

VIAC – QUESTIONNAIRE

1. **Name:** Siegfried H. Elsing
2. **Date of birth:** 1950 in Essen
3. **Citizenship:** German
4. **Contact information:**

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5. **Current position:**

- Partner at Orrick, Herrington & Sutcliffe LLP, Co-Chair of the firm's International Arbitration Group and Chairman of Orrick's European Management
- Since 2013, Honorary Consul of the Grand Duchy of Luxembourg
- In 2011, designated by the President of the World Bank to serve on the Panel of Conciliators for the Administrative Council of the International Centre for Settlement of Investment Disputes (ICSID)
- Heinrich-Heine-University Dusseldorf - Honorary Professor

6. **Education:**

- LL.M., Yale Law School, 1979
- Second State Examination, Düsseldorf, 1978
- Dr. jur., University of Münster, Faculty of Law, 1976
- First State Examination, Hamm, 1974
- Studies, Freiburg and Lausanne

7. **Practiced experience in arbitration:**

How many arbitrations have you participated in (domestic/international)? Under which Rules?

I have more than 30 years of experience as litigation and international arbitration counsel, having represented private investors, international companies, sovereign states and state agencies in a wide range of significant and complex domestic and cross-border disputes. I have also served as counsel, party-appointed arbitrator, sole arbitrator or chairman (currently more than 230 arbitrations), to include ad hoc proceedings, as well as arbitral proceedings under the auspices of leading arbitral institutions (DIS, HCCI, HKIAC, ICC, ICDR, ICSID, LCIA, SCC, VIAC and others).

How often have you acted as Chairman? Including international institutional arbitration, international ad hoc arbitration and domestic arbitration, in a total of 46 arbitrations.

How often have you acted as Sole Arbitrator? Including international institutional arbitration, international ad hoc arbitration and domestic arbitration, in a total of 12 arbitrations.

How often have you acted as Co-Arbitrator? Including international institutional arbitration, international ad hoc arbitration and domestic arbitration, in a total of 110 arbitrations.

How often have you acted as Counsel? Including international institutional arbitration, international ad hoc arbitration and domestic arbitration, in a total of 43 arbitrations.

How often have you acted in a different function (e.g. Administrative Secretary)?

I appeared as a legal expert witness in both German proceedings (on US law matters) and US and UK proceedings (on German law matters) and before foreign law-making institutions.

8. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

Academic Appointments:

- Honorary professor at Heinrich-Heine-University, Faculty of Law, Düsseldorf, where I teach international commercial arbitration and international civil procedure.

International Publications:

- "Schluss mit der Panikmache", Handelsblatt, 5 March 2015, Germany
- Interview: „Schiedsgerichte sind für Investitionsschutz unumgänglich“, Börsenzeitung, 7 March 2015, Germany
- „International Arbitration Is Not Obsolete“, Law 360, 5 December 2014, New York, USA
- „Schiedsverfahren haben sich tausendfach bei Streitigkeiten bewährt“, Irgeleitet Diskussion um den Investitionsschutz im Rahmen des TTIP schadet dem Welthandel, together with Dr. Karsten Faulhaber, Börsen-Zeitung Spezial, 27 November 2014, Germany
- „Notwendigkeit einer mündlichen Verhandlung im schiedsgerichtlichen Zuständigkeitsstreit – Entscheidung – Zivil- und Zivilprozessrecht – BGH, Beschl. 24 July 2014 – III ZB 83/13 (legal comments), Juristische Rundschau, October 2014
- Chapter I: Issues Specific to Arbitration in Europe, References by Arbitral Tribunals to the European Court of Justice for Preliminary Rulings, in: Christian Klausegger, Peter Klein, et al. [Ed.], Austrian Yearbook on International Arbitration 2013, Vienna, 2013, 45-59
- The Influence of the English Language – A Gradual Acceptance of Anglo-Speaking Engagements, American Legal Culture in International Arbitration, "Liber Amicorum Eric Bergsten, Alphen aan den Rijn, 2011
- Procedural Efficiency in International Arbitration: Choosing the Best of Both Legal Worlds, German Arbitration Journal; 114-123, 2011
- Performance as a Remedy: Specific Issues relating to Competition, in: Michael E. Schneider, Joachim Knoll [Ed.], Performance as a Remedy: Non-Monetary Relief in International Arbitration, ASA Special Series No. 30, JurisNet, 2011, Chapter 15
- The Challenge of Developing Common Mediation Law Regimes in Europe and the United States: From "Patchwork" to Coherence?, World Arbitration & Mediation Review 2009, Volume 3, No. 1, S.1-48;
- Discovery by German state courts in aid of foreign arbitration proceedings?, Experts in Commercial Arbitration, London, 2008, 42-43 (with Nicholas Kessler)
- Commentary on Arbitration Rules of the German Institution of Arbitration (DIS Rules) Sec. 2, 3, 6, 9, 10, 20, 32-34, 37-39 in Karl-Heinz Böckstiegel, Stefan Michael Kröll, Patricia Nacimiento [Ed.], Arbitration in Germany, The Model Law in Practice, Alphen, 2007
- Civil Law vs. Common Law: Ten Differences the International Litigator Should Know, Global Counsel Handbook: Dispute Resolution 2003/2004, London, 13-18, 2004
- Bridging the Common Law – Civil Law Divide in Arbitration, Arbitration International, 59–65 (with John M. Townsend), 2002
- The New German Takeover and Squeeze-Out Rules, American Lawyer, 148–149 (with Benedikt Burger), 2002
- Piercing the Corporate Veil Under U.S.-American Law Taking after 'Volvo' and 'Monsanto' [German translation..." Der Haftungsdurchgriff nach amerikanischem Recht vor dem Hintergrund der Fälle 'Volvo' und 'Monsanto'"], Produkthaftpflicht International (PhI) 1989, 60-72 (with John M. Townsend)

Monographs:

- Private Limited Partnership ["Die Kommanditgesellschaft"], Heidelberger Musterverträge, 11th Ed., Verlag Recht und Wirtschaft: Frankfurt am Main 2010 (with Nicholas Kessler)

- U.S.-American Commercial Law (U.S.-amerikanisches Handels- und Wirtschaftsrecht), Schriftenreihe Recht der Internationalen Wirtschaft, 2nd ed., Heidelberg 1999 (with Michael P. van Alstine)
- Third Party Notice and Arbitration [German translation..."Streitverkündung und Schiedsverfahren"], Zeitschrift für Schiedsverfahren (SchiedsVZ)/German Arbitration Journal 2004, 1988–1994
- German Companies on the U.S.-Market (Deutsche Unternehmen auf dem amerikanischen Markt), Stuttgart 1988 (with John M. Townsend)
- Extended Liability of Limited Partners and Atypical Limited Partnership (Erweiterte Kommanditistenhaftung und atypische Kommanditgesellschaft), Berlin 1977

Recent Speeches & Conferences:

- "Post M&A Disputes nach deutschem Recht" - Law – Made in Germany 2. Symposium of the German Bar Association, 3 September 2015, Düsseldorf, Germany
- "Does Arbitration Deliver?", Vienna Arbitration Days 2015, 13 February 2015, Wien, Austria
- "Mandatory Rules and Energy Investment Projects", Camera Arbitrale Milano, 28 November 2014, Italy
- "The Future of Investment Arbitration", ICC YAF, 19 November 2014, Hamburg, Germany
- "Common Law Versus Civil Law Approaches to International Commercial Arbitration – Cultural Divide or Convergence?" DIS-Herbsttagung, 21/22 October 2010, Frankfurt, Germany
- "Schiedsverfahrensrecht I", ARIAS Europe e.V. (Schiedsgerichtsbarkeit in der Assekuranz), 21 September 2010, Hamburg, Germany
- "Bridging the Gap Between Common Law and Civil Law in International Arbitration", Düsseldorf International Arbitration School, 21 September 2010, Düsseldorf, Germany
- "Basic Principles of International Commercial Arbitration" and "Introduction to Alternative Dispute Resolution", Düsseldorf International Arbitration School, 20 September 2010, Düsseldorf, Germany
- "Finding the Truth or Finding an Acceptable Solution? The Major Differences Between U.S. and German Litigation and Their Genesis, Purpose and (Unintended) Consequences" – ABA/DAV Joint Conference – 21 June 2010, Frankfurt, Germany
- "On Babies and Bathwater: Keeping the Good (And Getting Rid Of The Bad) From the Company's Perspective" – Fifth Annual Fordham Law School Conference on International Arbitration and Mediation, 14–15 June 2010, New York, USA
- Case Study: Disputes Concerning Representations and Warranties, Dispute Resolution in M&A Transactions: Tactics, Challenges, Defences, 13–14 May 2010, Warsaw, Poland
- "Fallstricke bei der Verwendung der englischen Sprache als Vertragssprache", 4 May 2010 – DRF Seminar, Industrie-Club, Düsseldorf, Germany
- Rechtswahl, Gerichtswahl und Sprache bei internationalen Verträgen, Industrie-Club e.V., 4 May 2010, Düsseldorf, Germany
- Arbitration vs. Litigation Ein Attraktivitätsvergleich, Die Sicht der Parteivertreter und Schiedsrichter, DRF-Seminar, Industrie-Club e.V., 2 February 2010, Düsseldorf, Germany

9. Membership in arbitral institutions / functions in arbitral institutions/organizations:

- American Bar Association
- American Arbitration Association (Member – Board of Directors)
- Association Suisse de l'arbitrage
- Deutscher Anwaltverein e.V.
- Deutsche Institution für Schiedsgerichtsbarkeit e.V. (Member-Board Directors)
- International Bar Association (Chair – Mediation 2007/2008)
- Kuala Lumpur Regional Centre for Arbitration (KLRCA) (Arbitrator 2014 - 2017)
- London Court of International Arbitration
- AIJA Association Internationale des Jeunes Avocats (President 1990/1991)

10. Languages:

Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English

11. In which legal system have you trained?

- Germany
- New York

12. What is your main jurisdiction of practice?

- Germany

13. Special expertise or specializations (please list a maximum of three):

- International Arbitration
- Mergers & Acquisitions
- Corporate

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

25 Jan. 2016

Date and signature