



Surname, First name	Smutny, Abby Cohen
Address	White & Case LLP 701 13 th Street, NW Washington DC, 20005 USA
Telephone	+1 202 626 3608
Fax	
Email	asmutny@whitecase.com
Nationality/ Date of Birth	USA / May 6, 1964

Educational/Professional Memberships

- University of Chicago Law School, JD
- Vassar College, AB *cum laude*
- London School of Economics and Political Science, General Course
- Université des Langues et Lettres de Grenoble, Certificate
 - Member of the Bar: New York and Washington DC
 - ICCA, Governing Board Member
 - SIAC, Court of Arbitration, Member
 - Saudi Center for Comm'l Arbitration, Board of Directors, Member
 - AAA, Advisory Board, Member
 - ITA, former Chair of Executive Committee, Advisory Board, Member
 - ALI, Adviser on US Restatement on International Commercial Arbitration
 - LCIA, former President of North American User's Council
 - American Society of International Law, Counsellor, former Vice-President, Member of the Executive Committee, Member of the Executive Council
 - IBA, former Vice Chair of Arbitration Committee and former Chair of Investment Treaty Subcommittee
 - Washington DC Bar, former Chair of International Law Section
 - *World Arbitration and Mediation Review*, former Co-Editor in Chief
 - *Global Arbitration Review*, Editorial Board, Member
 - *Journal of International Arbitration*, Editorial Board, Member
 - *Yearbook on International Investment Law and Policy*, former member Editorial Board

Current Position

Partner and Global Head of International Arbitration, White & Case LLP

Professional Experience

White & Case LLP, 1990 – present.

Arbitration Experience

Ms. Smutny's experience as counsel and as arbitrator in over 30 years of practice includes arbitrations under all major arbitral institutions and rules, and includes both commercial arbitration and investor-State arbitration. She has handled cases relating to a wide range of industries including principally banking, financial services, oil & gas, mining, electric power, real estate development, water supply, retail, pharmaceuticals, construction, tobacco, railroads, telecommunications and manufacturing. She has significant experience with claims arising out of project financing, privatizations, natural resource concessions, contracts with States and state-entities and political risk insurance.

Publications

- *Practical Guide to International Arbitration*, Smutny, McDougall, and Daly, Juris (2020)
- "Enforcement of ICSID Convention Arbitral Awards in U.S. Courts," Vol. 43 *Pepperdine Law Review* 649 (2016) (co-authored with Anne Smith and McCoy Pitt)
- *Practicing Virtue: Inside International Arbitration*, Caron, Schill, Smutny, and Triantafyllou (eds.), Oxford University Press (2015)
- "Compensation Due in the Event of an Unlawful Expropriation: The 'Simple Scheme' Presented by Chorzow Factory and its Relevance to Investment Treaty Disputes," in Caron et al. (eds.), *Practicing Virtue*, Oxford University Press (2015)
- "Arbitral Institutions," in Golden and Lamm (eds.), *International Financial Disputes*, Oxford University Press (2015) (co-authored with Petr Poláček)
- "Investment Treaty Protections, Political Risk, and Tribunal Decision-Making," in A. Rovine (ed.) *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2013* Brill (2014)

- "Unlawful or Bad Faith Conduct as a Bar to Claims in Investment Arbitration" in J. Werner et al. (eds.), *A Liber Amicorum: Thomas Wälde – Law Beyond Conventional Thought*, Cameron May (2009) (co-authored with Petr Poláček)
- "The MFN Clause: *What are its Limits, in Arbitration under International Investment Agreements: A Guide to the Key Issues*, 2d ed. (Oxford University Press 2018) (co-author, with Petr Poláček and Chad Farrell)
- "The Use of Experts in Investment Treaty Arbitration" in *Les Experts: Auxiliaires ou Substituts de Juge? Centre Français de Droit Comparé* (2009) (co-authored with Daniel R. Gilbert)
- "Claims of Shareholders in International Investment Law" in C. Binder et al. (eds.), *International Investment Law, Liber Amicorum* Christopher Schreuer, Oxford University Press (2009)
- "Confidentiality in Relation to States," ICC International Court of Arbitration Bulletin (Special Supplement) (co-authored with Kristen Young)
- "Enforcing Foreign Arbitral Awards in the United States: The Non-Arbitrable Subject Matter Defense," *Journal of International Arbitration* vol. 25(6) (2008) (co-authored with Hansel T. Pham)
- "Foreign Investment and Political Risk: What You Should Know About Investment Protection Treaties (Parts I & II)," *Bloomberg European Law Journal*, Vol. 2, Nos. 6 & 7, June 2008 & July 2008 (co-authored with Stephen T. Ostrowski)
- "Principles of Compensation in Investment Treaty Arbitration," *ICSID Review Foreign Investment Law Journal*, Vol. 22, No. 1, Spring 2007
- "The 2006 Amendments to ICSID's Arbitration Rules," *Global Arbitration Review*, Vol. 1, Issue 4, August 2006 (co-authored with Erika M. Serran)
- "ICSID Annulment," *Investment Treaty Law: Current Issues*, Vol. 1, BIICL, 2006
- "State Responsibility and Attribution: When Is a State Responsible for the Acts of State Enterprises?," *International Investment Law and Arbitration: Leading Cases from the ICSID, NAFTA, Bilateral Treaties and Customary International Law*, Cameron May, 2005
- "ICSID Arbitration: Procedural Review," *Transnational Dispute Management*, Vol. II, Issue 2, April 2005
- "Arbitration Before the International Centre for Settlement of Investment Disputes," 2002 *Business Law International*, 367, September 2002
- "How to Commence an International Arbitration," *Practitioner's Guide to International Arbitration and Mediation*, Juris Publishing, 2001 (co-authored with Stephen Bond)
- "The International Centre for Settlement of Investment Disputes: Responses to Problems and Changing Requirements," *Mealey's International Arbitration Report*, 1, Vol. 12, November 1997 (co-authored with Carolyn B. Lamm)
- "Arbitration Agreements versus Forum Selection Clauses: Legal and Practical Considerations," *International Dispute Resolution: The Regulation of Forum Selection* [Fourteenth Sokol Colloquium], J.L. Goldsmith, ed. 1997 (co-authored with Charles N. Brower)
- "The Effect of Independence of Quebec Upon Treaties and Agreements with the United States of America," *The American Review of Canadian Studies*, 57, Vol. 27, Spring 1997 (co-authored with Charles N. Brower)
- "Enforcing ICSID Arbitration Agreements," *ICSID Review Foreign Investment Law Journal*, 64, Vol. 11, 1996 (co-authored with Carolyn B. Lamm)

Languages

English, French (proficient)