

VIAC – Questionnaire for Arbitrators

1. Name: Tomas Vail

2. Citizenship: US, UK

3. Contact information:

Address: Vail Dispute Resolution, London

Telephone: +44 7809 512 616

Fax:

E-Mail: tomas@vail-dr.com

Website: <http://vail-dr.com>

LinkedIn: <https://www.linkedin.com/in/tomasvail/>

4. Current position: Principal, Vail Dispute Resolution

5. Education:

- American University Washington College of Law, Juris Doctor, 2009
- Université Paris X Nanterre, Paris, France, Masters studies in International Commercial Arbitration and Private International Law
- Macalester College, St. Paul, Minnesota, Bachelor of Arts in Political Science, 2005

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

I have participated in 50 arbitrations under the ICSID, LCIA, ICC, SCC and UNCITRAL arbitration rules, as well as under the Nigerian Arbitration and Conciliation Act and ad-hoc UK arbitrations and adjudications.

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

20

- How often have you acted as Co-Arbitrator?

0

- How often have you acted as Counsel?

31

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

12 as legal expert in adjudications

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

Selected Publications:

- “ECJ seeks to conquer new territories after Achmea”, Global Arbitration Review, 2021
- “Arbitral Enforcement Takeaways from Kazakh Asset Ruling”, Law360, 2021
- “A Boom in Boutique Disputes Firms: Why it is the Ideal Time to Go Solo”, Law.com, 2021
- “On the applicability of the Stati case to Kazakhstani business”, Forbes Kazakhstan, 2021
- “The Energy Charter Treaty supports investment in renewables”, EURACTIV, 2021
- “What do arbitrators know? A comment on Halliburton v Chubb”, Litigation Futures, 2020
- “Article 26 - Expert appointed by arbitral tribunal” (with Karim Mariey) in Commentary on the UNCITRAL Model Law on International Commercial Arbitration (ed. Ilias Bantekas), Cambridge University Press, 2020
- “The Brčko Arbitration: A Process for Lasting Peace between Non-State Actors” in Non-State Actors and International Obligations: Creation, Evolution and Enforcement (ed. James Summers), Nijhoff Brill, 2018
- “Mitigating investment risk – treaty planning and damages claims against state entities” (with Dipen Sabharwal), Financier Worldwide, 2018
- “The English courts’ discretion on foreign policy issues post-Brexit”, Commercial Dispute Resolution (with Ed Attenborough), 2017
- “Would World Duty Free v Kenya be decided differently today?”, Global Arbitration Review, 2016
- “Arbitrator's award of third-party funding costs upheld by High Court” (with Robert Wheal and Luiz Aboim), White & Case Alert, 2016
- “Retention And Advancement Of Women In The Law Firm Environment” (with Janam Nagra), The Institute for Transnational Arbitration, News & Notes, 2016
- “Award” (Chapter 9, with Professor Martin Hunter) in Redfern and Hunter on International Arbitration (Sixth Edition), Nigel Blackaby, Constantine Partasides, et al., Oxford University Press, 2015
- “Does The ‘Culture’ Of International Arbitration Serve Its Users?”, Kluwer Arbitration Blog, 2015

Selected Speaking Engagements:

- “Views from the East: Updates and trends from Russian and CIS region-related arbitration”, 2021: Paris Arbitration Week, France
- “Insolvency and Investment Treaty Arbitration”, 2020: FIRE Russia, FSU & CEE Virtual
- “More Than Virtual Hearings: Communicating effectively in a digital world” (moderator/host), 2020: Russian and CIS Arbitration Network, UK
- “The Impact of COVID-19 on Contracts”, 2020: Bishkek Arbitration Days, Kyrgyzstan
- “Arbitration Practitioners Coffee Debate”, 2020: Ukrainian Chamber of Commerce and Industry, Ukraine

- “Arbitral Claims by State Entities”, 2020: Russian Institute of Modern Arbitration, Russia
- “The future of arbitration and litigation in light of disruptive technology” (moderator), 2020: LegalTech Forum, UK
- “Toxic Technology”, 2019: GIAC Arbitration Days / ICDR Y&I, Georgia
- “Attempts to Enforce Energy Awards Against the Russian Federation”, 2019: 6th ITA-IEL-ICC Joint Conference On International Energy Arbitration, USA
- “Due Process and Bifurcation under the proposed ICSID Rule Amendments”, 2019: Nordic Arbitration Day, Sweden
- “The ICSID Secretariat’s Proposals for Rule Amendments” (moderator), 2018: Young ITA, UK
- “Investment Treaty Arbitration in the Insolvency Context”, 2018: Grant Thornton / Russian and CIS Arbitration Network, UK
- “Corruption and Investment Treaty Arbitration in the Extractives Industry”, 2018: Extractive Industries Transparency Initiative (EITI) / UCL Laws / UCL Centre for Ethics and Law, UK
- “Update on Arbitration Developments in the UK and Asia”, 2018: 30th Annual ITA Workshop And Annual Meeting, USA
- “Mock Procedural Hearing under CPR Rules for Administered Arbitration of International Disputes” (counsel), 2018: Y-ADR CPR, UK
- “Oil/Gas Arbitration Involving States and State Entities: Selected Procedural and Substantive Issues” (moderator and speaker), 2018: Young ITA, UK
- “Drafting effective international arbitration clauses”, 2018: English Law Summit, Kazakhstan
- “Investment Arbitration in the Oil & Gas Sector”, 2018: ELSA International Conference on Energy Law, UK
- “International Arbitration and Corporate Social Responsibility: Current Issues and Future Innovations”, 2018: ICC YAF, France
- “How to Effectively Use Evidence in International Arbitration Proceedings” (moderator), 2017: Young ICCA, Russia
- Presentation to the Supreme Court of Kazakhstan on “Investment treaty law and practice”, 2017: American Bar Association’s Rule of Law Initiative, Kazakhstan
- “The Importance of Understanding In-House Counsel, featuring Richard Hill (General Counsel, Global Litigation, Shell)” (moderator/host), 2017: CPR Y-ADR, UK
- “Investor Protection in Construction Disputes”, 2017: IBA ECA (Europe Caucasus-Asia) Forum, UK
- “Tax Disputes and Investor Protection”, 2017: 6th IEL-IBA SEERIL International Oil and Gas Law Conference (Institute for Energy Law and the International Bar Association’s Section on Energy, Environment, Natural Resources and Infrastructure Law), UK
- “Document Production in International Arbitration”, 2017: LCIA (YIAG), Russia
- “The call for specialised arbitrators, fora and procedures in energy arbitration” (moderator), 2017: ITA-IEL-ICC Joint Conference on International Energy Arbitration, USA
- Training (5 day) to Turkmenistan Oil/Gas Industry on various topics, including international arbitration, 2016: Turkmenistan

- “The Brčko Arbitration: Exploring the State/Non-State Boundary”, 2016: Conference of the International Law Association (British Branch), UK
- “The role of Amici Curiae in International Arbitration”, 2015: GIAC Arbitration Days / ICDR Y&I, Georgia

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

- Appointed as legal specialist in international arbitration to the American Bar Association’s Rule of Law Initiative
- Advisory Board member of the Institute for Transnational Arbitration (ITA) and 2017-2019 UK Chair of the Young ITA
- Member of the Chartered Institute of Arbitrators (CI Arb)
- Member of 2017-2019 Y-ADR Steering Committee of the International Institute for Conflict Prevention & Resolution (CPR)
- Member of the Executive Committee of the Russian and CIS Arbitration Network (RCAN)
- Member of Association of International Petroleum Negotiators (AIPN), British Russian Law Association (BRLA), Anglo-Russian Law Association (ARLA), Russophone Lawyers in International Commercial Arbitration (RYUMKA)

9. Languages

Mother tongue: English and Russian

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

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 type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other: Investment law

11. What is your main jurisdiction of practice?

International, based in London, working often in Russia and CIS, Eastern Europe and Sub-Saharan Africa

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

- England and Wales (Solicitor)
- United States (Attorney and Counsellor at Law, New York)

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 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 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 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 type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 6 July 1983

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>.

15 November 2021

Date

and

Signature