

VIAC – Questionnaire for Arbitrators

1. **Name:** CLIFFORD J. HENDEL

2. **Citizenship:** USA/FRANCE

3. **Contact information:**

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4. **Current position:**

FOUNDER, HENDEL IDR (INTERNATIONAL DISPUTE RESOLUTION)

5. **Education:**

-B.A., Wesleyan University (1979)

-J.D., University of Connecticut School of Law (1983)

-LLM in Global Sports Law, Instituto Superior de Derecho y Economía (ISDE) (2013)

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?
Approximately 85. Rules of ICC, LCIA, CAS, BAT, HKIAC, UNCITRAL, Civil and Mercantile Court (Madrid), Court of Arbitration of the Chamber of Commerce and Industry (Madrid)
- How often have you acted as Chairman?
20
- How often have you acted as Sole Arbitrator?
21
- How often have you acted as Co-Arbitrator?
23
- How often have you acted as Counsel?
20
- How often have you acted in a different function (e.g. Administrative Secretary)?

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

See attached.

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

Member of the ICC Commission on Arbitration and ADR, of the Court of Arbitration for Sport (CAS), the FIBA Basketball Arbitral Tribunal (BAT), the Global Panel of Neutrals of the International Institute for Conflict Prevention & Resolution (CPR), of the European Advisory Counsel of CPR, and Fellow of the

Chartered Institute of Arbitrators (CI Arb). Listed on arbitral panels of the *Centro de Arbitragem Comercial da Camara de Comercio e Industria Portuguesa*, the Asian International Arbitration Centre, the *Tribunal Arbitral de Barcelona*, the *Cámara Franco-Español de Comercio e Industria*, among others. Accredited mediator of the Centre for Effective Dispute Resolution (CEDR), and listed mediator of the *Centro de Solución de Conflictos de la Asociación Española de Gerencia de Riesgos y Seguros (AGERS)* and the *Centro de Mediación y Solución de Conflictos (CEMED)*.

9. Languages

Mother tongue: English

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): Spanish, French

10. In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input checked="" type="checkbox"/> European Law |

Other _____

11. What is your main jurisdiction of practice?

Spain, Switzerland

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

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input checked="" type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Private Intern. Law |
| <input checked="" type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input checked="" type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input checked="" type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input type="checkbox"/> Contract law | <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

13. Date of birth:

11/11/1957

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

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".

xx 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>.

Date

and

Signature

SELECTED PUBLICATIONS – CJH

- “PCA tribunal finds against investors in Czech solar power arbitration (**Wirtgen and others v Czech Republic**)”; LexisNexis, March 2018.
- “**Squaring the Circle: Reconciling the Conflicting Awards in the Eiser and Isolux Spanish Renewable Cases (Part I)**”, Kluwer Arbitration Blog, July 2017.
- “**Squaring the Circle: Reconciling the Conflicting Awards in the Eiser and Isolux Spanish Renewable Cases (Part II)**”, Kluwer Arbitration Blog, July 2017.
- “**Before the Other Shoe Drops (II): The First ICSID Final Award in the Spanish Renewable Energy Arbitration Saga Finds for the Investors – Crossing the Line?**”, EFILA Blog, May 2017.
- “**El laudo del CIADI: ¿punto de inflexión en el arbitraje de las renovables contra España?**”, El Confidencial, May 2017.
- “**Jurisdiction of the CAS – The Basics**”, ABA Journal, Vol. I, April 2017.
- “**España necesita apoyo judicial claro para posicionarse en arbitraje internacional**”. CIAR, Noviembre 2016.
- “**EC could set precedent with ISU antitrust case**”. WSA October 2016.
- “**Votos particulares en el arbitraje comercial internacional**”, Anuario de Arbitraje 2016 (Capítulo 15), Ediciones Aranzadi, Vol. 1, June 2016.
- “**The Energy Charter Treaty and the Spanish Renewable Energy Awards**”, The Investment Treaty Arbitration Review, 1st Edition, March 2016.
- Spain Chapter in “**Arbitration World**”, International Series, Thomson Reuters, 5th Edition, October 2015.
- “**Before the Other Shoe Drops**”, EFILA Blog, September 2015.
- “**TV Rights in Spanish Football and the Controversial New Law**”, World Sports Law Report, Volume 13, Issue 5, May 2015.
- “**Más Allá de la Mediación. Otros Métodos Alternativos de Resolución de Disputas**”, Cuadernos de Derecho para Ingenieros, Iberdrola; La Ley, Grupo Wolters Kluwer, December 2014.
- “**Ambassadorial Reflections**”, Young Arbitration Review, Edition 15, October, 2014.
- “**Anti-Doping in Major League Baseball: The “A-Roid” Case and American Exceptionalism in Sports Law**”, GSLR (Global Sport Law Reports), June 2014.
- “**¿Vienen los Hombres de Negro?**”, MARCA, November 15, 2013.
- “**La Mediación Empresarial: Una Inversión Indiscutible**”, Estrategia Financiera, Wolters Kluwer, No. 310, November 2013.
- “**Globalización de los Negocios en el Deporte**”, La Ley (Buenos Aires), No. 197, October 22, 2013.
- “**The Past, Present and Future of Commercial Mediation in Iberia in a Nutshell – A Jurídico-Cultural Perspective**”, IBA Mediation Newsletter, Volume 9, No. 1, October 2013.
- “**WADA Code 2015 Brings an End to the Foggo vs. Oliveira Debate Concerning ‘Intent to Enhance Sport Performance’ in Article 10.4 of WADA Code 2009**”, World Sports Law Report, Volume 11, Issue 09, September 2013.
- “**Developments in Spanish Company Arbitration**”, IBA Arbitration Newsletter, Volume 18, No. 2, September 2013.
- “**Grabbing the Bull by the Horns**” – CDR Weekly Newsletter, April 2013.
- “**Latinoamérica y CIADI: ¿Hacia la Creación de un Nuevo Tribunal Arbitral Regional en Materia de Inversiones?**” - Foro Jurídico Iberoamericano - Año I, Issue 3, March 2013.

- **“Deportes, Negocio y Arbitraje: Globalización y Convergencia”**, Revista Española Derecho Deportivo, No. 31, March 2013.
- **“Confidence/Confidence – Reflections on Alternate Dispute Resolution in Iberia (From the Other Side of Under 40)”**, Young Arbitration Review, Edition 8, January 2013.
- **“Dispute Resolution/Forum Selection Clause – What Corporate Counsel Should Keep in Mind”**, NYSBA, winter 2012, Volume 30, Issue 3.
- **“Arbitration in Spain: Recent Legislative and Jurisprudential Developments”**, LCIA, Winter Edition, Volume 17, Issue 2, 2012.
- **Book Review: “Latin American Investment Protections. Comparative Perspectives on Laws, Treaties and Disputes for Investors, States and Counsel”**, edited by Jonathan C. Hamilton, Omar E. García-Bolívar and Hernando Otero; published by Martinus Nijhoff; Global Arbitration Review, October 2012.
- **“Perspectives on Three Recent Annulment Decisions: Is Where You Stand Determined by Where You Sit?”**, Arbitration International (LCIA), Volume 28, Issue 2, June 2012; New York State Bar Association, Volume 17, Issue 1, Fall 2012.
- **“La “Regla Osaka” y la Variación de la Asociación Olímpica Británica: “Tumbadas” por el TAS”**, Revista Aranzadi de Derecho de Deporte y Entretenimiento, Issue 36, July-September 2012.
- **“Los Factores Culturales Hacen que la Mediación Sea Diferente en Cada País Donde se Aplica”**, Diario Jurídico online, August 29, 2012.
- **“Sol and Sombra in Spain’s New Mediation Law”**, AIA Newsletter, April 2012.
- **“Transatlantic Reflections: Law and Lawyers Between Europe and America”**, Connecticut Journal of International Law, Volume 27, Number 2, Spring 2012.
- **“Plotting a Future for Commercial Mediation in Spain”**, AIA Newsletter, February 2012.
- **“El Laudo Contador: Sin reduccionismos ni sensacionalismos”**, Expansión newspaper, February 10, 2012.
- **“El Laudo Contador: Una Primera Aproximación Jurídica/Fáctica”**, El Confidencial online newspaper, February 8, 2012.
- **“El Caso Contador: ¿El Beso de la Mujer Araña?”**, Expansión newspaper, January 16, 2012.
- **“Witness Conferencing Involving Witnesses of Fact in International and Domestic Arbitration: An Idea Whose Time Has Not Yet Come?”**, IBA Arbitration Newsletter, Volume 16, No. 1, March 2011.
- **“Developments Regarding the Application of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards in Spain”**. Publication of International Section of the New York State Bar Association, Volume 16, No. 1, Summer 2011.
- **“Una Nueva Opción para Financiar Arbitrajes Internacionales”**, Expansión newspaper, March 18, 2011.
- **“Arbitration in Spain: Changed Law and Changing Perceptions”**, Swiss Arbitration Association Bulletin, Volume 29, No. 1, 2011.
- **“Arbitration in Spain: Leaving the “Black List” Behind”**, International Litigation Quarterly, American Bar Association Section of Litigation, Volume 27, Issue 2, Winter/Spring 2011.
- **“Doing Business in Spain, Including Selecting and Managing International Counsel”**, NYSBA International Law Practicum, Volume 24, No. 1, Spring 2011.
- **“Otros Métodos Alternativos de Resolución de Disputas”**. Cuadernos de Derecho para Ingenieros, Iberdrola; La Ley, Grupo Wolters Kluwer, November 2010.
- **“Third Party Funding”**, NYSBA International Chapter News, Volume 15, No. 2, Winter 2010, publication of the International Section of the New York State Bar Association; Spain Arbitration Review, Revista del Club Español de Arbitraje, N° 9/2010; and Latin Arbitration Law On-line, October 7, 2010.

- **“From New York to Madrid via Paris: Smaller Pond, Bigger Fish?”**. ABA International Law Section, Volume I, Issue 1, February 9, 2010.
- **“Transnational Litigation; Cross-Cultural Reflections”**. NYSBA International Chapter News, Volume 11, No. 2, Fall 2006.
- **“Transnational Litigation; Cross-Cultural Reflections”**. IBA International Law News, Winter 2006.
- **“Transnational Legal Practice Developments”**. The International Lawyer, Volume 39, No. 2, Summer 2005.
- **“A Lawyer’s Survival Guide to Madrid”**. ABA International Law News, Vol. 33 No. 2, Spring 2004.
- **“El Proyecto de Ley de Arbitraje y el Mercado de Capital Riesgo”**. Capital & Corporate, N° 45, Nov. 2003).
- **“A Tale of Three Cities: Reflections on the Practice of the Law (and the Laws of Practice) by Foreign (Particularly Non-European) Lawyers and Firms in London, Paris and Madrid”**. NYSBA International Law Practicum, Volume 16, No. 2, Autumn 2003.
- **“From New York to Madrid via Paris: Smaller Pond, Bigger Fish?”**. Careers in International Law, Second Edition; ABA International Law Section, 2000.
- **“Legal Practice”**. Investing in Spain, The Legal Yearbook 1999/2000.