

# VIAC – Questionnaire for Arbitrators

**1. Name:** Erica Stein

**2. Citizenship:** USA & Belgium

**3. Contact information:**

Address: avenue Louise 480/13A – 1050 Brussels - Belgium

Telephone: +32 2 535 54 03

Fax: +32 2 706 5110

e-Mail: erica.stein@dechert.com

Website: <https://www.dechert.com/people/s/erica-stein.html#q=stein&searchRedirect=true>

LinkedIn: <https://www.linkedin.com/in/erica-stein-971a6220/>

**4. Current position:**

Partner

**5. Education:**

UNIVERSITY OF TEXAS AT AUSTIN SCHOOL OF LAW, Austin, Texas, U.S.A.

Juris Doctor awarded 2002

HUMBOLDT UNIVERSITÄT, Berlin, Germany

Fundamentals of German Law Certificate, summer semester 2002

UNIVERSIDAD DE TORCUATO DI TELLA, Buenos Aires, Argentina

Law study, autumn semester 2001

BROWN UNIVERSITY, Providence, Rhode Island, U.S.A.

B.A. in International Relations awarded 1997

INSTITUT D'ETUDES POLITIQUES DE PARIS, Paris, France

Certificate of Political Studies awarded 1996

**6. Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?  
More than 150 – ICC, UNCITRAL, ICSID, LCIA, CEPANI (Belgian Centre for Arbitration and Mediation), DIS (German Arbitration Institute), DIA (Danish Institute of Arbitration), FAI (Finland Arbitration Institute)
- How often have you acted as Chairman?  
4
- How often have you acted as Sole Arbitrator?  
13
- How often have you acted as Co-Arbitrator?  
6
- How often have you acted as Counsel?  
23
- How often have you acted in a different function (e.g. Administrative Secretary)?  
More than 120 (Counsel at the ICC International Court of Arbitration; Administrative Secretary)

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

Speaking engagements:

- “Attribution of Harm” — 10th Investment Treaty Arbitration Conference, webinar (October 1, 2020)
- “Preparing for Claims in Times of COVID-19” — ICC Belgium and CEPANI, webinar (September 28, 2020)
- “How To Communicate With Arbitrators To Get The Proceedings Your Client Expected?” — Mute off Thursday, webinar (July 9, 2020)
- “Dispute resolution at the time of EU Bilateral Free Trade and Investment Protection Agreements” – CEA Belgium 2020 Annual conference, Brussels (February 21, 2020)
- “Issues Facing Respondent States” – 9th Investment Treaty Arbitration Conference, Prague (October 10, 2019)
- “ICCA New York Convention Roadshow”— ICCA and the Judicial Institute for Scotland, Edinburgh, United Kingdom (May 31, 2019)
- “The nuts and bolts of cross-examination in international arbitration”, Young ICCA Skills Training Workshop, Edinburgh, United Kingdom (May 30, 2019)
- “Investment Arbitration Masterclass Energy Charter Secretariat Training” — Energy Charter Secretariat Training, Brussels (November 5, 2018)
- “Issues Faced by Respondent States” — 8th Investment Treaty Arbitration Conference, Prague (October 24, 2018)
- Life Sciences Academy — Paris (October 2, 2018)
- Multiple Proceedings, Multiple Parties, and International Arbitration: What a Tangled Web We Weave — 30th Annual ITA Arbitration Workshop, Dallas (June 20, 2018) (Workshop Co-Chair)
- Keynote Speech – 60 Years New York Convention, DIS - Baltic Arbitration Days, Riga (June 14, 2018)
- “Due Process Paranoia” – 3<sup>rd</sup> Annual Stockholm GAR Live Conference, Stockholm (May 24, 2018)
- International Conference 60 Years of the New Convention — CEA Annual Conference, Seville (April 4, 2018)
- “Clash of the Titans: EU Law v. International Law” – Harvard International Law Journal/Harvard European Law Students Association, Cambridge (March 6, 2018)
- “New York Convention: Unresolved Issues 60 Years On” — Columbia Arbitration Day, New York (March 2, 2018)
- “Third-Party Funding: its Use and Need in International Commercial Arbitration in the CEE Region” – Opportunities and Challenges for Arbitration in the CEE Region, ICC Prague Arbitration Day, Prague (February 26, 2018)
- “The Present and Near Future of New Technologies in Arbitration” — CEA Conference, Brussels (February 23, 2018)
- Investment Arbitration Masterclass Energy Charter Secretariat Training — Energy Charter Secretariat Training, Brussels (November 8, 2017)
- “Proportionality in Investor-State Arbitration and the Right to Regulate” – Practical workshop for State Representatives, 7th Investment Treaty Arbitration Conference, Prague (October 26, 2017)
- “Interim Measures in Investment Treaty Arbitration” — Young ICCA, Prague (October 25, 2017)
- “Proportionality in Investor-State Arbitration” — Young ICSID, Paris (September 18, 2017)
- “Negotiating and Drafting Efficient Escalation Clauses” — 7<sup>th</sup> ICC International Mediation Conference, Paris (October 19, 2016)

- “Role and Effects of Local Law and Court Decisions” — 6<sup>th</sup> Investment Treaty Arbitration Conference, Prague (September 13, 2016)
- “New York Convention: Core Articles and Landmark Cases” – ICCA/NAFTA Judicial Dialogue, Washington, DC (August 19, 2016)
- “The Role of the Arbitrator: Adjudicator, Truth Seeker, Mediator?” — ICC YAF, Paris (June 2, 2016)
- “Tribunal and party rights and responsibilities when corruption is alleged, proven and disproven” – 5<sup>th</sup> Investment Treaty Conference, Prague (October 22, 2015)
- “Procedural and Substantial Concerns in Litigating Investment Disputes under the ECT — Energy Charter Roundtable: Investment Arbitration Under The Energy Charter Treaty: Reflections On Its Role And Its Modernization”, Energy Charter Secretariat, Brussels (October 15, 2015)
- “Commercial Arbitration Involving States, Perfectly Normal and Normally Perfect” — ICC YAF, Amsterdam (October 13, 2015)
- “The Role of Dispute Mechanisms in Redressing Power Imbalances – Tools for Mediators and Arbitrators - Power Imbalances in International Dispute Resolution” — DIS Conference, Berlin (September 23, 2015)
- Arbitration's Got Talent — 5th ICC YAF Global Conference, London (June 26, 2015)
- “Getting your Awards Enforced, the Party's Perspective” — ICC Seminar, Sofia (June 1, 2015)
- “Appointment of Arbitrators: Parties v Arbitral Institutions” — CEPANI 40 Debate Evening, Brussels (May 5, 2015)
- “EU Law and Investment Treaty Law: Convergence, Conflict, or Conversation?” — Inaugural Conference of EFILA, London (January 23, 2015)
- “Threshold Steps in the Investment Treaty Arbitral Process” – 4<sup>th</sup> Investment Treaty Conference, Prague (October 30, 2014)
- “Controlling Time and Costs in Arbitration — Effective Management of Arbitration”, CEPANI Seminar, Brussels (September 30, 2014)
- ICCA New York Convention Roadshow in Cooperation with the Ethiopian Ministry of Foreign Affairs — ICCA and the Ethiopian Ministry of Foreign Affairs, Addis Ababa, Ethiopia (September 23, 2014)
- “Expert Proceedings – A convenient dispute resolution method or just extra hassle?” —The Swedish Arbitration Association, Stockholm (September 5, 2014)
- “Communications between parties and arbitrators” – ICC YAF, IBA Guidelines on Party Representation, Paris, (July 22, 2014)

#### Publications:

- “Challenges to Remote Awards in Setting Aside and Enforcement Proceedings” in Remote International Arbitration: the COVID-19 Revolution (Journal of Int’l Arb., Special Edition, eds. Maxi Scherer, Niuscha Bassiri, Mohamed S. Abdel Wahab) (forthcoming)
- Dispute Boards : Une nouvelle méthode de règlement des différends pour les entreprises dans le domaine des sciences de la vie luttant contre le COVID-19 [Novel Dispute-Resolution Technique for Life Sciences Companies Fighting COVID-19], July 2020 – Usine Nouvelle
- Dispute Boards: A Novel Dispute-Resolution Technique for Life Sciences Companies Fighting COVID-19, June 2020 – Dechert OnPoint
- 4 Exceptions To Termination Of Intra-EU Investor Arbitration, May 2020 – Law360

- La nouvelle préoccupation des investisseurs en Europe : que faire de leur arbitrage ? [The new concern of investors in Europe: what to do with their arbitration?], May 2020 – Les Echos
- Dispute Boards: Another Potential Means of Resolving COVID-19 Disputes, April 2020 – Dechert OnPoint
- COVID-19 Coronavirus: Preparing for and Managing Cross-border Commercial Disputes, April 2020 – Dechert OnPoint
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- COVID-19 Coronavirus: Preparing for and Managing Disputes in the Hospitality Sector, April 2020 – Dechert OnPoint
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- “The State of Play of Belgium’s International Investment Agreements: Whither Investment Arbitration?” in *Liber amicorum: 50 years of solutions - 50 ans de solutions - 50 jaar oplossingen, Cepani 1969-2019* (Wolters Kluwer Belgium; eds. Dirk De Meulemeester, Maxime Berlingin and Benoît Kohl; 2019) – co-author R. Legru
- “The United States Supreme Court and Arbitration” in *b-Arbitra | Belgian Review of Arbitration*, Volume 2019, Issue 2 (eds. Annet van Hooft and Jean-François Tossens; January 2019) – co-author D. L. Attanasio
- Expert Analysis: ECJ Ruling Looms Large For Future EU Trade Agreements, June 2017 – Dechert OnPoint and Law360
- “Commentary on Part VI of the Belgian Judicial Code:” “Article 1677”, “Article 1678”, “Article 1679”, “Article 1682”, “Article 1701”, “Article 1702”, “Article 1703”, “Article 1704”, “Article 1705”, “Article 1707” and “Article 1709”, in *Arbitration in Belgium: A Practitioner's Guide* (Wolters Kluwer, eds. Niuscha Bassiri and Maarten Draye; March 2016)
- International Arbitration Has Trouble Finding Its Place in the United States Court of Appeals for the Third Circuit, January 2013 - YIAG e-News
- La extensión de los efectos del convenio arbitral a no signatarios: ¿una marginalización de consentimiento? [The Extension of the Arbitration Clause to Non-Signatories: A Marginalization of Consent?] *Anuario Latinoamericano de Arbitraje*, Volume 2, Issue 2 (2012) (published by the Instituto Peruano de Arbitraje) - co-author Bernard Hanotiau
- Foreword in Jan Ole Voss, *The Impact of Investment Treaties on Contracts between Host States and Foreign Investors*, at xv Martinus Nijhoff 2011
- *Polimaster Ltd. v. RAE Systems, Inc.: My Place Or Yours? But Not Both* 28(3) *J.Int.Arb* 265-271 (2011)
- *Thomas v. Carnival Corporation: Has the Eleventh Circuit Set Arbitration Off Course?* 27(5) *J.Int.Arb*. 529-537 (2010)

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

Member of the New York Bar, registered with the Brussels Bar

Vice President, Arbitration Council, German Arbitration Institute (DIS)

Member, Task Force on the Revision of the IBA Rules on the Taking of Evidence

Member, ICC Commission on Arbitration and ADR

Member, Legal Advisory Task Force, Energy Charter

Member, Editorial Board, Law360 – International Arbitration

Member, Editorial Board, b-Arbitra

Member, Comité Scientifique, Belgian Centre for Arbitration and Mediation (CEPANI)

Former Vice President, Standing Committee, ICC International Centre for ADR

**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): French, Spanish, German

**10. In which legal systems have you trained?**

- |   |  |  |
|---|--|--|
| <input checked="" 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 checked="" type="checkbox"/> German Law      | <input type="checkbox"/> Slovakian Law         | <input checked="" type="checkbox"/> European Law |
| <input checked="" type="checkbox"/> Other: New York |  |  |

**11. What is your main jurisdiction of practice?**

International Law

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

Member of the New York Bar  
Registered with the Brussels Bar

**13. 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 type="checkbox"/> Aviation                                   | <input type="checkbox"/> Distribution            | <input type="checkbox"/> Insurance                        | <input type="checkbox"/> Private Intern. Law          |
| <input 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 type="checkbox"/> Joint ventures                   | <input type="checkbox"/> Shipping                     |
| <input type="checkbox"/> Civil fraud disputes                       | <input type="checkbox"/> Engineering             | <input type="checkbox"/> Licensing                        | <input type="checkbox"/> Sports                       |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment           | <input checked="" 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 type="checkbox"/> Company/Corporate/M&A                      | <input type="checkbox"/> Hotel/Gastro./Tour.     | <input type="checkbox"/> Media                            | <input checked="" 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 type="checkbox"/> Infrastructure          | <input type="checkbox"/> Natural resources                |   |
| <input type="checkbox"/> Other                                      |  |   |   |

**14. Date of birth:** 9 May 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>.

28 September 2020  
Date

and

Signature