transaction structuring to maximize treaty protection, and to avoid, manage and settle disputes. Advising on U.S. and other economic sanctions. Pro bono partner in Singapore.

Significant matters include representing:

- Eastern Mediterranean Gas, developer of the post-Camp David “Peace Pipeline” between Egypt and Israel, and its investors, in two ICC and two treaty arbitrations arising from attacks on the pipeline during the Arab Spring and repudiation of the underlying contracts.
- CMS Energy in obtaining the first ICSID bilateral investment treaty award against Argentina, succeeding at all three instances of jurisdiction, merits and annulment.
- The Republic of Turkey in obtaining jurisdictional dismissals in three Energy Charter Treaty arbitrations brought under the ICSID Additional Facility Rules, as well as in parallel proceedings in the European Court of Human Rights.
- Liechtenstein in its case against Germany before the International Court of Justice (*Certain Property*).

Responsible for high-level management of some 200 fee-earners and setting group strategy, including oversight of business planning, budgeting, training, hiring and staffing.

*Major
tribunal
positions*

One of five commissioners on the Eritrea-Ethiopia Claims Commission, sitting in The Hague (2001-2009). The mandate of the Commission, as set out in the parties' peace Agreement of 12 December 2000, was to decide claims related to the armed conflict between them for "*violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law.*" All EECC liability and damages awards are available at www.pca-cpa.org.

Co-director of the Claims Resolution Tribunal for Dormant Accounts in Switzerland, the first of the Holocaust claims tribunals, sitting in Zurich (1998-1999).

*League
table
rankings*

Rated a Band 1 leading international arbitration practitioner by Chambers Global, Chambers Asia Pacific and Chambers China; a Band 2 leading public international law practitioner by Chambers Global; and a Leading Individual for international arbitration in Asia Pacific Legal 500.

*Major
awards*

Asia Women in Business Laws Award for Best in Dispute Resolution (2014).

Honored as the Prominent Woman in International Law 2011, by the American Society of International Law's Women in International Law Interest Group.

*Outside
arbitration
positions*

Member of various institutional arbitrator panels, including those of ICSID (designated by ICSID), SIAC, HKIAC, KLRCA and KCAB.

Member, SIAC Court (2015-).

Member, ICC Court of Arbitration (2015-); member, ICC Court of Arbitration Governing Body (2011-2015, one of two members from private practice – leading strategic and business planning.

Member, LCIA Court (2012-2015) – advising on rules revisions.

Member, Hong Kong International Arbitration Centre Board of Directors (2012-2013) – advising on rules revisions.

Member, International Council for Commercial Arbitration (ICCA) Governing Board (2012-) – following successful role as Chair of the Program Committee for the 2014 Congress, named Chair of Congress Committee, responsible for substantive conference planning, overseeing timely publication of Congress book.

Member, Advisory Board of Investment Treaty Forum (2011-) – planning themes and substance for academic conferences.

Chair, Institute for Transnational Arbitration (2009-2012) – planning themes and substance for annual Dallas workshop and Latin American regional conferences, leading two-year strategic planning process, editing proceedings, negotiating with publishers.

Vis Moot Court Competition – Final Round Judge 2016 and 2011.

Editor, *World Mediation and Arbitration Review* (2012-2015).

Editorial Advisory Board, *ICSID Review*.

Advisory Board, *Journal of International Arbitration*.

*Adjunct
teaching*

University of Miami School of Law, Adjunct Professor teaching Investment Treaty Arbitration (spring semesters 2010, 2011, 2012).

Guest lecturer, primarily on investment treaty arbitration, at Yale Law School, Harvard Law School, Columbia Law School, New York University Law School, University of Virginia Law School.

PRIOR PROFESSIONAL EXPERIENCE

1995-1998 **General Counsel, Korean Peninsula Energy Development Organization**

KEDO was the New York-based International Organization created under the 1994 Agreed Framework between the United States and the DPRK to negotiate, finance and construct light-water reactors in the DPRK, following the DPRK's freeze of certain heavy-water reactors. The main members were the United States, the ROK, Japan and the European Union.

Responsibilities included leading multinational delegations to negotiate the Supply Agreement and multiple protocols with the DPRK (including protocols on juridical status, privileges and immunities, and consular arrangements, as well as the regulatory infrastructure necessary for ground-breaking at the nuclear plant site); providing legal advice on diplomatic, contract, finance and governance issues; negotiating the US\$6 billion dollar turnkey nuclear reactor construction contracts, and providing related advice on insurance and other protections against conventional and nuclear liability; overseeing arbitration; providing New York law advice on employment and tax issues; and managing in-house and outside counsel.

1993-1995 **Counsel, Arent Fox** (New York)

Representing clients in international commercial arbitrations and sitting selectively as arbitrator.

1985-1993 **Office of the Legal Adviser, U.S. Department of State**

Attorney-Adviser in the Offices of International Claims and Investment Disputes, Inter-American Affairs, and Management (1985-1989).

U.S. Agent to the Iran-United States Claims Tribunal and Legal Counselor to the U.S. Embassy (The Hague) (1989-1992).

Responsibilities included serving as lead advocate for the United States in state-to-state cases before the Tribunal; advising U.S. claimants' counsel in private cases; liaising with the Iranian Agent; supporting the U.S. Legal Adviser in direct negotiations with the Iranian Legal Adviser; and sitting on the Tribunal Committee on Administration and Finance.

Also assisted in defending the United States in the Libyan Lockerbie case before the International Court of Justice (*Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie*), and in setting up the International Criminal Tribunal for Yugoslavia.

Deputy Assistant Legal Adviser for International Claims and Investment Disputes (1992-1993).

Responsibilities included representing the United States before international tribunals; assisting in the launch of the post-Gulf War UN Compensation Commission in Geneva; and overseeing some 30 attorneys.

1979-1985 **Associate, Wald, Harkrader & Ross** (Washington D.C., London)

Assisted in representing clients before the Iran-United States Claims Tribunal and in other international commercial arbitrations; assisted in defending the government of the United Kingdom in the Laker antitrust litigation and the government of Australia in extraterritorial litigation in the US federal courts.

1977-1979 **Law Clerk to the late Judge Barrington D. Parker, Jr., U.S. District Court for the District of Columbia**

Assisted Judge Parker on cases including the nine-month criminal trial of (absent) Chilean, Cuban and U.S. defendants charged in the assassination of former Chilean diplomat Orlando Letelier; the House of Representatives' challenge to President Carter's signing the Panama Canal Treaty; CIA Director Richard Helms' plea bargain following charges for lying to the Congress; and the Korean "rice bribery" criminal charges brought against Louisiana Representative Otto Passman.

1985-1987 **Adjunct Professor of Law, American University** (Washington D.C.)

Teaching International and Comparative Antitrust Law, with the focus on extraterritorial U.S. jurisdiction.

OTHER PROFESSIONAL ACTIVITIES

2008-2010 **American Society of International Law, President**

Working with the Executive Director, oversaw a 10+ person staff, a US\$2-3 million budget and planning for Annual Meetings attracting 1000+ participants; managed aftermath of a major embezzlement by a former CFO; led a one-year strategic planning process; led fundraising efforts; represented the Society in sister society conferences (including the Asian Society Conference in Kuala Lumpur in 2008) and visits to law faculties; sat *ex officio* on the Society's Task Force on U.S. Policy Toward the International Criminal Court (funded by the MacArthur Foundation and Planethood Foundation); authored a monthly ASIL Newsletter column; and

	<p>instituted Young Voices panels and other diversity guidelines for the Annual Meeting.</p> <p>In addition to the Presidency, served (in among other roles over many years) as a member of the Society's Executive Committee; Chair of the Nominating Committee; Chair of the Search Committee for the Executive Director; Chair of the Honors Committee (establishing the Helton Fellowships); Chair of the Program Committee for the 2001 Annual Meeting; and president for the Jessup Final Round at the 2008 Annual Meeting.</p>
2008-2012	State Department Advisory Committee on Public International Law , Member.
2003-	Council on Foreign Relations , Member.
2010-	International Senior Lawyers Project , Vice-Chair (2015 -); Director (2010-) and Executive Committee (2014-) – active participant in pro bono projects, media-communications policy, strategic planning, and fundraising.
2004-2007	University of Chicago Law School , Member Visiting Committee and Chair of Annual Fund (2005-2006).
1999-2007	Korea Society (New York), Director and Secretary – active participant in strategic planning, fundraising.
1995-	Friends of The Hague Academy of International Law , Secretary-Treasurer.
1993-1996	US Committee for UNICEF , Director.

LUCY REED/MAJOR PUBLICATIONS

Books and Book Chapters

Mixed Private and Public International Law Solutions to International Crises (Lectures delivered at The Hague Academy of International Law, July 2001), 306 **Recueil des Cours/Collected Courses of the Hague Academy of International Law** 177 (Martinus Nijhoff, 2005)

A Guide to the SIAC Arbitration Rules (M. Mangan, L. Reed, J. Choong, OUP, August 2014)

Guide to ICSID Arbitration (L. Reed, J. Paulsson and N. Blackaby, Kluwer, 2nd ed., Kluwer, 2011)

The Freshfields Guide to Arbitration Clauses in International Contracts (J. Paulsson, N. Rawding, L. Reed, 3rd ed., Kluwer, 2011)

With Jonathan Davis, *Ratione Personae, Who is a Protected Investor?*, International Investment Law (M. Bungenberg, J. Griebel, S. Hobe, A. Reinisch, eds., C.H.BECK-Hart-Nomos, 2015)

Sanctions Available for Arbitrators to Curtail Guerrilla Tactics, Guerrilla Tactics in International Arbitration (G. Horvath and S. Wilske, eds., Wolters Kluwer 2013)

Perspectives on Choice of Law, Enforcement, Investment Treaties and Arbitration Clauses, Long Term Contracts (K. Dharmananda & L. Firios, eds., The Federation Press, 2013)

With A. Yanos, *Pre-Hearing Advocacy in International Arbitration, The Art of Advocacy in International Arbitration* (D. Bishop, ed., 2nd ed., Juris Publishing, 2010)

With L. Martinez, *Treaty Obligations to Honor Arbitral Awards and Diplomatic Protection, Enforcement of Arbitration Awards Against Sovereigns* (D. Bishop, ed., JurisNet LLC, 2009)

With G. Hancock, *US-Style Discovery: Good or Evil?, Written Evidence and Discovery in International Arbitration: New Issues and Tendencies* (T. Giovannini and A. Mourre, eds., ICC, 2009)

International Claims Tribunals: What International Criminal Prosecutors Might Need to Know, Proceedings of the Second International Humanitarian Law Dialogs (ASIL, 2009)

With D. Bray, *Fair and Equitable Treatment: Fairly and Equitably Applied in Lieu of Unlawful Indirect Expropriation?, Contemporary Issues in International Arbitration and Mediation, The Fordham Papers 2007* (A. Rovine, ed., Martinus Nijhoff, 2007)

With L. Levy, *Managing Fact Evidence in International Arbitration* (presented at ICCA 18th Congress International Arbitration 2006: Back to Basics?), 13 **ICCA Congress series** 633 (Kluwer, 2006)

Great Expectations: Where Does the Proliferation of International Dispute Resolution Tribunals Leave International Law?, 96 **ASIL Proc.** 219 (ASIL, 2002)

Drafting Arbitration Clauses, **International Business Litigation and Arbitration 2001** (Practicing Law Institute, 2001)

With E. Schwartz and J. Sutcliffe, *The Award*, **Practitioner's Handbook on International Arbitration and Mediation** (Juris Publishing, 2000)

Institutional and Procedural Aspects of Mass Claims Settlement Systems: The Iran-United States Claims Tribunal, **The Permanent Court of Arbitration/Peace Palace Papers: Institutional and Procedural Aspects of Mass Claims Settlement Systems** (Kluwer, 2000)

The Long Twilight: An Agent's View of the Closing Stages, **The Iran-United States Claims Tribunal and The Process of International Claims Resolution** (D. Caron and J. Crook, eds., ASIL, 1999)

Experience of Practical Problems of Enforcement (presented at ICCA 14th Congress International Arbitration 1998: Improving the Efficiency of Arbitration Agreements and Awards), 9 **ICCA Congress series** 557 (Kluwer, 1999)

With P. Bowden, *KEDO – A Commercial and Diplomatic Path to Non-Proliferation*, **The Objectives of Atomic Energy Law** 217 (N. Pelzer, ed., Nomos Verlagsgesellschaft, 1999)

Current Issues in International Commercial Arbitration (Including Lessons from the Iran-U.S. Claims Tribunal), **1991 ASIL/NVIR Proc.** 181 (Kluwer, 1991)

Articles and Published Papers

With J. Freda, *The Maxwell Lecture – After ICCA Singapore, After ICCA Miami: The Next Questions*, 30 **ICSID Review** 10 (2015)

The 2013 Hong Kong International Arbitration Centre Kaplan Lecture – Arbitral Decision-Making: Art, Science or Sport?, 30 **J. Int. Arb.** 85 (2013)

With R. Kirkness, *Old Seeland, New Netherland and New Zealand: Some Thoughts on the Possible “Discovery” of Investment Treaty Arbitration in New Zealand*, 43 **Victoria University of Wellington Law Review** 687 (2012)

President's Columns, American Society of International Law Newsletter (2008-2010)

With J. Bannon Vanto, *The Case for Increased Use of Dispositive Motions in International Arbitration*, 2011-1 **Paris Journal of International Arbitration** 33

Assessing Civil Liability for Harms to Women During Armed Conflict: The Rulings of the Eritrea-Ethiopia Claims Commission, 11 **Int'l Criminal Law Review** 589 (2011)

The Tribunal as "Wrangler": Whether, when and how to rein in arbitration costs (delivered to the London International Arbitration Club on September 9, 2010 and published in their newsletter)

The De Facto Precedent Regime in Investment Arbitration: A Case for Proactive Case Management (National University of Singapore Conference on International Investment Arbitration, January 2010), 25 **ICSID Review** 95 (2010)

With S. Alexandrov, *Concluding Remarks*, 26th AAA/ICC/ICSID Joint Colloquium on International Arbitration, 24 **ICSID Review** 179 (2010)

With H. Garry, *Not So Fine Lines in Transnational Governance: Blurring of Public and Private in the International Legal Order*, 16 **ILSA J. Int'l & Comp. Law** __ (2010)

With L. Martinez, *The Convenient Myth of David and Goliath in Treaty Arbitration*, 3 **World Arb. & Med. Review** 443 (2009)

With I. Granoff, *Treaties in U.S. Domestic Law: Medellín v. Texas in Context*, 8 **Law & Practice of Int'l Courts and Tribunals** 1 (2009)

With R. Teitelbaum, *C.F. Amerasinghe's Evidence in International Litigation*, 102 **Am. J. Int'l L.** 684 (2008) (book review)

Less is More, More or Less (ITA Annual Workshop 2008, keynote address on damages), 2 **World Arb. & Med. Review** 101 (2008)

With J. Freda, *Narrow Exceptions: A Review of Recent U.S. Precedent Regarding the Due Process and Public Policy Defenses of the New York Convention*, 25 **J. Int'l Arb.** 6 (2008)

With L. Martinez, *The Energy Charter Treaty: An Overview*, 14 **ILSA J. Int'l & Comp. Law** 405 (2008)

With P. Riblett, *Hall Street: The Death Knell of Manifest Disregard of the Law*, 23 **Mealey's Int'l Arb. Report** 1 (2008)

North Korea: Business Opportunities in an Emerging Legal Environment?, **Stichting Forum Internationale** (2001)

With J. Sutcliffe, *The Americanization of International Arbitration*, 16 **Mealey's Int'l Arb. Report** 37 (2001)

Arbitration Principles Prove Effective in Resolving Holocaust Bank Claims, 2 **Transnational Law Exchange** No. 3 (August 1999)

With D. Bishop, *Practical Guidelines for Interviewing, Selecting and Challenging Party-Appointed Arbitrators in International Commercial Arbitration*, 14 **Arb. Int'l** (1998)

With D. Caron, *Post Award Proceedings Under the UNCITRAL Arbitration Rules*, 11 **Arb. Int'l** 429 (1995)

With M. Ball, *Iranian Claims Settlement: A Guide for Commercial Claimants*, **BNA Corporate Practice Series, Washington Memorandum** (BNA, July 14, 1981)

Towards a Consent Standard in the Law of Rape, 43 **U. Chicago L. Rev.** 613 (1976)

May 2016

LUCY REED/ARBITRATOR APPOINTMENTS

Arbitrator, *Eritrea-Ethiopia Claims Commission*, ad hoc (PCA), The Hague, 2001- 2009. The mandate of the Commission, as set out in the parties' peace Agreement of December 12, 2000, was to decide claims related to the armed conflict between them for "violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law."

Co-arbitrator, *Malaysian company v Malaysian company*, KLRCA, 2015, re: power purchase agreement.

Presiding arbitrator, *Indonesian and BVI companies v Indonesian and BVI companies*, SIAC, 2015, re: timber sales contracts.

Presiding arbitrator, *BVI companies v BVI company*, ICC, 2014, re: forestry sales contracts.

Sole arbitrator, *U.S. multinational company v U.S. company*, ICC, 2011, re: equipment sales contract.

Co-arbitrator, *U.S. company v Belgian company*, LCIA, 2011, re: financial IT services agreement.

Co-arbitrator, *U.S. company v Egyptian company*, AAA/ICDR, New York, 2010, re: commodities purchase and sale agreements.

Presiding arbitrator, *U.S. company v Italian company*, AAA/ICDR, Texas, 2010, re: sales agreement for oil refinery heavy equipment

Party-appointed arbitrator, *Indian individual v Indian individuals*, ad hoc/LCIA India, New Delhi, 2009, re: real estate agreement.

Presiding arbitrator, *U.S. company v Brazilian entities*, ICC, New York, 2007, re: post-acquisition disputes in consumer goods sector.

Party appointed arbitrator, *Chilean company v Chinese company*, AAA/ICDR, New York, 2005, re: mineral sales agreement.

Presiding arbitrator, *U.S. company v U.S. company*, ad hoc, New York, 2005, re: steam purchase agreement.

Presiding arbitrator, *U.S. company v U.S. individual*, ICC, New York, 2004, re: sale and purchase agreement and related shareholder's agreement and management agreement in the fashion sector.

Presiding arbitrator, *German company v Chinese company*, ICC, New York, 2003, re: stock purchase agreement in high-tech sector.

Party-appointed arbitrator, *U.S. company v Asian companies*, New York, 2002, re: joint venture in telecommunications sector.

Sole arbitrator, *U.S. company v Canadian company*, AAA/ICDR, New York, 2002, re: services agreement in advertising sector.

Sole arbitrator, *U.S. company v Canadian company*, AAA/ICDR, New York, 2001, re: graphics manufacturing and distributorship agreements.

Party appointed arbitrator, *U.S. company v Australian company*, AAA, New York, 2001, re: reinsurance agreements.

Presiding arbitrator, *Mexican company v Dutch company*, ICC, New York, 2001, re: joint venture agreement in the consumer goods sector.

Presiding arbitrator, *Russian company v U.S. company*, UNCITRAL (ICSID appointing authority), Washington, 1998, re: telecommunications contract.

Presiding arbitrator, *Azerbaijani company v. Austrian company*, LCIA, London, 1998, re: refinery reconstruction contract.

Sole arbitrator, *U.S. company v. Chinese company*, ICC, New York, 1998, re: minerals contract.

Sole arbitrator, *U.S. company v U.S. companies*, AAA/ICDR, New York, 1997, re: government contract for environmental services.

Sole arbitrator, *U.S. company v U.S. company*, AAA, New York, 1994, re: services contract in the transportation sector.

Sole arbitrator, *U.S. companies v U.S. individual*, AAA, New York, 1994, re: guarantee agreement.

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