

VIAC – Questionnaire for Arbitrators

1. Name: Prof. Dr. Maxi Scherer

2. Citizenship: German

3. Contact information:

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4. Current position: Special Counsel, Wilmer Cutler Pickering Hale & Dorr LLP and Professor, Queen Mary University of London, School of International Arbitration

5. Education: University of Paris I, Ph.D (2001), Post-graduate law degree (1999), Master & LLM (1998)

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?
Over 100 (as arbitrator, counsel or expert) under rules of DIS, HKIAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC and VIAC
- How often have you acted as Chairman?
Over 25 cases
- How often have you acted as Sole Arbitrator?
Over 10 cases
- How often have you acted as Co-Arbitrator?
Over 25 cases
- How often have you acted as Counsel?
- 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):

Publications (selection)

7.1. Books

International Arbitration and the COVID-19 Revolution (co-ed. and co-author), Wolters Kluwer, 2020

International Arbitration in the Energy Sector (ed.), Oxford University Press, 2018

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

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

Le Nom en Droit International Privé, Etude de Droit Comparé Français et Allemand, LGDJ, 2004

7.2. Book Contributions and Articles

Environmental Counterclaims in Investment Treaty Arbitration, with S. Bruce & J. Reschke, ICSID Review - Foreign Investment Law Journal (forthcoming)

Of Implied Choices and Close Connections: Two Pervasive Issues Concerning the Law Governing the Arbitration Agreement, with O. Jensen, in Liber Amicorum G. Bermann (forthcoming)

The Law Governing the Arbitration Agreement: A Comparative Analysis of the United Kingdom Supreme Court's Decision in Enka v Chubb, with O. Jensen, IPrax (forthcoming)

Sources of Procedural Law in International Dispute Settlement, with A. Mitchell & D. Prasad, in: J. Gomula & S. Wittich (eds), Handbook of International Procedural Law, Elgar, (forthcoming)

The Principle of Equal Treatment in International Arbitration, with D. Prasad & D. Prokic, in: A. Björklund, F. Ferrari & S. Kröll (eds), *Cambridge Compendium of International Commercial and Investment Arbitration*, Cambridge University Press, (forthcoming)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377237

Remote Hearings in International Arbitration: An Analytical Framework, Journal of International Arbitration, 2020, issue 37(4) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3599814

The London Court of International Arbitration (LCIA) in Portrait: An Old Institution with New Rules, with M. Howe, SchVZ (forthcoming)

Article II(2) of the New York Convention is Dead! Long Live Article II(2)!, in: Festschrift für H. Kronke, Giesecking, (2020)

Commentary on ICSID Rules 46, 47, 48 and 79, with D. Morris, in: G. Alvarez, J. Fouret & R. Gerbay (eds), *The ICSID Convention, Rules and Regulations: A Commentary*, Hart Publishing, 2019

Commentary of New York Convention Articles III, IV and V(1)(b), in: R. Wolff (ed.), *The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, C. H. Beck München & Hart Publishing Oxford, 2nd edn, 2019

Artificial Intelligence and Legal Decision-Making: The Wide Open? Study on the Example of International Arbitration, Journal of International Arbitration, 2019, pp. 539-573

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3392669

International Arbitration 3.0 – How Artificial Intelligence Will Change Dispute Resolution, Austrian Yearbook of International Arbitration, C.H. Beck, 2019, pp. 503-514

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377234

Inherent Powers to Sanction Party Conduct, in: F. Ferrari & F. Rosenfeld (eds), *Inherent Powers*, Juris Publishing, 2018, pp. 105-132

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377228

Confidentiality in the New 2017 Bahrain Chamber for Dispute Resolution BCDR Rules, with N. Allen, BCDR International Arbitration Review, 2018, pp. 431-446

Transparency in Dispute Settlement, with D. Euler, in: T. Cottier & K. Nadakavukaren Schefer (eds), *Elgar Encyclopedia of International Economic Law*, Edward Elgar Publishing, 2017

The Fate of Parties' Agreements on Judicial Review Awards: A Comparative and Normative Analysis of Party Autonomy at the Post-award Stage, Arbitration International, 2016, pp. 437-457

Effects of International Judgments Relating to Awards, Pepperdine Law Journal, 2016, pp. 101-118

Limits to Party Autonomy during the Post-Award Review Stage, with L. Silberman, in: F. Ferrari (ed.), *Limits to Party Autonomy in International Commercial Arbitration*, Juris Publishing, 2016, pp. 441-492
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2832429

L'autorité de chose jugée des décisions relatives au contrôle des sentences [Res Judicata of foreign judgments relating to arbitral awards], Revue de l'arbitrage, 2016, pp. 1-35

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

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

Transparency in International Investment Arbitration, in: A. Asoskov, A. Muranov & R. Khodykin (eds), *New Horizons of International Arbitration*, 3rd edn, 2015, pp. 166-172

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

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

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

Effects of Foreign Judgments Relating to International Arbitral Awards: Is the 'Judgment Route' the Wrong Road?, Oxford Journal of International Dispute Settlement (JIDS), 2013, pp. 587-628
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348658

Forum Shopping and Post-Award Judgments, with L. Silberman, in: F. Ferrari (ed.), *Forum Shopping in the International Commercial Arbitration Context*, Sellier, 2013, pp. 313-345
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348709

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

Third Party Funding in International Arbitration in Europe: Part 2 – The Legal Debate, with A. Goldsmith & C. Flechet, RDAI/IBLJ, No.1, 2013, pp. 207-220
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348744

Third Party Funding in International Arbitration in Europe: Part 1 – Funders' Perspectives, with A. Goldsmith & C. Flechet, RDAI/IBLJ, No.2, 2012, pp. 649-665
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348737

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, 1999, pp. 667 et seq.

7.3. Short Comments, Notes and Reviews

Halliburton Company v Chubb Bermuda Insurance Ltd: Does English Law Offer Sufficient Protection Against Arbitrator Bias?, with N. Hall, IBA Newsletter
<https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=1AA974DA-932C-4E3E-A1BB-34F22357E6EC>

In a 'First' Worldwide, Austrian Supreme Court Confirms Arbitral Tribunal's Power to Hold Remote Hearings Over One Party's Objection and Rejects Due Process Concerns, with F. Schwarz, H. Ortner and O. Jensen, [Kluwerblog](#) 2020

Asynchronous Hearings – The Next New Normal? [Kluwerblog](#), 2020

Remote Hearings in International Arbitration – and What Voltaire Has to Do with It ?, [Kluwerblog](#), 2020

LexisNexis case note on *Nextera Energy Global Holdings B.V. et al. v. Kingdom of Spain* (ICSID Case No. Arb/14/11), 2019

The (Changing) Landscape of Investment Arbitration in the Energy Sector After the Achmea Judgment?, <http://oxia.ouplaw.com>, 2018

Transparency in Dispute Settlement, in: Th. Cottier & K. Nadakavukaren Schefer (eds), *Elgar Encyclopedia of International Economic Law*, Edward Elgar Publishing, 2017

Conduct of Legal Representatives Under the 2014 LCIA Arbitration Rules: How to Apply the New Provisions, [Kluwerblog](#), 2015

Book Review of *Private Dispute Resolution in International Business (Negotiation, Mediation, Arbitration)*, by Klaus Peter Berger, 3rd ed, 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

Book Review of *French Arbitration Law (Domestic and International)*, by Christophe Seraglini & Jérôme Ortscheidt, 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*, 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*, 2009, p. 3

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, *GAR Special Report*, 2008, p. 7

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

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

International Centre for Settlement of Investment Disputes (ICSID): Arbitrator panel

London Court of International Arbitration (LCIA): Court member

German Arbitration Institute (DIS): Arbitration Council member

Casablanca International Mediation and Arbitration Centre (CIMAC): Court member

Vienna International Arbitral Centre (VIAC): International Advisory Board

Delos Dispute Resolution: Co-chair of The Delos Guide to Arbitration Places (GAP): Board of Advisors

Arbitration Foundation of South Africa (AFSA): Chair of Drafting Committee and Advisory Board for the revision of the international arbitration rules

Permanent Court of Arbitration (PCA): Drafting Committee PCA Arbitration Rules

Swiss Chambers' Arbitration Institution (SCAI): Rules Revision Review Committee member

Asian International Arbitration Centre (AIAC) : Rules Revision Review Committee member, arbitrator panel

Arbitration Institute of the Stockholm Chamber of Commerce (SCC) TreatyLab: Advisory Board

Association Suisse de l'Arbitrage (ASA): member

Comité français de l'arbitrage (CFA): member

Energy Disputes Arbitration Center (EDAC) : arbitrator panel

Hong Kong International Arbitration Centre (HKIAC): arbitrator panel

Court of Arbitration Hungarian Chamber of Commerce and Industry (HCCI): arbitrator panel

Korean Commercial Arbitration Board (KCAB): arbitrator panel

Singapore International Arbitration Centre (SIAC): arbitrator panel

International Chamber of Commerce (ICC): Task Force emergency arbitration proceedings, 2016-2019

International Centre for Dispute Resolution (ICDR): International Advisory Committee, 2015-2018

International Bar Association (IBA): Committee Recognition and Enforcement of Awards, 2013-2016

German Arbitration Institute (DIS): Expert group for the revision of the arbitration rules, 2016-2018

9. Languages

Mother tongue: German, English and French

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):

10. In which legal systems have you trained?

- Civil Law
- Common Law
- Austrian Law
- Hungarian Law
- Swiss Law
- Czech Law
- Polish Law
- Ukrainian Law
- German Law
- Slovakian Law
- European Law

Other: French law, English law

11. What is your main jurisdiction of practice?

England/Wales, France

12. In which jurisdictions are you admitted to the bar?

Same as 11

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

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

14. Date of birth: 28 February 1975

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>.

_____ 17 May 2021 _____
Date