

Peter Pettibone

Nationality: American

Languages: English, Russian (proficient)



Peter Pettibone is an international arbitrator with substantial experience arbitrating commercial cross border cases in New York, Stockholm, Moscow and Kyiv. Previously, he served as a corporate partner for over 40 years in major international law firms, including 20 years as the managing partner of the Moscow offices of Lord Day & Lord Barrett Smith, Patterson Belknap Webb & Tyler and Hogan & Hartson (now Hogan Lovells).

Peter is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and the College of Commercial Arbitrators (CCA), and he possesses a deep understanding of arbitration principles, practices and procedures in common law and civil law jurisdictions. He is also an accredited mediator by the Centre for Effective Dispute Resolution (CEDR) and is listed on the mediator panels at the New York State Supreme Court (Commercial and Appellate Divisions) and the American Arbitration Association (AAA).

Peter's experience spans various roles in arbitration proceedings, including serving as tribunal chair, party-appointed arbitrator and sole arbitrator. He has also served as an emergency arbitrator in AAA cases. He has sat as an arbitrator under the rules of UNCITRAL, AAA, ICDR, the Arbitration Institute of the Stockholm Chamber of Commerce (SCC), the Russian Union of Industrialists and Entrepreneurs (RSPP), the Russian Arbitration Center at the Russian Institute of Modern Arbitration (RAC), the International Commercial Arbitration Court attached to the Russian Chamber of Commerce and Industry and the International Commercial Arbitration Court attached to the Ukrainian Chamber of Commerce.

His approach emphasizes efficiency and cost-effectiveness, ensuring streamlined and effective arbitration proceedings for all parties involved. His record of successfully arbitrating complex international commercial cases, combined with his distinguished affiliations, efficient approach and adaptability to modern arbitration methods, make him a highly sought-after arbitrator in the international legal community.

Sector Expertise

- Construction, Engineering & Infrastructure
- Commercial Dispute Resolution
- Mergers, Acquisitions & Shareholder Disputes
- Mediation

Commercial Dispute Resolution

Most of Peter's cases in arbitration have involved international commercial disputes, particularly those involving disputes between Russian and Ukrainian parties and disputes between Russian or Ukrainian parties and their Western counterparties. Issues Peter has dealt with include the construction and interpretation of complex contract provisions, the application of sanctions, the application (or nonapplication) of force majeure and frustration of purpose defenses, freezing orders, claims of unjust enrichment, international sales of goods issues (including the application of the Vienna Convention or CISG) and the enforcement of foreign arbitral awards under the New York Convention.

Construction, Engineering & Infrastructure

Peter's experience in this field includes arbitrating cases in Russia involving claims for damages for construction defects in commercial buildings in Russia and for failure to comply with applicable building codes as well as for the failure to deliver an entire factory in one case and equipment essential for the production of goods in two other cases.

Mergers, Acquisitions & Shareholder Disputes

As a corporate lawyer Peter was engaged in negotiating and documenting many merger and acquisition transactions, as well as negotiating and documenting the financing for those transactions. Peter was also involved in numerous project finance transactions as a lawyer. As an arbitrator, he has arbitrated cases in Russia involving shareholder claims for breaches of representations and warranties in acquisition contracts and insolvency issues.

Mediation

Nearly all of Peter's mediations have been court-ordered. While many have been purely US domestic cases, Peter has also mediated several large international cases, one involving the enforcement in New York of a large Stockholm Chamber of Commerce arbitration award and another involving fraud and the theft of sovereign funds and the attempts to recover those funds and damages from entities and individuals alleged to have aided and abetted the fraud and theft.

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Experience

As Arbitrator

- Party-appointed arbitrator in a Ukrainian Chamber of Commerce (ICAC Ukraine) arbitration involving a dispute between a Russian chemicals producer and a Ukrainian pipeline company over pipeline tariffs. Conducted in Russian.
- Party-appointed arbitrator in a Stockholm Chamber of Commerce (SCC) arbitration involving a dispute between a American supplier of equipment and a Ukrainian state-owned company over the failure to deliver equipment. Conducted in English.
- Chairman of an ICAC Ukraine arbitration involving a dispute over the ownership of a winery in Crimea. Conducted in Russian.
- Party-appointed arbitrator in a Russian Chamber of Commerce (ICAC Russia) arbitration involving a dispute under an acquisition agreement between a large Russian industrial company and sellers who sold shares to the Russian company over representations and warranties in the contract. Conducted in Russian.
- Chairman of an SCC arbitration involving a dispute between an Eastern European supplier of equipment and a large Russian industrial company. Conducted in Russian.
- Chairman of an SCC arbitration involving a construction contract dispute between a Western retail operation doing business in Russia and a Chinese state-owned construction company over defects in construction. Conducted in English.
- Sole arbitrator in an arbitration at the Russian Arbitration Center involving a dispute under a construction contract. Conducted in Russian.
- Sole arbitrator in several International Centre for Dispute Resolution (ICDR) arbitrations in New York brought by an American franchisor to enforce rights under franchise agreements with international franchisees. Conducted in English.
- Sole arbitrator in an ICDR arbitration in New York involving a dispute between a New York construction company and an entity in China over the payment of finders fees. Conducted in English.

Academic & Professional Qualifications

Academic

- Princeton University, AB 1961, summa cum laude, Phi Beta Kappa
- Harvard Law School, JD 1964
- New York University School of Law, LL.M. 1971

Professional

- Hogan Lovells, retired partner, New York, 2010 – present
- Hogan & Hartson, partner, New York and Moscow, 2000 – 2010

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- Patterson Belknap Webb & Tyler, partner, New York and Moscow, 1994 – 1999
- Lord Day & Lord, Barrett Smith, partner, New York, 1974 – 1994 and Moscow, 1991 – 1994
- Cravath, Swaine & Moore, associate, New York, 1967 – 1974
- US Army, Captain, staff officer, Intelligence Division, US Army Headquarters, Heidelberg, Germany, 1965 – 1967

Bar Admissions

- New York (active)
- District of Columbia (inactive)
- Pennsylvania (inactive)
- United States Supreme Court

Professional Associations & Recognitions

- Member, Council on Foreign Relations
- Member, International Council for Commercial Arbitration (ICCA)
- Member, American Bar Association (ABA), Section on Dispute Resolution
- Member of the steering committees for the thirteen annual conferences on dispute resolution sponsored by the ABA and Russian Arbitration Association, held in Moscow, 2009-2021
- Member, New York State Bar Association, Dispute Resolution Section
- Member, New York City Bar Association and its Arbitration and ADR Committees and Chair of its Joint Subcommittee on Arb-Med-Arb
- Member, CPR's Arbitration Committee and its Rules Revision Task Force
- Member, International Arbitration Club of New York
- Member, New York International Arbitration Center (NYIAC)

Publications, Articles & Thought Leadership

Peter's recent publications include:

- Co-author (with John S. Siffert and Angela Zhu) of the article, "An Examination of Institutional Arb-Med-Arb Protocols and Practices", [American Arbitration Association Dispute Resolution Journal](#), Vol. 76, No. 1 (2022)
- Author of the article, "Implementing Arb-Med-Arb in an International Commercial Arbitration", [New Horizons of International Arbitration](#), Issue 7, Russian Institute of Modern Arbitration (2022)
- Author of the article, "Due Process Considerations in Expedited Arbitrations", [Indian Journal of Arbitration Law](#), Vol. 10, No. 1 (2021)

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- Co-author (with Michael Lampert) of the article “The Death, Disability or Disqualification of an Arbitrator”, Commercial Arbitration, No. 2(4) July-December 2020
- Author of the article “The Prague Rules on the Efficient Conduct of Proceedings in International Arbitration: are they an Alternative to the IBA Rules on the Taking of Evidence in International Arbitration?”, Asian Dispute Review, January, 2019
- Author of the article “Russia’s Comprehensive Arbitration Reforms”, NYSBA New York Dispute Resolution Lawyer, Vol. 10, No. 1 (Spring 2017).
- Author of the article “The Scope of the Public Policy Exception to the Recognition and Enforcement of Foreign Arbitral Awards in Russia”, The American Review of International Arbitration, Vol. 25, No. 1 (2014)
- Author of the article “The Nonarbitrability of Corporate Disputes in Russia”, Arbitration International, Vol. 29, No. 2 (2013).

Peter’s recent speeches include:

- Speaker on arb-med-arb and other mixed mode forms of dispute resolution, at the Fall Meeting of the New York State Bar Association Dispute Resolution Section, October 2022
- Speaker on emergency arbitrations at the SIAC Russia Academy (Webinar Edition), August 2021
- Speaker on due process considerations in fast track arbitrations at the Winter Academy of the Russian Institute of Modern Arbitration (RIMA), January 2021
- Speaker on legal issues in foreign trade and investment at a conference at the Russian Foreign Trade Academy, October 2020
- Speaker on the Do’s and Dont’s in Choosing an Arbitral Seat in the CIS, at the XII Annual ABA-RAA Conference on Dispute Resolution held in Moscow, September 2020
- Speaker on the uses of 28 USC Section 1782 in international arbitration, at a conference at the Froriep law firm, Geneva, February 2019.
- Speaker on the uses and benefits of American-style cross examination of fact and expert witnesses, at the Russian Arbitration Association IV Annual Conference in Moscow, April 2017.
- Chair of panels on current issues in arbitration, at the ABA/RAA Conferences on Dispute Resolution held in Moscow in each of the years 2013-2021.
- Speaker on the limits of business confidentiality and the attorney-client privilege in Russia, at the US-Russia Business Council annual meeting in Houston, Texas, October 2013.
- Speaker on the topic of State Immunity, at the III St. Petersburg Legal Forum in May 2013.