



<b>Surname, First name</b>	Prof Dr Scherer, Maxi
<b>Address</b>	49 Park Lane W1K1PS London
<b>Telephone</b>	+ 44 (0)20 7872 1067
<b>Fax</b>	+44 (0)20 7839 3537
<b>Email</b>	maxi.scherer@wilerhale.com
<b>Nationality/ Date of Birth</b>	German, 1975

### **Educational/Professional Memberships**

Admitted to the Paris Bar and as solicitor in England and Wales

#### **Education:**

UNIVERSITE DE PARIS PANTHEON-SORBONNE, Paris, France

- PhD (2001), with highest honours
- DEA (1999) post-graduate degree in International Private and Commercial Law, with highest honours
- Master of Law (1998) in German and French Law, with highest honours

UNIVERSITÄT ZU KÖLN, Cologne, Germany, LL.M. (1998) with high honours

SCIENCESPO, Paris, France, Certificate (1998) in international political and social science

#### **Professional Bodies and Awards:**

- *GAR Award* for best speech or lecture, 2018
- *Kluwer Journal of International Arbitration*: General Editor
- *Oxford Journal of International Economic Law*: member of the Editorial Board
- *German Arbitration Journal (SChiedsVZ)*: member of the Editorial Board
- *German Arbitration Institute (DIS)*: member of the Arbitration Council
- *Casablanca International Mediation and Arbitration Centre (CIMAC)*: member of the Court
- *Arbitration Institute of the Stockholm Chamber of Commerce (SCC) Treaty Lab*: member of the Advisory Board
- *International Chamber of Commerce (ICC)*: member of Task Force on emergency arbitration proceedings, 2016-2019
- *International Centre for Dispute Resolution (ICDR)*: member of International Advisory Committee, 2015-2018
- *International Bar Association (IBA)*: member of committee on Recognition and Enforcement of Awards, 2013-2016

#### **Academic Guest Positions:**

- NYU School of Law (Global Professor, Paris, France) 2014-present
- National University of Singapore, Centre for International Law (Singapore), 2019
- Hague Academy of International Law (The Hague, Netherlands) 2016
- UIBE Law School (Beijing, China) 2016
- City University of Hong Kong (Hong Kong) 2016
- University of Dijon, CREDIMI (Dijon, France) 2016
- Paris Arbitration Academy (Paris, France) 2015
- Bucerius Law School (Hamburg, Germany) 2015
- Georgetown Center of Transnational Legal Studies (CTLS) (London, UK) 2010-2014
- Freie Universität Berlin (Berlin, Germany) 2012-2014
- Universität Wien (Vienna, Austria) 2014
- SciencesPo Law School (Paris, France) 2010-2013
- Université de Versailles (Paris, France) 2009-2014
- ESCP Europe Business School (Paris, France & Berlin, Germany) 2009-2013
- Université de Fribourg (Fribourg, Switzerland) 2009, 2011, 2013
- University of Melbourne (Melbourne, Australia) 2010
- Pepperdine Law School (London, UK) 2008-2010
- Universität Basel (Basel, Switzerland) 2007

- Université de Paris I Sorbonne (Paris, France) 1999-2009

### Current Position

WILMER CUTLER PICKERING HALE AND DORR LLP, London, UK

QUEEN MARY UNIVERSITY OF LONDON, School of International Arbitration  
Professor of Law, Chair in International Arbitration, Dispute Resolution and Energy Law

### Professional Experience

Extensive experience with arbitral practice and procedure in civil and common law systems, both in commercial and investment arbitration. Regularly ranked by Who's Who Legal, The Legal 500 etc. as a leading arbitration practitioner: identified amongst the **top 20 "Global Elite Thought Leaders"** and described by peers and clients as "*a brilliant legal mind*", "*one of the most prominent arbitration scholars in Europe*", "*excellent academic and arbitrator*" and "*one of the very best in both commercial and investment arbitration proceedings*".

### Arbitration Experience

Represented clients and served as arbitrator and expert in **over 150 international commercial and investment arbitrations** before most leading arbitral institutions (including the DIS, HKIAC, ICC, ICDR, ICSID, LCIA, SCC, SIAC and VIAC) and at various seats, governed by a variety of substantive and procedural laws (including Algerian, Austrian, Belgian, Chinese, Congolese, Dutch, English, French, German, Italian, Hong Kong, Kazakh, Luxembourg, Nigerian, Polish, Turkish, Swedish and Swiss law), in different industry sectors, with a strong focus on energy disputes.

Served as arbitrator (presiding, sole, co- and emergency arbitrator) in ad hoc and institutional arbitrations, including with **States and State-owned parties**, with significant amounts in dispute (e.g. over 3.5 billion USD) and multiple parties (e.g. over 40 parties), conducted in English, French and German.

#### Recent highlights include:

- Presiding arbitrator in an PCA administered arbitration governed by UNCITRAL Rules between a US investor and an Eastern European State concerning a Production Sharing Agreement (seat Sweden, amount in dispute over 3.5 billion USD)
- Presiding arbitrator in an PCA administered investor-State treaty arbitration governed by UNCITRAL Rules between French investors and the Republic of Mauritius (seat England, languages: French and English) <https://pca-cpa.org/en/cases/169/>
- Presiding arbitrator in a consolidated ICC arbitration between parties from the Ivory Coast and Nigeria in the oil and gas sector (seat France, amount in dispute approx. 100 million USD)
- Presiding arbitrator in two parallel LCIA arbitrations concerning a joint venture dispute involving more than 40 parties (seat England, English law)
- Co-arbitrator in a gas supply dispute under the ICC Rules between European parties (seat Switzerland, French law, amount in dispute over 50 million USD)
- Presiding arbitrator in a telecommunication dispute under the ICC Rules in the Democratic Republic of the Congo (seat France, Congolese law, amount in dispute over 250 million USD)
- Co-arbitrator in an LCIA arbitration involving parties from CIS States (seat England, English law, amount in dispute approx. 300 million USD)
- Co-arbitrator in one of the largest DIS arbitrations: dispute between European parties concerning the price revision of a long-term energy contract (German/Luxembourg law, amount in dispute over 1.3 billion EUR, language: German)

#### Other recent proceedings include:

##### ICC Rules:

- Presiding arbitrator in a dispute about the construction of a desalination project in the MENA

region (seat Paris, amount in dispute approx. 150 million USD, language: French)

- Presiding arbitrator in consolidated proceedings between a Singaporean party and an Eastern European State-owned energy company concerning the upgrade of an oil project (seat Switzerland, Swiss and Kazakh law, amount in dispute approx. 50 million USD)
- Presiding arbitrator in a dispute between Spanish and Turkish parties concerning a hydroelectric power plant joint venture in Turkey (seat Switzerland, Swiss law, amount in dispute approx. 50 million USD)
- Presiding arbitrator in a joint venture disputes between multiple parties (seat France, Italian law)
- Presiding arbitrator in a dispute between Indian and Turkish parties concerning a joint venture in Turkey (seat England, Turkish law)
- Co-arbitrator in a dispute between two African parties concerning an off-shore gas field (seat France, language: French)
- Co-arbitrator in a dispute concerning an off-shore mooring system in an African port terminal (seat London, French law, amount in dispute approx. 50 million USD)
- Co-arbitrator in an investor-state arbitration involving a South-Eastern European State in the oil & gas sector (seat Switzerland, Swiss law)
- Co-arbitrator in a dispute between Egyptian and French parties concerning the construction of a metro in the Middle East (seat Germany, German law)
- Sole arbitrator in a dispute involving parties from France, the Netherlands, Switzerland, Nigeria, the UK and the Virgin Islands concerning a joint venture relating to a port in Ghana (seat England, English law)
- Sole arbitrator in a dispute involving a State-owned company in the satellite industry (seat England, Swedish law)
- Sole arbitrator in a dispute between British Virgin Islands and United Arab Emirates parties (seat England, Greek law)
- Emergency arbitrator in a dispute between Central and Eastern European parties (seat Austria, German law)

#### LCIA Rules:

- Presiding arbitrator in a dispute involving a State and a State-owned company regarding the privatization of an energy project in South-Eastern Europe (amount in dispute approx. 50 million EUR)
- Presiding arbitrator in a dispute between Chinese, UK, Turkish and other parties in a joint venture dispute (seat England, English law)
- Presiding arbitrator in a dispute between Nigerian and English parties concerning a long-term gas contract (seat England, English law)
- Co-arbitrator in a dispute between Irish and Russian parties concerning several airplane lease agreements (seat England, English law)
- Co-arbitrator in a dispute between Australian and Indian parties in the mining industry (seat England, English law, amount in dispute approx. 20 million USD)
- Sole arbitrator in a dispute between a foreign investor and a state-owned entity in Africa concerning one of the major ports in the region (seat London)
- Sole arbitrator in a dispute involving a State-owned company concerning the financing of a power plant in Eastern Europe (seat England, English law)
- Sole arbitrator in a dispute between Portuguese and Irish parties concerning a distribution agreement (seat England, English law)
- Sole arbitrator in a dispute between Swiss and Greek parties concerning a service agreement in the energy sector (seat England, English law)
- Sole arbitrator in a dispute between Nigerian and Irish parties concerning an agreement about energy supply (seat England)
- Sole arbitrator in a dispute between Brazilian and UK parties concerning a financing agreement (seat England)
- Sole arbitrator in a dispute between US and Belgian parties concerning a service agreement (seat England, Belgian law)

#### Other:

- Presiding arbitrator in a DIS arbitration between German and UK parties (seat Germany, German law)
- Presiding arbitrator in an SCC arbitration between Chinese and Swiss parties (seat Sweden)

- Presiding arbitrator in a SCC arbitration between Swedish and Cypriot parties (seat Sweden)
- Co-arbitrator in a dispute between a State-owned oil company and a UAE company concerning an agreement in relation to Algeria (seat France, Spanish law)
- Sole arbitrator in an HKIAC arbitration between Chinese and English parties in the energy emissions trading sector (seat Hong Kong, Hong Kong law, amount in dispute approx. 30 million EUR)
- Sole arbitrator in an ad hoc arbitration governed by UNCITRAL Rules between British Virgin Island and Kazak parties

## Publications (Selection)

### 1. Books

- 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

### 2. Book Contributions and Articles

- 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, 2019 (forthcoming)
- Article II(2) of the New York Convention is Dead! Long Live Article II(2)!, in: Festschrift für H. Kronke, Giesecking, 2019 (forthcoming)
- Artificial Intelligence and Legal Decision-Making: The Wide Open? Study on the Example of International Arbitration, Journal of International Arbitration, 2019 (forthcoming)
- [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3392669](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3392669)
- 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, 2019 (forthcoming)
- [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3377237](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377237)
- 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 (forthcoming)
- 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 (forthcoming)
- 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](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](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](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](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](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](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](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348737)
- Le choix implicite dans les jurisprudences nationales: vers une interprétation uniforme du Règlement ? – L'exemple du choix tacite résultant des clauses attributives de juridiction et d'arbitrage [Implied Choice Under National Case Law: Towards a Uniform Interpretation of the Regulation? – The Example of Implied Choice Resulting From Jurisdiction or Arbitration Agreements], in: S. Corneloup & N. Joubert (eds.), *Le règlement communautaire Rome I et le choix de loi dans les contrats internationaux [The Rome I Regulation and Choice of Law in International Contracts]*, Litec, 2011, pp. 253-283
- Globalization of International Commercial Arbitration, *Revue des Juristes de SciencesPo*, 2010, No. 2, pp. 64 et seq.
- Zwänge und Entwicklungen im Prozessrecht: Das Neue Deutsche Schiedsverfahrensrecht [Necessity and Development in Procedural Law: The New German Arbitration Law], in: U. Blaurock (ed.), *Gerichtsverfahren zwischen Gerechtigkeit und Ökonomie [Judicial Process Between Justice and Economics]*, Mohr Siebeck, 2005, pp. 141 et seq.
- Pre-Trial Discovery nach dem Haager Beweisübereinkommen [Pre-Trial Discovery Under the Hague Convention on the Taking of Evidence Abroad], *Commentary of the Paris Court of Appeals decision dated 18 September 2003*, *IPRax*, 2005, pp. 456 et seq.
- 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.

### 3. Short Comments, Notes and Reviews

- 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

## Languages

English, German, French (all fluent)