



Surname, First name	DRAPER, MATTHEW E.
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Nationality / Date of Birth	American / May 22, 1973

Educational/Professional Memberships

Education:

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, USA

J.D. (2002) Harlan Fiske Stone Scholar

Certificate of Achievement, Parker School of Foreign and Comparative Law

PRINCETON UNIVERSITY, Princeton, USA

A.B. (1995) History (Major) and East Asian Studies (Minor)
magna cum laude

Professional Honors:

Fellow, Chartered Institute of Arbitrators

2017 – Present

Fellow, American Bar Foundation

2019 – Present

Chambers USA 2021 ranked as one the top international arbitrators in the United States. Described by peers and clients as:

- *"A superb arbitrator, he is diligent, creative and very intelligent."*
- *"A very strong lawyer, who is well respected in the community. He is well organized and very bright."*
- *"He is very effective as an arbitrator and is very skilled interpersonally."*

Routinely listed as a top international arbitration practitioner by:

Best Lawyers in America (International Arbitration (Commercial)) (2021)

Super Lawyers (Dispute Resolution) (2018-present)

Who's Who Legal Arbitration (Future Leaders 2018)

Professional Memberships:

Co-Chair, 2021 New York Arbitration Week

2021

Chair, Sole Practitioners Subcommittee, USCIB ICC USA Arbitration Committee

2018 – Present

Vice Chair, Chartered Institute of Arbitrators New York Branch

2021

Regional Pathway Leader, Tutor and Assessor, Chartered Institute of Arbitrators

2018 – Present

Co-Chair, American Bar Association, Alternative Dispute Resolution Committee of the Section on Energy, Environment and Resources

2018 – 2020

ICC Commission on Arbitration and ADR Task Force on Arbitration of Climate Change Related Disputes

2018 – 2020

ICC Commission on Arbitration and ADR Task Force on Arbitration Involving States or State Entities

2009 – 2012

Users Council, Singapore International Arbitration Centre	2015 – Present
Arbitration and International Commercial Disputes Committees, Association of the Bar of the City of New York	2014 – Present
<u>Bar Admissions:</u> New York, the District of Columbia, and New Mexico; U.S. Supreme Court and numerous U.S. federal district courts.	
Current Position	
Draper & Draper LLC, New York & Santa Fe, USA <i>Partner, International Arbitration and Natural Resources Disputes</i>	
Professional Experience	
<p>Extensive experience as international arbitrator and counsel.</p> <p>Counsel practice focuses on complex international commercial disputes, including among other areas, natural resources, water, IP and construction.</p> <p>Act as arbitrator in international and domestic commercial disputes. Also act a legal expert on U.S. arbitration law in foreign court proceedings.</p> <p>Represent states in the U.S. Supreme Court in interstate water resources disputes.</p> <p>Currently based in the United States, but lived and worked for many years in Asia and Europe, including in Hong Kong, Japan, the Netherlands, and Thailand. In Japan, worked as an aide to a member of the Japanese parliament (Diet). In the Netherlands, served as a junior legal advisor to the OSCE High Commissioner on National Minorities.</p>	
Arbitration Experience	
<p>Acted as advocate, arbitrator or legal expert in over 70 international commercial arbitrations or related disputes before most leading arbitral institutions concerning a wide variety of industry sectors including energy, LNG supply, licensing, manufacturing, renewables, telecommunications, construction, pharmaceuticals, commodities, fashion, transportation, share purchase agreements, securities, and finance and private equity. Cases have ranged from less than \$1 million to over \$2 billion.</p> <p>Have served as arbitrator (presiding, sole, co- and emergency arbitrator) in <i>ad hoc</i> and institutional arbitrations.</p> <p>Representative Matters:</p> <p><u>Energy, Water & Natural Resources Disputes:</u></p> <p>As Arbitrator</p> <ul style="list-style-type: none"> - ICDR Oil and Gas Pipeline Dispute – Chair of tribunal in dispute over alleged defective steel pipes supplied by European company for use in oil and gas distribution networks in the United States. - ICDR Emergency Arbitration of \$100 MM+ Caribbean Oil Refinery Dispute – Emergency arbitrator in dispute between Caribbean State, a state-owned refinery operator, and a state-owned oil company over lease of refinery and port facilities. - ICDR Perlite Mine Dispute – Sole arbitrator in dispute concerning perlite mine in former Soviet republic. - AAA Arbitration of Solar Farm Dispute – Arbitrator in \$100M dispute concerning an engineer-procure-construct contract for solar and wind energy farms. - AAA Arbitration of Wind Farm Dispute – Sole arbitrator in dispute concerning funding advisory agreement for wind energy farm project. - ICDR Arbitration of Metal Commodities Dispute – Party-appointed arbitrator in international commodities trading dispute. 	

- **AAA Arbitration of Energy Audit Dispute** – Sole arbitrator in dispute over energy audit services contract.
- **ICC Arbitration of Dispute over Waste to Energy Project** – Arbitrator in dispute over construction of a turn-key design, engineering, licensing, equipment and materials procurement contract.
- **ICDR Arbitration of Commodity Sales Contract and Hedging Dispute** – Sole arbitrator in \$3M dispute over soybean oil sales contract and related price hedging agreement.
- **AAA Arbitration of Oil Drilling Equipment Sales Dispute** – Arbitrator in \$10M oil drilling equipment dispute.

As Counsel

- **ICC Arbitration of Hydroelectric Plant in Central Asia** – Represent state-owned utility in construction dispute with U.S. engineering firm.
- **Multi-Billion Dollar Ad Hoc LNG Arbitrations** – Represented Spanish energy company in a series of price-reopener arbitrations and in an arbitration for breach of a long-term joint production and marketing agreement.
- **ICDR Arbitration of Latin American Gasoline Blendstock Dispute** – Represented Brazilian gasoline importer in a \$90M New York-seated arbitration concerning a commodities installment contract.
- **Arbitration of International Energy Company Employment Dispute** – Represented U.S. oil services company in arbitration concerning a wrongful termination claim by former Angolan consultant.
- **Anti-Arbitration Injunction** – Represented a Latin American energy company in a Federal court action to enjoin an international arbitration.

Commercial & Financial Disputes:

As Arbitrator

- **ICC Telecommunications dispute** – Sole arbitrator in dispute concerning telecommunications servicing agreement.
- **AAA Arbitration of Commercial Loan Dispute** – Chair of Tribunal in dispute between commercial lender and borrower.
- **Rideshare Industry AAA Dispute** – Sole arbitrator of dispute over strategic advisory services to rideshare industry participant
- **Ad hoc UNCITRAL Arbitration Involving International Legal Fee Dispute** - Sole arbitrator in dispute between major international law firm and Canadian private equity company.
- **ICDR Arbitration of real estate dispute** – Sole arbitrator in dispute between purchaser and auction house.
- **AAA Arbitration of Dispute Over Restoration to Commercial Building** – Sole arbitrator in dispute over construction services following flood.
- **ICDR Arbitration of Alleged Fraud in Corporate Investment** – Sole arbitrator in dispute between Chinese and American parties in the international transport and shipping sector.
- **ICDR Arbitration of Fertilizer Financing Dispute** – Sole arbitrator in dispute involving Singaporean, Lithuanian and US parties.
- **AAA Arbitration of Partnership Dispute** – Arbitrator in dispute concerning validity and valuation of partnership buyout.

- **AAA Emergency Arbitrator** – Arbitrator in dispute over management fees and control of private equity fund.
- **AAA Arbitration of Emergency Restoration Services Agreement** – Sole arbitrator in dispute over value of restoration and demolition services.
- **ICDR Arbitration of Financial Industry Dispute** – Arbitrator in dispute between Polish and American parties concerning investment fees.
- **AAA Emergency Arbitrator** – Arbitrator in dispute over non-compete agreement relating to IT services to a financial firm.
- **AAA Arbitration of Fashion Industry Consulting Services Dispute** – Sole arbitrator in dispute over consultancy fees.
- **AAA Arbitration of Marketing Contract Dispute** – Arbitrator in dispute over a marketing services agreement between a medical services provider and an advertising firm.

As Counsel

- **ICDR Fashion House dispute with international franchisee** – Represented leading fashion house and luxury brand in breach of contract and trademark infringement claims against franchisee in the Dubai and Abu Dhabi.
- **Arbitration of Latin American telecommunications dispute** – Represented executive in international commercial disputes with Venezuelan telecommunications company.
- ***HPK Engineering et al v. Republic of Serbia et al. (D.C. Federal District Court)*** – Represented foreign state-owned company in proceedings concerning the enforcement of a foreign arbitral award.
- **ICDR Arbitration Concerning Validity of an Executive's Non-Compete and Golden Parachute Agreement** – Represented major Brazilian multinational undergoing bankruptcy restructuring in a consulting agreement dispute with a former executive indicted for bribery.
- **ICDR Arbitration Involving Legal Fee Dispute** – Represented European and U.S. artificial intelligence companies in fee dispute with major international law firm.
- **Arbitration Concerning Misuse of Trade Secrets and Breach Of Trademark Licensing Agreement** – Represent US luxury paper manufacturer in trade secrets and trademark dispute.
- **ICC Arbitration of Equipment Leasing Dispute** – Represent foreign equipment manufacturer in arbitration brought by US lessee of specialized manufacturing equipment.
- **UNCITRAL Arbitration of Private Equity Dispute** – Represent Mexican private equity firm in dispute with major US private equity firm.
- **Arbitration of International Licensing Agreement** – Represented a Ukrainian media company in a dispute with a major US media company over the licensing of a US trademark.
- **Afghanistan Road Construction Arbitration** – Successfully represented a Korean subcontractor in a claim for breach of a \$100M road construction contract.
- **UNCITRAL Arbitration of Multi-Billion Dollar European Telecom Dispute** – Drafted jurisdictional pleadings in dispute involving corporate alter egos.
- **LCIA Pharmaceuticals Arbitration** – Represented a clinical research laboratory in a contract dispute with a major Canadian pharmaceuticals manufacturer in a London-sited arbitration.
- **ICC Arbitration of Latin American Transport Dispute** – Represented a U.S. intermodal logistics company in a \$30M Mexico City-sited arbitration against a railroad.
- **International FINRA Arbitration** – Represent Latin American investor in a claim against U.S. broker-dealer for failure to follow agreed investment strategy.

- **FINRA Arbitration of Hedge Fund Rogue Trading Dispute** – Represented major US bank in a \$60M arbitration brought by brokerage client.
- **FINRA Arbitration of Hedge Fund Options Trading Dispute** – Defended major US bank against a \$140M claim by hedge fund concerning its losses stemming from a complex options trading strategies.
- **Successful Enforcement of Foreign Arbitral Award in U.S. Court Against Successor-in-Interest** – Represented a Latin American company seeking to collect on a foreign arbitral award. Succeeding in enforcing award against award-debtor and its successor-in-interest.
- **Oppose Enforcement of Foreign Arbitral Award** – Represented Turkish company in opposition to the enforcement of a \$1 billion arbitration award in Federal court due to lack of personal jurisdiction.
- **Enforcement of Malaysian Arbitral Award** – Advised Malaysian client on enforceability and likelihood of collection of a foreign arbitral award.
- **Arbitrability of International Employment Dispute** – Drafted a legal opinion for an international sports league on the enforceability of an international arbitral award.
- **Corporate Structuring Advice** – Advised various multinational energy companies on restructuring their operations to obtain investment protections under NAFTA and the bilateral investment treaties of various Latin American countries.
- **Litigation Against Latin American State-Owned Corporation** – Advised on Federal Court jurisdiction over an instrumentality of a Latin American state under the Foreign Sovereign Immunities Act.
- **Bank Claim Against Latin American Government** – Advised a European bank on its ability to bring expropriation claims against State under bilateral investment treaties.

Publications

- *United States*, Lexology: Arbitration, 2017-2021.
- *International Water Disputes and Cooperation*, Proceedings of the 64th Annual Rocky Mountain Mineral Law Institute, 2018.
- *Arbitrator Appointment Procedures of Arbitral Institutions in Commercial Arbitrations*, New York City Bar Arbitration Committee, Subcommittee on Arbitrator Appointment Procedures, Spring 2018.
- *The Evolving Role of the Supreme Court in Interstate Water Disputes*, with J. Draper & J. Wechlser, American Bar Association, Natural Resources and Environment Magazine, Fall 2016, Vol. 31, No. 2.
- *The Challenges of Resolving International Non-Navigable Water Disputes*, American Bar Association, Section on Energy, Environment and Resources, Alternative Dispute Resolution Committee Newsletter, Vol. 12, No. 1, January 2016.
- *Hong Kong Appellate Court Upholds Arbitral Award Despite Claim of Apparent Bias During “Med – Arb”*, New York Dispute Resolution Lawyer, Vol. 5, No. 1, Spring 2012.
- *New York Convention Awards in the Second Circuit: ‘Frontera’ Provides Guidance on Jurisdiction and Foreign States*, New York Law Journal, April 12, 2010.
- *Articles 27-32*, in *The Rights of Minorities: A Commentary on the European Framework Convention for the Protection of National Minorities* 591 (Marc Weller Ed., Oxford University Press, 2005).
- *Justice As A Building Block Of Democracy In Transitional Societies: The Case Of Indonesia*, 40 Columbia Journal of Transnational Law 391 (2002).

Representative Speaking Engagements

- The Future of Commercial Arbitration and Mediation, New York State Bar Association Commercial and Federal Litigation Section, 2020 Annual Business and Mediation Conference, June 29, 2020.
- Nuts and Bolts of Cybersecurity for Video Arbitral Hearings and Virtual Arbitrations, USCIB/ICC USA Sole Practitioners Group, May 19, 2020.
- Conducting Arbitral Hearings via Videoconference, USCIB/ICC USA Sole Practitioners Group and the Chartered Institute of Arbitrators New York Branch, April 28, 2020.
- Careers in Dispute Resolution: Tips, Tools, Takeaways, 18th Annual Conference, Association for Conflict Resolution, June 4, 2019.
- Hierarchy of Laws in International Arbitration, CIArb Accelerated Route to Fellowship, New York, NY, May 20, 2019.
- International Water Disputes and Cooperation, 64th Annual Rocky Mountain Mineral Law Institute, Victoria, B.C., Canada, July 19, 2018.
- Oxford Union Style Debate: Arbitrator Issue Conflict in International Arbitration, New York University International Arbitration Association, New York, NY, April 23, 2018.
- International Water Conflict and Cooperation: Grappling with the Allocation of Freshwater Between States in the Face of Climate Change, International Law Weekend, New York, NY, October, 20, 2017.
- Efficiency Reforms by International Arbitral Institutions: At What Cost? Fordham University School of Law's International Arbitration Association inaugural event, New York, NY, June 1, 2017.
- Arbitrating International Energy Disputes, Penn State University's Energy Days Conference, State College, PA, May 23, 2017.
- Dividing the Waters: Lessons Learned from Using Dispute Resolution Tools in Western Water Disputes and their Potential Application to the Eastern United States, moderator, American Bar Association, Section on Energy, Environment and Resources, Alternative Dispute Resolution Committee Program Webinar, April 27, 2017.
- Climate Change and Water Management in Eastern States: Overcoming Barriers to Innovation in Regulated Riparianism – The Case for Interstate Compacts Allocating Transboundary Waters, American Water Resources Association webinar, February 15, 2017.
- Resolving Interstate Water Disputes: Compacts and the U.S. Supreme Court, American Bar Association, Section on Energy, Environment and Resources, Alternative Dispute Resolution Committee Program Webinar, June 11, 2015.
- International Water Risk and Dispute Resolution, International Law Committee, New York City Bar Association, New York, NY, April 13, 2015.

Languages

English; Intermediate Japanese; Basic Spanish