

VIAC – Questionnaire for Arbitrators

1. Name: Eckhard Hellbeck

2. Citizenship: German

3. Contact information:

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4. Current position: Counsel

5. Education:

Universität des Saarlandes, Saarbrücken, and Freie Universität Berlin (First State Examination)

Hague Academy of International Law

American University, Washington College of Law (LL.M. in International Legal Studies)

Higher Regional Court of Cologne (Second State Examination)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
41 international; ICSID, ICSID-Additional Facility, UNCITRAL, ICC, VIAC, LCIA, AAA, ICDR
- How often have you acted as Chairman?
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- How often have you acted as Sole Arbitrator?
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- How often have you acted as Co-Arbitrator?
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- How often have you acted as Counsel?
41 cases
- How often have you acted in a different function (e.g. Administrative Secretary)?
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7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

Training Sessions, Seminars, Conferences:

- "Pathways to Careers in International Law," panel, American Bar Association, Section of International Law and International Law Students Association, Washington, DC, April 2018
- "Damages in Investment Treaty Arbitration," lecture, University of Miami School of Law, March 2018
- "Investment Arbitration, TTIP and NAFTA: Perspectives from the United States," panel, symposium of the German-American Lawyers Association (Deutsch-Amerikanische Juristen-Vereinigung), Institute for Law and Finance, Goethe Universität Frankfurt am Main, March 2018
- "Overview of Investor-State Arbitration," training seminar, Columbia Law School and Chartered Institute of Arbitrators, "Comprehensive Course on International Arbitration," New York, June 2017
- "The Role of the Judge in International Commercial Arbitration," training seminar, International Law Institute, Washington, DC, May 2017

- “Enforcing and Challenging Arbitral Awards,” lecture, American University, Washington College of Law, Washington, DC, April 2016
- “Arbitration and Public International Law,” panel, American University, Washington College of Law, Washington, DC, March 2014
- “Current Issues in International Commercial Arbitration in the United States,” lecture, Il Consiglio Nazionale Forense and American University, Washington College of Law, Washington, DC, August 2012
- “Practical Aspects Regarding the Enforcement of Arbitral Awards,” training seminar, “Eighth Annual Seminar on International Commercial Arbitration,” American University, Washington College of Law, Washington, DC, October 2011
- “The Arbitration Procedure,” training seminar, “Arbitration for Judges,” International Law Institute, Washington, DC, August 2011
- “Tools to Protect: Arbitration and Bilateral Investment Treaties,” panel, American University, Washington College of Law, Washington, DC, November 2010
- “International Investment Treaty Arbitration,” training seminar, “Introduction to U.S. Law,” Institute for US Law, Washington, DC, August 2010
- “International Arbitration of Individual Claims Against the State,” panel, International Law Students Association, Spring Conference, Washington, DC, March 2010
- “Implications of the Global Financial Crisis on Trade and Investment Regimes,” panel, American Society of International Law, Annual Meeting, Washington, DC, March 2010
- “Getting Started in International Commercial Arbitration,” panel, American University, Washington College of Law, Washington, DC, September 2009
- “Pathways to Employment in International Law,” panel, George Mason University School of Law, Arlington, Virginia, September 2009
- “Enforcement and Setting Aside of Arbitral Awards,” training seminar, “Arbitration and Mediation Training,” International Law Institute, Washington, DC, April 2007, November 2007, October 2008
- “Drafting an Arbitration Clause,” training seminar, “Arbitration and Mediation Training,” International Law Institute, Washington, DC, April 2008
- “When Arbitration is the Solution,” training seminar, American Bar Association, “International Litigation Strategies and Practice,” December 2005
- “Can Domestic Courts Handle Transnational Disputes?” panel, “Building A World Community: The Challenges for Legal Practitioners,” International Legal Studies Alumni Reunion, American University, Washington College of Law, Washington, DC, April 2000

Publications:

- “International Arbitration Should Permit the Direct Examination of Witnesses and Experts Not Called for Cross-Examination,” *Dispute Resolution Lawyer*, 2019 (with Carolyn B. Lamm and Ashwini Velchamy) (forthcoming)
- “Exchange of Information and Privilege,” *BCDR International Arbitration Review*, 2019 (with Andrea J. Menaker) (forthcoming)
- Book review of Susan D. Franck, *Arbitration Costs: Myths and Realities in Investment Treaty Arbitration*, *Dispute Resolution Lawyer*, 2019 (forthcoming)
- “Piercing the Veil of Confidentiality: The Recent Trend Towards Greater Public Participation and Transparency in Investor-State Arbitration,” in Katia Yannaca-Small (ed.), *Arbitration Under International Investment Agreements*, 2d ed. 2018, p. 183 (with Andrea J. Menaker)
- “Enforcement of Judgments,” in Robert L. Haig (ed.), *Business and Commercial Litigation in Federal Courts*, vol. 6, 4th ed. 2016, p. 711 (with Carolyn B. Lamm)
- “Mass Claims in Investment Arbitration: Jurisdiction and Admissibility,” in Bernard Hanotiau & Eric A. Schwartz (eds.), *Class and Group Actions in Arbitration*, *Dossiers of the ICC World Business Law*, vol. 14, 2016, p. 114 (with Carolyn B. Lamm and Onur Saka)

- “An Arbitrator’s Duties: Due Process and Trust in Investor-State Arbitration,” *BCDR International Arbitration Review*, vol. 2, 2015, p. 357 (with Carolyn B. Lamm and David P. Riesenbergl)
- “Pleading and Proof of Fraud and Comparable Forms of Abuse in Investment Treaty Arbitration,” in Albert Jan van den Berg (ed.), *Legitimacy: Myths, Realities, Challenges*, ICCA Congress Series, vol. 18, 2015, p. 557 (with Carolyn B. Lamm and Imad Khan)
- “The Two Annulment Decisions in *Amco Asia* and ‘Non-Application’ of Applicable Law by ICSID Tribunals,” in David D. Caron *et al.* (eds.), *Practising Virtue—Inside International Arbitration*, 2015, p. 689 (with Carolyn B. Lamm and David P. Riesenbergl)
- “Theories of Liability and Responsibility,” in Jeffrey Golden & Carolyn B. Lamm (eds.), *International Financial Disputes – Arbitration and Mediation*, 2015, p. 241 (with Carolyn B. Lamm and David P. Riesenbergl)
- “International Arbitration in a Globalized World,” *ABA Dispute Resolution Magazine*, Winter 2014, p. 4 (with Carolyn B. Lamm and Nikolaos Tsolakidis)
- “The Enforcement of Awards,” in Chiara Giorgetti (ed.), *Litigating International Investment Disputes: A Practitioner’s Guide*, 2014, p. 462 (with Carolyn B. Lamm)
- “When to Arbitrate Rather Than Litigate,” in Barton Legum *et al.* (eds.), *International Litigation Strategies and Practice*, 2d ed. 2014, p. 197 (with Carolyn B. Lamm)
- “Possible Paradigmatic Changes in the Settlement of International Investment Disputes,” ASIL Cables, 2014 (conference report)
- “The Fourth Restatement of the Foreign Relations Law of the United States,” ASIL Cables, 2014 (conference report)
- “Research Handbook on the Law of International Organizations, edited by Jan Klabbers and Åsa Wallendahl (Edward Elgar),” ASIL Cables, 2013 (book review)
- “Third-Party Funding in Investor-State Arbitration—Introduction and Overview,” in Bernardo Cremades and Antonias Dimolitsa (eds.), *Third-Party Funding in International Arbitration*, Dossiers of the ICC Institute of World Business Law, vol. 10, 2013, p. 101 (with Carolyn B. Lamm)
- “State Court Intervention in International Arbitration: The United States Perspective,” *ICSID Review-Foreign Investment Law Journal*, vol. 26, 2011, p. 94 (with Carolyn B. Lamm)
- “Implications of the Global Financial Crisis on International Trade and Investment Regimes,” in American Society of International Law, *Proceedings of the 104th Annual Meeting*, 2011, p. 435 (editor)
- “Investment Protection under the New ASEAN-Australia-New Zealand Free Trade Agreement,” *International Disputes Quarterly*, Winter 2010
- “Users’ Perspectives on Challenges Facing the Institutions in a Changing World,” *ICSID Review-Foreign Investment Law Journal*, vol. 24, 2009, p. 23 (with Carolyn B. Lamm, Michael P. Daly and Matthew N. Drossos)
- “Anti-Suit Injunctions in Aid of International Arbitration: The American Approach,” *International Arbitration Law Review*, vol. 12, 2009, p. 115 (with Carolyn B. Lamm and Joseph R. Brubaker)
- “Apple & Eve, LLC v. Yantai N. Andre Juice Co. Ltd.,” *International Arbitration Law Review*, vol. 12, 2009, p. N-49 (with Carolyn B. Lamm and Daniel J. Hickman)
- “RZS Holdings AVV v. PDVSA Petroleos S.A.,” *12 International Arbitration Law Review*, vol. 12, 2009, p. N-34 (with Carolyn B. Lamm and Joseph R. Brubaker)
- “Life Receivables Trust v. Syndicate 102 at Lloyd’s of London,” *International Arbitration Law Review*, vol. 12, 2009, p. N-25 (with Carolyn B. Lamm and Damon Martichuski)
- “Sokol Holdings Inc. v. BMB Munai Inc.,” *International Arbitration Law Review*, vol. 12, 2009, p. N-23 (with Carolyn B. Lamm and Lauren Matherne)
- “Introductory Note: ICSID: *Desert Line Projects LLC v. Republic of Yemen*,” *International Legal Materials*, vol. 48, 2009, p. 79

- “The New Frontier of Investor-State Arbitration: Annulment of NAFTA Awards,” *International Arbitration Law Review*, vol. 11, 2008, p. 58 (with Carolyn B. Lamm and Chiara Giorgetti)
- “Editorial: International Arbitration Law Review—Special Issue on US Law,” 11 *International Arbitration Law Review*, vol. 11, 2008, p. 1 (with Carolyn B. Lamm and Chiara Giorgetti)
- “The Allocation of Jurisdiction Between International Arbitral Tribunals and Local Courts in Investor-State Disputes,” White & Case, 2007 (with Abby Cohen Smutny)
- “When to Arbitrate Rather Than Litigate,” in Barton Legum (ed.), *International Litigation Strategies and Practice*, 2005, p. 157 (with Carolyn B. Lamm)
- “Rule 44.1 and Proof of Foreign Law in US Courts,” *Legal Media Group Expert Guides*, 2005 (with Carolyn B. Lamm and K. Elizabeth Tang)
- “USA (District of Columbia),” in *Getting the Deal Through, Dispute Resolution in 38 Jurisdictions Worldwide*, 2005, p. 180 (with Carolyn B. Lamm, Amanda Johnson Miller and Sabina Sacco)
- “US Energy Corp and Crested Corp v. Nukem Inc and Cycle Resource Investment Corp—Case Remanded to Arbitration Panel Almost One Decade Later,” 8 *International Arbitration Law Review*, vol. 8, 2005, p. N-29 (with Carolyn B. Lamm)
- “Emissions Mechanism Needed for EU Trading,” *World-Generation*, vol. 16, no. 4, Sept./Oct. 2004
- “Nicor International Corporation v. El Paso Corporation,” *International Arbitration Law Review*, vol. 7, 2004, p. N-69 (with Carolyn B. Lamm and Epaminontas Triantafyllou)
- “Bridas SAPIC v. Government of Turkmenistan,” *International Arbitration Law Review*, vol. 7, 2004, p. N-55 (with Carolyn B. Lamm and Anna L. Kovina)
- “Recognition and Enforcement of Foreign Judgments in the United States and England,” in John Fellas (ed.), *Transatlantic Commercial Litigation and Arbitration*, 2004, p. 537 (with Carolyn B. Lamm, Kamilla Tokhtaeva and Michael Polonsky)
- “Post-Confirmation Remand of Arbitral Award to Arbitrator for Clarification Permitted,” *International Arbitration Law Review*, vol. 6, 2003, p. N-51 (with Carolyn B. Lamm)
- “Daueranstellung in einer US-amerikanischen Kanzlei” in Clemens Kochinke and Stephan Wilske (eds.), *USA Bewerbungsführer für Juristen*, 2nd ed., 2003, p. 97 (with Wolfram Fischer)
- “The Enforcement of Foreign Arbitral Awards Under the New York Convention: Recent Developments,” *International Arbitration Law Review*, vol. 5, 2002, p. 137 (with Carolyn B. Lamm)
- “Action to Confirm Foreign Arbitral Award Dismissed for Lack of Personal Jurisdiction—Base Metal Trading, Limited v. Novokuznetsky Aluminum Factory,” *International Arbitration Law Review*, vol. 5, 2002 (with Carolyn B. Lamm)
- “The Implications of National and International Environmental Obligations for Foreign Investment Protection Standards, Including Valuation—A Report from the Front Lines,” in The International Bureau of the Permanent Court of Arbitration (ed.), *International Investments and Protection of the Environment—The Role of Dispute Resolution Mechanisms*, 2001, p. 19 (with Charles N. Brower)
- “In the Matter of the Arbitration Between P.M.I. Trading Limited v. Farstad Oil, Inc.—Arbitrators’ Reliance on Parties’ Agreement Rather than on Common Trade Usage is not ‘Manifest Disregard of the Law’,” *International Arbitration Law Review*, vol. 4, 2001, p. N-18 (with Carolyn B. Lamm)
- “Existence of Arbitration Agreement Properly Determined by Court—US Titan v. Guangzhou Zhen Hua Shipping Co., Ltd.,” *International Arbitration Law Review*, vol. 4, 2001, p. N-9 (with Carolyn B. Lamm)
- “American Arbitration Association Develops New E-Commerce Dispute Management Protocol,” *International Arbitration Law Review*, vol. 4, 2001, p. N-1 (with Carolyn B. Lamm)
- “Sandvik AB v. Advent International Corp.—Party Claiming Invalidity of Contract Cannot Enforce Contract’s Arbitration Clause,” *International Arbitration Law Review*, vol. 3, 2000, p. N-73 (with Carolyn B. Lamm)
- “Karen L. Suter v. Munich Reinsurance Company—Service of Suit Clauses,” *International Arbitration Law Review*, vol. 3, 2000, p. N-63 (with Carolyn B. Lamm)

- “International Cultural Property Society v. Walter de Gruyter & Co. Berlin—New York—Action to Enjoin Foreign Arbitration,” *International Arbitration Law Review*, vol. 3, 2000, p. N-46 (with Carolyn B. Lamm)
- “Publicis Communication v. True North Communications, Inc.—Recognition and Enforcement of an Arbitral Tribunal’s ‘Order’,” *International Arbitration Law Review*, vol. 3, 2000, p. N-45; reproduced in *LCIA News*, vol. 6, issue 1, 2001, p. 9 (with Carolyn B. Lamm)
- “US Supreme Court Holds that Venue Provisions of the Federal Arbitration Act are Permissive—Cortez Byrd Chips Inc. v. Bill Harbert Construction Co.,” *International Arbitration Law Review*, vol. 3, 2000, p. N-35 (with Carolyn B. Lamm)
- “US Court of Appeals Grants Petition to Preserve Evidence in Aid of Arbitration—In the Matter of Deiulemar Compagnia Di Navigazione SpA for the Perpetuation of Certain Evidence,” *International Arbitration Law Review*, vol. 3, 2000, p. N-33 (with Carolyn B. Lamm)
- “Arbitration Clause Extends to Non-Signatory by Estoppel—International Paper Company v. Schwabedissen Maschinen & Anlagen GmbH,” *International Arbitration Law Review*, vol. 3, 2000, p. N-31 (with Carolyn B. Lamm)
- “Kaufrecht,” in T. Heidel, S. Pauly and A. Amend (eds.), *AnwaltFormulare*, 1st ed. 1997, 2nd ed. 2000, 3rd ed. 2002 (with Katja Schmitz and Wolfgang Walchner) (chapter on German and international sales law)
- “Provisional Measures of the International Court of Justice—Are They Binding?” *A.S.I.L.S. International Law Journal*, vol. 9, 1985, p. 169
- “Philip C. Jessup International Law Moot Court Competition 1984 in Berlin and Washington,” *Juristische Schulung*, 1985, p. 325
- “The 1984 Philip C. Jessup International Law Moot Court Competition,” 8 *A.S.I.L.S. International Law Journal*, vol. 9, 1984, p. 163 (publication of award-winning briefs for Philip C. Jessup International Law Moot Court Competition 1984)
- “Fortbildungsseminar der Gesellschaft für Deutschlandforschung,” *Recht in Ost und West*, 1985, p. 46 (conference report on legal questions of divided Germany)
- “Umweltschutz in beiden Teilen Deutschlands,” *Recht in Ost und West*, 1985, p. 168 (conference report on environmental law in East and West Germany)

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

American Society of International Law

- International Dispute Resolution Interest Group
- Corresponding Editor, *International Legal Materials*

International Bar Association

- Arbitration and ADR Committee
- International Litigation Committee

American Bar Association

- Section of International Law
- Section of Litigation

Washington Foreign Law Society

German-American Law Association

9. 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

Other language (fluent, but not comfortable drafting an award): French

10. In which legal systems have you trained? Germany, USA, International Law

11. What is your main jurisdiction of practice? District of Columbia (USA)

12. In which jurisdictions are you admitted to the bar? Germany, District of Columbia, New York

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

- Commercial Disputes
- Investor-State Dispute Settlement/Foreign Investment Law
- Private International Law
- Public International Law
- State/Public Contracts

14. Date of birth: 1961

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

5 August 2019

Date

and

Signature