

Paul D. Friedland

Partner

New York

Practice Experience



Mr. Friedland is co-head of the White & Case International Arbitration Practice Group. He has served as counsel in numerous international arbitrations, principally involving the oil and gas, power, telecommunications and construction sectors.

Cases argued by Mr. Friedland include:

- One of the first ICSID cases under the Energy Charter Treaty; the case also raised novel issues regarding the scope of a bilateral investment treaty's most favored nation clause (*Plama v. Republic of Bulgaria*);
- The first ICSID case where jurisdiction was premised upon the ASEAN Treaty (*Cemex v. Indonesia*);
- The first ICSID case brought under a bilateral investment treaty (*AAPL v. Sri Lanka*);
- A multi-phase ICSID case that created numerous precedents for ICSID arbitration and for international public and private law (*Amco v. Indonesia*);
- An ICC arbitration regarding a joint venture in the cement industry in Latin America that led to parallel proceedings (also argued by Mr. Friedland) before the New York Supreme Court and the Second Circuit Court of Appeals (*Lafarge v. Venezolana*);
- An ICC case involving tax and accounting issues arising out a duty free business in South America;
- An ICC case, governed by Czech law, concerning the music industry in the Czech Republic;
- An ICC case in Geneva, governed by Swiss law, concerning the coal industry;
- An ICC case in Geneva concerning a fiber glass plant in Thailand;

Bars and Courts

New York State Bar
 United States District Courts for the Southern and Eastern Districts of New York
 United States Court of Appeals for the Second Circuit
 United States Supreme Court
 Paris Bar

Education

B.A., Yale University, 1976
 J.D., Columbia Law School, Law Review, Kent Scholar, 1980

Professional Associations

AAA: Chair, Conflict Management Practice Committee (since 2000);
 Board of Directors (since 2002)
 LCIA, Court Member (since 2006)
 Institute for Transnational Arbitration: Executive Committee (since 2002)
 U.S. Council for International Business: Board of Trustees and Arbitration Committee (since 2002)
 World Arbitration and Mediation Reporter: International Editor (since 2002)
 CPR Panel of Distinguished Neutrals (since 2003)
 College of Commercial Arbitrators (since 2006)
 International Commercial Dispute Committee of the Association of the Bar of the City of New York (2000-2006)

Languages

English, French

Citizenship

United States

Paul D. Friedland

Partner

New York

- An ICC case in Paris, governed by Indian law, concerning the telecommunications industry;
- An ICC arbitration in London, governed by Belgian law, concerning a gold mining company in Africa;
- An ICC arbitration in Paris, governed by Egyptian law, arising out of a construction project in Egypt;
- An ICC arbitration in New York, governed by Colombian law, concerning a pipeline project in Colombia;
- An ICC arbitration in New York concerning a power company in Thailand;
- An ICC arbitration in Paris, governed by Libyan law, concerning a public works project in North Africa;
- An ICDR case between a Japanese subcontractor and a US contractor regarding responsibility for delay at a US power plant; and
- An ICDR case concerning equipment supplied by a French company to the US navy.

Mr. Friedland regularly advises clients at the contract drafting stage on options for dispute resolution mechanisms, and at the pre-arbitral stage on options for mediation or other alternative dispute resolution processes. He has represented clients in several international mediations.

Mr. Friedland also has broad experience of US litigation, having secured favorable verdicts on behalf of his clients in three jury trials, including a RICO and fraud trial involving the estate of Bob Marley.

Mr. Friedland is the author of *Arbitration Clauses for International Contracts* (2d. ed. 2007). The first edition of the book, published in 2000, was described as "an extremely well-written, useful and user-friendly resource" (*ICSID Review* 2001), providing "in an explicit and comprehensive manner an insight into the philosophy and culture of modern international arbitration practice" (Mealey's 2001), and a "well structured, very readable and a valuable tool" (ASA Bulletin 2001). A Spanish language version is scheduled for publication in 2008.

Paul D. Friedland

Partner

New York

Publications

Co-author, "A Claim for Monetary Relief for Breach of Agreement to Arbitrate as a Supplement or Substitute to an Anti-Suit Injunction," in Albert Jan Van Den Berg (ed.), *International Arbitration 2006: Back to Basics?* ICCA International Arbitration Congress Montréal, 31 May – 3 June 2006 (with Kate Brown)

Arbitration Clauses for International Contracts, Juris Pub., 2d. ed. 2007

"The Amicus Role in International Arbitration," in Loukas A. Mistelis and Julian D.M. Lew (eds.), *Pervasive Problems in International Arbitration*, 2006

"Stay of Enforcement of the Arbitral Award Pending ICSID Annulment Proceedings," E. Gaillard (ed.), *Annulment of ICSID Awards* 177, 2004

Co-author, "The Internationalization of American Commercial Arbitration," 18 *ITA News and Notes*, Spring 2004 (with Ank Santens)

Co-author, "Arbitral Subpoenas Under US Law and Practice," 14 *Am. R. Int. Arb.* 3, 2003 (with Lucy Martinez)

Co-author, "Commentary on the July 2003 Revisions to the AAA Commercial Arbitration Rules," *Dispute Resolution Journal*, November 2003 (with John Townsend)

"Commentary: ICSID Tribunals and Injunctions by State Courts," *Arbitration International*, November 2002

"Arbitration," *Corporate Legal Departments*, Practising Law Institute, November 2001

"The Arbitration Clause," *Commercial Contracts: Strategies for Drafting and Negotiating*, Aspen, 2001

"Place of Arbitration in Contract Is Vital," *New York Law Journal*, October 2001

"Drafting Provisional Relief Clauses," 6 *ADR Currents* 1, 2001

"Choosing Between Administered and Non-Administered Arbitration for International Contracts," *Corporate Counsel*, April 2001

Paul D. Friedland

Partner

New York

Arbitration Clauses for International Contracts, Juris Publishing, 2000

"The Written Phase: Disclosure and Memorials," AAA Manual for International Arbitrators, 1999

"Party Criteria for the Selection of Party-Appointed Arbitrators," IFCAI Dispute Resolution Conference Papers, 1999

"International Arbitration in the US: Enforcement of Awards," International Commercial Arbitration - US Litigation Yearbook, 1999

"US Courts' Misapplication of the 'Agreement in Writing' Requirement for Enforcement of an Arbitration Agreement under the New York Convention," 13 Int. Arb. Rep. 21, 1998

"Selecting the Party-Appointed Arbitrator," 3 *Currents* 8, 1998

"Combining Civil Law and Common Law Elements in the Presentation of Evidence in International Commercial Arbitration," 12 Int. Arb. Rep. 25, 1997

"A Standard Procedure for Presenting Evidence in International Arbitration," 11 Int. Arb. Rep. 4, 1996

"The Swiss Supreme Court Sets Aside an ICC Award," 13 J. Int'l Arb. 1, 1996

Co-author, "The Relevance of International Standards for US Courts in the Enforcement of Arbitration Agreements under the New York Convention," 6 Am. R. Int. Arb. 2, 1995 (with Robert Hornick)

"International Law - Arbitration or Litigation?" *New York Law Journal*, Nov. 20, 1995

Villiers Terblanche

Partner

Abu Dhabi/New York

Practice Experience



Villiers Terblanche is a corporate lawyer focusing on infrastructure transactions, particularly transactions involving telecommunications, energy, and transportation. He has been involved in the negotiation of a wide variety of financings, acquisitions, joint ventures and strategic investments in more than 60 countries in the Middle East, Americas, Africa, Europe and Asia. Villiers has also represented numerous governments, governmental agencies and industry regulators on regulatory aspects and concession-based legal instruments that drive major infrastructure projects.

Villiers, a Fulbright Fellow, joined White & Case in New York in 1995 where he was based until November 2007 when he relocated to the United Arab Emirates to serve as the partner in charge of our Abu Dhabi office.

Bars and Courts

New York State Bar

Education

LL.B., University of Pretoria

LL.M., University of Virginia

Ph.D.(LL.D.), University of Pretoria

Languages

English

Charles Nairac

Partner

Paris

Practice Experience



Charles Nairac specializes in international arbitration. He has been involved in international commercial and investment arbitrations conducted under the rules of the International Chamber of Commerce (ICC), London Court of International Arbitration (LCIA), American Arbitration Association (AAA), UNCITRAL as well as in *ad hoc* arbitrations, in English and in French.

Charles' experience, in both the New York and Paris offices of the firm, has included representing:

- A consortium of major European contractors in an LCIA arbitration in London relating to claims arising out of the construction of one of the largest recent privately-financed (BOT) infrastructure projects in Europe;
- An East-Asian contractor in an *ad hoc* arbitration relating to a construction contract to be performed in Yemen;
- An East-Asian contractor in an ICC arbitration in Paris concerning technical and other disputes related to the supply and erection of a special steel plant in Egypt, including involvement in ancillary court litigation in Egypt and the United States relating to the call of our client's performance bond;
- A French bank in an *ad hoc* arbitration, conducted in French, against a former joint venture partner in the development of private equity activities;
- An African State-owned entity in an ICC arbitration, conducted in French, governed by the African State's law, relating to the construction of a dam and hydro-electric plant in Africa;
- The French licensee of a brand owned by an English company, in an ICC arbitration of a dispute arising out of the use of the brand in the perfume industry, and subsequent termination of the license agreement;

Bars and Courts

Paris Bar, 2001

Education

Bachelor of Laws (LL.B.), King's College London, 1996

Maîtrise en Droit des Affaires, University of Paris I (Panthéon-Sorbonne), 1996

Diplôme d'Etudes Approfondies - Droit International Privé et Droit du Commerce International (Postgraduate Degree in International Law), University of Paris II (Panthéon-Assas), 1997

C.A.P.A, Paris Bar School, 1998

Languages

English, French

Citizenship

United Kingdom, France, Mauritius

Charles Nairac

Partner

Paris

- A Middle Eastern entity in a fast-track ICC arbitration in Paris, over the performance of a construction contract;
- A Scandinavian "original equipment manufacturer", against one of the major mobile phone brands, in an ICC arbitration arising out of a contract for the design and manufacture of a new generation mobile phone;
- A Japanese company in an arbitration under the rules of the national arbitration organisation of an Asian state, arising out of the design and construction of a railway in that state;
- A US power marketing company in a AAA arbitration of a dispute with one of its distributors arising out of the proper performance of a contract for the sale of natural gas;
- Japanese suppliers of power generating equipment, in a AAA arbitration against their US counterpart, concerning the parties' proper performance of their respective obligations under the supply contracts;
- A former Soviet Republic in several arbitration and litigation proceedings brought against it by different parties in connection with contracts for the supply of oil and/or gas.
- A Middle Eastern entity in an ICC arbitration in Paris, over the performance of a construction contract; and
- A German company in an arbitration against an Eastern European State, pursuant to a bilateral investment treaty, arising out of the State's treatment of the German company's investments in the host State.

Prior to joining White & Case, Charles worked as in-house legal adviser for a French bank in Singapore, providing legal support for the bank's corporate banking and project finance activities.

Sara Lulo

Associate

New York, London

Practice Experience



Sara Lulo is a member of the International Arbitration Practice Group. She has also worked with the firm's Energy, Infrastructure and Project Finance Practice Group.

Sara is currently on secondment in Tbilisi, Republic of Georgia.

Sara's arbitration experience includes large-scale disputes before the International Chamber of Commerce (ICC), the International Centre for Settlement of Investment Disputes (ICSID), the American Arbitration Association (AAA) and *ad hoc* arbitrations governed by UNCITRAL.

Recent matters include:

- ❖ Representing a joint venture contractor in a \$1.4 billion Spanish-language ICC arbitration relating to an oil pipeline and refinery project in Central America;
- ❖ Representing a contractor in AAA arbitration and mediation proceedings relating to the construction of an off-shore gas pipeline;
- ❖ Representing a contractor in an ICC arbitration relating to an oil pipeline in South America;
- ❖ Representing a telecommunications satellite manufacturer in ICC and AAA arbitrations, governed by Japanese law and U.S. law, respectively; and
- ❖ Advising investors on novel issues of law relating to the ICSID Convention and bilateral investment treaty claims.

Sara's pro bono work includes a rule of law project in Liberia and advocacy training programs for attorneys and magistrates judges in Liberia and Kenya. She has also acted as lead counsel in three successful representations of asylum seekers in the United States.

Prior to joining the firm in 2002, Sara worked as a management associate at a Fortune 50 company.

Bars and Courts

United States Supreme Court
New York State Bar
Southern District of New York
Eastern District of New York

Education

B.A., Cornell University
M.A., New York University
J.D., Cornell Law School, Article Editor, *Cornell Law Review*
LL.M., International and Comparative Law, Cornell Law School

Professional Associations

The American Society of International Law (ASIL)
The Association of the Bar of the City of New York
New York State Bar Association
Arbitral Women

Languages

English, Spanish

Citizenship

United States

Sara Lulo

Associate

New York, London

Lectures and Speeches

Symposium: Dispute Resolution in the Era of DR-CAFTA, hosted by the Foundation for Democracy and Globalization (FUNGLODE), Santo Domingo, Dominican Republic, 2006

Guest Lecturer, Berger International Legal Studies Program, Cornell Law School, 2005 and 2006