

GARY B. BORN

Wilmer Cutler Pickering Hale and Dorr LLP 49 Park Lane
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PROFESSIONAL EXPERIENCE

- 1988 – Present Partner; Wilmer Cutler Pickering Hale and Dorr, LLP, London and Berlin
- International arbitration both as counsel (more than 675 matters) and arbitrator (co-arbitrator, presiding or sole arbitrator in more than 250 matters), in commercial, investor-state and state-to-state disputes; international litigation in U.S. and European forums. List of representative cases below.
- 1984 – 1988 Associate; Wilmer, Cutler & Pickering

CLERKSHIPS

- 1982 – 1983 Law Clerk
William H. Rehnquist, then Associate Justice U.S. Supreme Court
- 1981 – 1982 Law Clerk
Henry J. Friendly, Circuit Judge U.S. Court of Appeals for the Second Circuit

EDUCATION

- 1978 – 1981 University of Pennsylvania Law School, Philadelphia, Pennsylvania, USA - J.D.,
summa cum laude; Law Review, Articles Editor; various academic honors and awards
- 1973 – 1978 Haverford College, Haverford, Pennsylvania, USA - B.A., *summa cum laude*; Phi Beta Kappa; High Honors in History and Religion

BOOKS

INTERNATIONAL LAW IN AMERICAN COURTS (1st ed. Kluwer forthcoming)

INTERNATIONAL CIVIL LITIGATION IN UNITED STATES COURTS (7th ed. Aspen 2023) (6th ed. 2018) (5th ed. 2011) (4th ed. 2006) (3rd ed. 1999) (2nd ed. 1996) (1st ed. 1990) – Treatise and casebook on international litigation.

INTERNATIONAL COMMERCIAL ARBITRATION (3rd ed. Kluwer 2021) (2nd ed. 2014) (1st ed. 2009) – Three volume treatise on international commercial arbitration; received ASIL Certificate of Merit 2010 and OGEMID Book of the Year 2009.

INTERNATIONAL ARBITRATION: LAW AND PRACTICE (3rd ed. Kluwer 2021) (2nd ed. 2015) (1st ed. 2012) – One volume introduction to international commercial, investment and interstate arbitration.

INTERNATIONAL ARBITRATION: CASES AND MATERIALS (3rd ed. Aspen 2021) (2nd ed. 2015) (1st ed. 2011) – Casebook on international commercial, investment and interstate arbitration.

INTERNATIONAL ARBITRATION AND FORUM SELECTION AGREEMENTS: DRAFTING AND ENFORCING (6th ed. Kluwer 2021) (5th ed. 2016) (4th ed. 2013) (3rd ed. 2010) (2nd ed. 2006) (1st ed. 1999).

INTERNATIONAL COMMERCIAL ARBITRATION: COMMENTARY AND MATERIALS (2nd ed. Kluwer 2000) (1st ed. 1996) – Treatise and casebook on international commercial arbitration. Representative book reviews attached.
THE EXTRATERRITORIAL APPLICATION OF NATIONAL LAWS (detailed study of extraterritoriality) (1987) (co-author).

ACADEMIC APPOINTMENTS

2015 to present	Visiting Professor of Law, National University of Singapore
2020 to present	Visiting Professor of Law, Prince Sultan University, Saudi Arabia
2012 to present	Honorary Professor of Law, University of St. Gallen, Switzerland
2014 to 2020	Visiting Professor of Law, Tsinghua University School of Law
2013 to 2014	Bok International Law Professor, University of Pennsylvania Law School
2011	Visiting Professor of Law and Kwa Geok Choo Distinguished Visitor, National University of Singapore (course on international arbitration)
2011 to 2012	Lecturer, Harvard Law School (course on international arbitration)
2010	Adjunct Professor, Peking University School of Transnational Law (course on international arbitration)
2007 to 2011	Visiting Professor of Law, University of St. Gallen, Switzerland (course on international arbitration)
2007 to 2009	Lecturer, Stanford Law School (course on international arbitration)
1987 to 1991	Adjunct Professor of Law, Georgetown Law School (course on international litigation) 1987 to 1988
	Associate Professor of Law, University of Arizona College of Law (courses on public international law and international litigation)

AWARDS

“Star Individual” 2024-2007, *Chambers Global* (one of two Star Individuals globally for International Arbitration), *Chambers Europe* (one of two Star Individuals in Europe) and *Chambers UK* (sole Star Individual in London)

Lawyer of the Year – Arbitration, *Best Lawyers in the UK*, 2024, 2023, 2020, 2014-2017, 2012

Recognized by *Chambers and Partners* for “Outstanding Contribution to the Legal Profession,” 2018

James Wilson Award, University of Pennsylvania Law Alumni Society, 2018 (award that honors a lifetime of service to the legal profession by a graduate of the law school)

“International Arbitration Practitioner of the Year,” *ILO Client Choice Award*, 2016, 2014, 2012

“Most Feared Litigator,” *Acquisition International*, 2014

Ranked second among all lawyers in London across all practice areas, *Chambers 100 UK* 2013

“Law Firm of the Year – International Arbitration,” *U.S. News and World Report and Best Lawyers* 2013, 2014, 2015

“Practice of the Year – International Arbitration,” *Legal 500 UK* 2013

Kwa Geok Choo Distinguished Visitor, National University of Singapore, 2012

Honorary Doctorate, Wayne State University, U.S.A., 2012

American Society of International Law, Certificate of Merit, 2011 (for *International Commercial Arbitration*)

“Advocate of the Year,” 2011, *Global Arbitration Review* (award for best international arbitration practitioner, based on anonymous evaluations of peers and international arbitrators)

“Book of the Year – 2010” OGEMID Annual Book Awards (for *International Arbitration and Forum Selection*)

Agreements: Drafting and Enforcing)

“World’s Best International Litigator,” Legal Media Group (based on peer reviews)

“Pro Bono Team of the Year – 2010,” *The Lawyer* Annual Awards

“Book of the Year – 2009” OGEMID Annual Book Awards (for International Commercial Arbitration (2009))

PROFESSIONAL ACTIVITIES

2024 to present	Vice-Chairman, Board of Directors, Abu Dhabi International Arbitration Centre
1999 to present	Member, American Law Institute
2013 to present	Member, Advisory Committee, American Law Institute Restatement (Fourth) Foreign Relations Law of the United States
2009 to present	Member, Advisory Committee, American Law Institute Project on International Commercial Arbitration Law of the United States
2014 to present	Member, Global Advisory Board, New York International Arbitration Center
2009 to present	Member, Academic Council, Institute for Transnational Arbitration
2014 to present	Member, International Arbitration Committee, Korean Commercial Arbitration Board
2016 to present	Member, New York Convention Task Force for the Federal Government of Somalia
2013 to present	Member, Journal of World Investment and Trade Editorial Advisory Board
2011 to present	Member, Advisory Board of Africa International Legal Awareness (AILA)
2013 to 2015	Member, Court of Arbitration, Singapore International Arbitration Centre
2015-2021	President, Court of Arbitration, Singapore International Arbitration Centre
2014 to 2023	Member, International Advisory Board, Hong Kong International Arbitration Centre
2014 to 2018	Member, Court of Arbitration, Jerusalem Arbitration Center
2012 to 2021	Chairman, Board of Trustees, The Haverford College Foundation (UK) Limited
2018 to 2021	Member of Expert Committee, China International Commercial Court
2015 to 2021	President, Court of Arbitration, Singapore International Arbitration Centre
2014 to 2016	Executive Vice President, American Society of International Law
2010 to 2015	British Institute of International and Comparative Law, Board of Trustees
1996 to 2001	Board Member, Institute for United States Studies
1991 to 1994	Member, Executive Council, American Society of International Law
1989 to 1992	Co-Chair, ABA International Section, Committee on International Aspects of Litigation
1985 to 1990	Rapporteur, International Chamber of Commerce, Committee on the Extraterritorial Application of National Laws

Numerous editorials, commentaries, speaking engagements, etc.

SELECTED ARTICLES

- The New York Convention and Taiwan: It's Time to Be Sensible*, 34 Am. Rev. Int'l Arb. 29 (2023)
- Procedural Autonomy Under the New York Convention*, 56 N.Y.U. J. Int'l L. & Pol. 45 (2023)
- The Hague Convention on Choice of Court Agreements: A Critical Assessment*, 169 U. Pa. L. Rev. 2079 (2021)
- Choice of Law Agreements in International Contracts*, 50 Ga. J. Int'l & Comp. L. 1 (2021)
- Confidentiality of International Commercial Arbitration in the United States*, 31 Am. Rev. Int'l Arb. 209 (2021)
- The 1933 Directives on Arbitration of the German Reich: Echoes of the Past?*, 38 J. Int'l Arb. (2021)
- Empirical Study of Experiences with Remote Hearings: A Survey of Users' Views*, in INTERNATIONAL ARBITRATION AND THE COVID-19 REVOLUTION Chap. 7 (2020)
- International Law in American Courts*, in THE RESTATEMENT AND BEYOND Chapter 6 (Paul Stephan *et al.* eds., 2020)
- A Margin of Appreciation: Appreciating Its Irrelevance in International Law*, 61 Harv. Int'l L.J. 65 (2020)
- Amicus Curiae Participation in Investment Arbitration*, 34 ICSID Rev. 626 (2020)
- Rethinking "Pathological" Arbitration Clauses: Validating Imperfect Arbitration Agreements*, in FINANCES IN INTERNATIONAL ARBITRATION Chapter 4 (S. Tung, *et al.* eds., 2019)
- The New York Convention: A Self-Executing Treaty*, 40 Mich. J. Int'l L. 115 (2018)
- Integration and Dispute Resolution in Small States*, in INTEGRATION AND INTERNATIONAL DISPUTE RESOLUTION IN SMALL STATES 221 (P. Butler *et al.* eds., 2018)
- Customary International Law in United States Courts*, 92 Wash. L. Rev. 1641 (2017)
- Treaties as the Law of the Land: Change and Continuity*, in SUPREME LAW OF THE LAND? DEBATING THE CONTEMPORARY EFFECTS OF TREATIES WITHIN THE UNITED STATES LEGAL SYSTEM 461 (Gregory H. Fox *et al.* eds., 2017)
- The Abyei Arbitration and the Rule of Law*, 58(1) Harvard Int'l L. J. 177 (2017)
- Arbitration and the Rule of Law: Lessons from Limitations Periods*, 27 Am. Rev. Int'l Arb. 373 (2016)
- The Right to Arbitrate: Historical and Contemporary Perspectives*, 56 Asian Disp. Rev. 56 (2015)
- On Burden and Standard of Proof*, in BUILDING INTERNATIONAL INVESTMENT LAW: THE FIRST 50 YEARS OF ICSID 43 (Kluwer Law 2015) (Meg Kinnear, G. Fischer, *et al.* (eds.))
- Pre-Arbitration Procedural Requirements: "A Dismal Swamp"*, in "PRACTICING VIRTUE—INSIDE INTERNATIONAL ARBITRATION" LIBER AMICORUM FOR CHARLES BROWER (2015)
- BITs, BATs and Buts: Reflections on International Dispute Resolution* (2014)
- The Law Governing International Arbitration Agreements: An International Perspective*, 26 Singapore Academy L. J. 814 (2014)
- The United States Supreme Court and Class Arbitration: A Tragedy of Errors*, 2012 J. Disp. Res. 21 (2012)
- A New Generation of International Adjudication*, 61 Duke L.J. 775 (2011)
- Keynote Address: Arbitration and the Freedom to Associate*, 38 Ga. J. Int'l & Comp. L. 7 (2009)

Confidentiality and Transparency in Commercial and Investor-State International Arbitration, in THE FUTURE OF INVESTMENT ARBITRATION (Oxford University Press 2009) (Catherine A. Rogers and Roger Alford, eds.) (with E. Shenkman)

The Principle of Judicial Non-Interference in International Arbitral Proceedings, 30 U. Pa. J. Int'l L. 999 (2009)

Towards A Uniform Standard of Validity of International Arbitration Agreements under the New York Convention, in *Grenzueberschreitungen: Beiträge zum Internationalen Verfahrensrecht und zur Schiedsgerichtbarkeit – Festschrift für Peter Schlosser zum 70. Geburtstag* (2005)

Critical Observations on the Draft Transnational Rules of Civil Procedure, 33 Tex. J. Int'l L.J. 387 (1998)

The Hague Evidence Convention Revisited: Reflections on Its Role in U.S. Civil Procedure, 57 L. & Contemp. Probs. 77 (1994)

A Reappraisal of the Extraterritorial Reach of U.S. Law, 24 Law & Pol'y Int'l Bus. 1 (1992)

Comity and the Lower Courts: Post-Aérospatiale Applications of the Hague Evidence Convention, 24 Int'l L. 393 (1990)

Reflections on Judicial Jurisdiction in International Cases, 17 Ga. J. Comp. & Int'l L. 1 (1987)

Applying the Aérospatiale Decision to State Court Proceedings, 26 Colum. J. Trans. L. 297 (1988)

Recent British Responses to the Extraterritorial Application of United States Law, 26 Va. J. Int'l L. 91 (1985)

REPRESENTATIVE CASES

Representation of Volkswagen AG in multi-billion Euro joint venture dispute against Suzuki Motor Company under ICC Rules;

Representation of leading international pharmaceutical company in investment arbitration against Ecuador;

Representation of Kurdistan Regional Government in multiple disputes under LCIA Rules and otherwise;

Representation of leading natural gas producers in gas price revision arbitration under ICC Rules and otherwise;

Representation of Newmont Mining in ICSID arbitration against Indonesia;

Representation of leading infrastructure provider in ICC arbitration against Latin American purchaser;

Representation of the Sudan People's Liberation Movement/Army against the Republic of Sudan in the Abyei Arbitration under PCA auspices;

Representation of Deutsche Telecom in a series of ICC and VIAC arbitrations involving control over a multi-billion Euro joint venture;

Representation of major energy producers in multiple arbitrations with purchasers with amounts in dispute in excess of \$10 billion;

Representation of a European energy company in an ad hoc arbitration in New York against another European energy company with amounts in dispute in excess of \$2 billion;

Representation of a major North American defense contractor in a \$5 billion dispute under relevant BITs;

Representation of a Swiss engineering company in an ICC arbitration seated in Rome against an Italian company;

Representation of Eritrea in an ad hoc arbitration sited in London and the Hague against Yemen concerning territorial sovereignty over Zuqar-Hanish Islands and maritime delimitation;

Representation of a leading Swiss watch company in an ICC arbitration seated in London against a major U.S. technology company;

Representation of a major U.S. insurance company in an ICC arbitration against a major European insurer involving claims of misrepresentation;

Representation of major European energy company against Nicaragua in ICSID arbitration involving expropriation of intellectual property rights;

Representation of a major European telecommunications company in several of the largest arbitrations in ICC history, with amounts in dispute in excess of \$20 billion;

Representation of a Caribbean state against a U.S. oil company in an ICSID conciliation;

Representation of Greenpeace in an arbitration against the Republic of France arising out of the Rainbow Warrior affair;

Representation of a German investor against an Eastern European state in an ICSID dispute;

Representation of a major international energy company against a West African company in an ICC arbitration seated in London;

Representation of a multinational oil company in an LCIA arbitration against another oil company;

Representation of a U.S. software company in an ICC arbitration against a Latin American state entity;

Representation of a German company in an ICC arbitration sited in Zurich;

Representation of a major oil company in an ICSID arbitration against an Asian state;

Representation of an international media company in an LCIA arbitration sited in London against a Greek company;

Representation of a Swiss company in an ICC arbitration concerning intellectual property;

Representation of a Scandinavian manufacturer against a German conglomerate in two related ICC arbitrations in Stockholm concerning break-up of joint venture;

Representation of a U.S. governmental agency in an AAA arbitration involving claims under a political risk insurance policy;

Representation of a major U.S. manufacturer of capital goods in multiple ICC construction, intellectual property, and other arbitrations;

Representation of a Latin American financial institution in an LCIA arbitration;

Representation of a major U.S. media company in ICC arbitration sited in Singapore;

Representation of an English company in an AAA arbitration sited in London;

Representation of an Asian state in an ICC arbitration concerning an infrastructure project;

Representation of a Latin American purchaser of capital equipment in an UNCITRAL arbitration in Mexico City.

SELF-DESCRIPTION

I am the Chair of the International Arbitration Practice Group at Wilmer Cutler Pickering Hale and Dorr LLP.

I am widely recognised as the world's leading authority on international arbitration and litigation and have served as counsel in over 675 arbitrations, including several of the largest arbitrations in ICC and ad hoc history, and have sat as arbitrator in more than 250 institutional and ad hoc arbitrations.

I am the author of *International Commercial Arbitration* (3rd ed. Kluwer 2021), the preeminent treatise in the field, as well as *International Arbitration: Law and Practice* (3rd ed. Kluwer 2021) and a number of other notable works on international dispute resolution.

I am an Honorary Professor of Law at the University of St. Gallen in Switzerland and Tsinghua University, Beijing, and teach regularly at law schools in Europe, Asia, and North and South America.

I have recently published my first novel – *The File* – an action-packed spy thriller.