

VIAC – Questionnaire for Arbitrators

1. **Name: Prof Dr Maxi SCHERER**

2. **Citizenship: German**

3. **Contact information:**

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4. **Current position:**

Professor of Law (Chair in International Arbitration, Dispute Resolution and Energy Law) Queen Mary University of London, School of International Arbitration

Special Counsel, Wilmer Cutler Pickering Hale and Dorr LLP

5. **Education:**

Admitted to the Paris Bar (2001) and as solicitor in England and Wales (2010)

Université de Paris Pantheon-Sorbonne, Paris, France :

PhD (2001), with highest honours

DEA (1999) post-graduate degree in International Private and Commercial Law, with highest honors (top of class)

Master of Law (1998) in German and French Law, with highest honours

Universität zu Köln, Cologne, Germany

LL.M. (1998) with high honours

SciencesPo, Paris, France

Certificate (1998) in international political and social science

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?

Represented and advised clients in approx. 50 commercial and investment arbitrations (all international) before most major arbitral institutions (including ICSID, ICC, ICDR, DIS, LCIA, HKIAC, VIAC and SIAC) at various seats, governed by a variety of substantive and procedural laws (including Algerian, Austrian, Belgian, Dutch, French, German, Hong Kong, English, Kazak, Luxembourg, Nigerian, Polish, US and Swiss law), in different industry sectors, with a particular focus on energy disputes

Regularly ranked by Who's Who Legal, The Legal 500 UK as leading arbitration practitioner: in 2016, identified amongst the "Most Highly Regarded Individuals" of future leaders in the world from a listing of almost 600 names; described by peers and clients as "thought leader in the field of international arbitration", "one of the best upcoming arbitrators" and recognized for "strong combination of practice and academia"

- How often have you acted as Chairman?
8
- How often have you acted as Sole Arbitrator?
10
- How often have you acted as Co-Arbitrator?
5
- How often have you acted as Counsel?
Approx. 50 proceedings
- How often have you acted in a different function (e.g. Administrative Secretary)?
Appointed by ICC as Emergency arbitrator (1)

Appointed by ICC as expert in an ICCAN expertise about alleged violation of principles of international public law

7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):

VISITING POSITIONS OR GUEST TEACHING (SELECTION)

UIBE Law School, Beijing, China, 2016
City University of Hong Kong, Hong Kong, 2016
University of Dijon, CREDIMI, Dijon, France, 2016
Paris Arbitration Academy, Paris, France, 2015
Bucerius Law School, Hamburg, Germany, 2015
Georgetown Center of Transnational Legal Studies (CTLS), London, UK, 2010-2014
Freie Universität Berlin, Berlin, Germany, 2012-2014
Universität Wien, Vienna, Austria, 2014
SciencesPo Law School, Paris, France 2010-2013
Université de Versailles, Paris, France, 2009-2014
ESCP Europe Business School, Paris, France & Berlin, Germany, 2009-2013
Université de Fribourg, Fribourg, Switzerland, 2009, 2011, 2013
University of Melbourne, Melbourne, Australia, 2010
Universität Würzburg, Würzburg, Germany, 2010
Pepperdine Law School, London, UK, 2008-2010
Universität Basel, Basel, Switzerland, 2007
Université de Paris I Sorbonne, Paris, France, 1999-2009

PUBLICATIONS (SELECTION)

1. Books

International Arbitration in the Energy and Natural Resources Sector (ed.), Oxford University Press, 2017 (forthcoming)
Transparency in International Investment Arbitration (A Guide to the UNCITRAL Standard on Transparency in Treaty-Based Investor-State Arbitration) (co-ed.), Cambridge University Press, 2015
Arbitrating under the 2014 LCIA Rules, Wolters Kluwer, 2015

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, author of sections on Articles III, IV and V(1)(b), R. Wolff (ed.), C. H. Beck München & Hart Publishing Oxford, 2012

Le Nom en Droit International Privé, Etude de Droit Comparé Français et Allemand [The Name in Private International Law – A Study of French and German Comparative Law], LGDJ, 2004

2. Articles

A Comparative and Normative Analysis of Parties' Agreements on Judicial Review of Awards, Arbitration International, 2016

Effects of International Judgments Relating to Awards, Pepperdine Law Journal, pp. 101-118, 2016

Limits to Party Autonomy during the Post-Award Review Stage, with L. Silberman in: F. Ferrari (ed), *Limits to Party Autonomy in International Commercial Arbitration*, Juris Publishing, 2016

L'autorité de chose jugée des décisions relatives au contrôle des sentences [Res Judicata of foreign judgments relating to arbitral awards], *Revue de l'arbitrage*, pp. 1-35, 2016

The New Emergency Arbitrator Provisions and Other Options for Urgent Relief Under the 2014 LCIA Rules, *European International Arbitration Review*, pp. 81-105, 2015

Ethical Questions Regarding Counsel Conduct in Arbitration, in : *What a Counsel in Arbitration Can Do, Must Do or Must not Do?*, Vanessa Foncke and Benoît Kohl (eds.), Bruylant, pp. 17-38, 2015

Transparency in International Investment Arbitration, in *New Horizons of International Arbitration*, 3rd edition, A. Asoskov, A. Muranov, R. Khodykin (eds), pp. 166-172, 2015

Les effets des jugements étrangers relatifs aux sentences arbitrales, *Travaux du Comité français de droit international privé* (2013-2014), Pedone, pp. 101-135, 2015

Set-Off In International Arbitration, *Austrian Yearbook of International Arbitration*, C.H. Beck, pp. 451-474, 2015

A Cross-Channel Divide Over Unilateral Dispute Resolution Clauses, *Dossier XII of the ICC Institute of World Business Law*, pp. 10-20, 2015

Effects of Foreign Judgments Relating to International Arbitral Awards: Is the 'Judgment Route' the Wrong Road?, *Oxford Journal of International Dispute Settlement (JIDS)*, pp. 587-628, 2013,

Forum Shopping and Post-Award Judgments, with Linda Silberman, in: *Forum Shopping in the International Commercial Arbitration Context*", F. Ferrari (ed.), Sellier, p. 313-345, 2013

Third-Party Funding In International Arbitration: Towards Mandatory Disclosure Of Funding Agreements? *Dossier XI of the ICC Institute of World Business Law*, pp. 95-100, 2013

Third Party Funding in International Arbitration in Europe: Part 2 – The Legal Debate, with A. Goldsmith and C. Flechet, *RDAl/IBLJ*, No.1, pp. 207-220, 2013

Third Party Funding in International Arbitration in Europe: Part 1 – Funders' Perspectives, with A. Goldsmith and C. Flechet, *RDAl/IBLJ*, No.2, pp. 649-665, 2012

Le choix implicite dans les jurisprudences nationales : vers une interprétation uniforme du Règlement ? – L'exemple du choix tacite résultant des clauses attributives de juridiction et d'arbitrage [Implied Choice Under National Case Law : Towards a Uniform Interpretation of the Regulation ? – The Example of Implied Choice Resulting From Jurisdiction or Arbitration Agreements], in : *Le règlement communautaire Rome I et le choix de loi dans les contrats internationaux* [The Rome I Regulation and Choice of Law in International Contracts], S. Corneloup & N. Joubert (eds.), Litec, pp. 253-283, 2011

Globalization of International Commercial Arbitration, *Revue des Juristes de SciencesPo*, No. 2, p. 64, 2010

Zwänge und Entwicklungen im Prozessrecht: Das Neue Deutsche Schiedsverfahrensrecht [Necessity and Development in Procedural Law: The New German Arbitration Law], in: *Gerichtsverfahren zwischen*

Gerechtigkeit und Ökonomie [Judicial Process Between Justice and Economics], U. Blaurock (ed.), Mohr Siebeck, p. 141, 2005

Pre-Trial Discovery nach dem Haager Beweisübereinkommen [Pre-Trial Discovery Under the Hague Convention on the Taking of Evidence Abroad], Commentary of the Paris Court of Appeals decision dated 18 September 2003, IPRax, p.456, 2005

Pre-Trial Discovery-Maßnahmen in Deutschland: Neuauflage des Deutsch-Amerikanischen Justizkonflikts [Pre-Trial Discovery in Germany: Another US-German Judiciary Conflict?], with M. Reufels, RIW, p. 667, 1999

3. Short Comments, Notes and Reviews

Conduct of Legal Representatives under the 2014 LCIA Arbitration Rules: How to Apply the New Provisions, Kluwerblog, 2015

Private Dispute Resolution in International Business (Negotiation, Mediation, Arbitration), 3rd edition, by Klaus Peter Berger, Book review, GAR, 2015

The Big Unknown Amongst the Arbitral Institutions? The American Arbitration Association – a leading provider of commercial dispute resolution services worldwide, with S. Ganz, Dispute Resolution (online), 2015

Success in International Arbitration: No Shortcuts, Dispute Resolution Magazine, 2015

Gruss aus Davos: International Arbitral Practice in Thomas Mann's Magic Mountain, with D. Greineder, ICCA Newsletter, 2013

French Arbitration Law (Domestic and International) by Christophe Seraglini and Jérôme Ortscheidt, Book review, GAR, 2013

The French Rothschild Case: A Threat For Unilateral And Hybrid Dispute Resolution Clauses?, with S. Lange, Kluwerblog, 2013

Third Party Funding in International Arbitration: Towards Mandatory Disclosure of Funding Agreements?, Commercial Dispute Resolution, 2012

Getting Up To Speed For 2012: The New ICC Arbitration Rules, with B. Schlaefper, Young Arbitration Review, January 2012

Revision To French Arbitration Law Arrives, with G. Born & J. Pierce, New York Law Journal, dated 16 May 2010

Long-Awaited French Arbitration Law Revealed, Transnational Notes, Center for Transnational Litigation and Commercial Law, 2011

Long-Awaited French Arbitration Law Revealed, Kluwerblog, 2011

Ethics in International Arbitration – Introduction to the European and Middle Eastern Arbitration Review, with G. Born, Global Arbitration Review Special Report, p. 3, 2009

The Effects of Insolvency on International Arbitration, Kluwerblog, 2009

Bridging Cultural Gaps in International Arbitration – Introduction to the European and Middle Eastern Arbitration Review, with G. Born, Global Arbitration Review Special Report, p. 7, 2008

Commentary on the French Supreme Court decision dated 11 January 2005, Revue Critique de Droit International Privé, p. 85, 2006

CONFERENCES AND OTHER PUBLIC SPEAKING ENGAGEMENTS (PAST 3 YEARS)

1. AS ORGANIZER

Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 5th Annual Arbitration Conference, organisation and moderation of the conference on “Arbitration in Latin America”, Paris, France, December 2016

Kluwer Journal of International Arbitration, launch of special issue on “Brexit and Dispute Resolution”, London, UK, September 2016 <https://www.youtube.com/watch?v=pTLkkIK8OtI>

Queen Mary University of London, 8th Paris LLM Opening Lecture, organisation and moderation of the conference on “Law and the Energy Industry” Paris, France, September 2016

Queen Mary University of London, 7th Paris LLM Opening Lecture, organisation of the conference on “Debt, Debt and More Debt: Where From—Where To?” Paris, France, January 2015

Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 4th Annual Arbitration Conference, organisation and moderation of the conference on “Arbitration in Africa”, Paris, France, December 2015

Interview with Dr Jacomijn van Haersolte-van Hof, Director General of the LCIA, London, UK, November 2015, <https://www.youtube.com/watch?v=3Vpz8uMMm9Q>

University of Oxford, Commercial Law Centre, seminar on Transparency in International Investment Arbitration, Oxford, UK, November 2015

Queen Mary University of London, Café des Arbitres, organisation and moderation of the conference on “International Energy Disputes” Paris, France, October 2015

Queen Mary University of London, 6th Paris LLM Opening Lecture, organisation and moderation of the conference on “The Future of the Energy Industry” Paris, France, September 2015

WilmerHale Scholar-in Residence Lecture, on Arbitral Institutions' Role and Responsibility, London, UK, June 2015

Queen Mary University of London, 5th Paris LLM Opening Lecture, hosted by the International Chamber of Commerce (ICC), organisation and moderation of the conference on “The Application of the Law by Arbitrators”, Paris, France, January 2015

International Center for Dispute Resolution (ICDR), webinar on “The New ICDR Rules”, December 2014

Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 3rd Annual Arbitration Conference, organisation and moderation of the conference on “Nationality in International Arbitration”, Paris, France, November 2014

Co-Chairs' Circle (CCC), 1st Global Conference of over 15 young arbitration associations, organisation and moderation of the conference on “Cultural Differences in International Arbitration” Berlin, Germany, September 2014

Queen Mary University of London, 4th Paris LLM Opening Lecture, organisation of the conference on “When a Company's On-Line Reputation is on the Line: What Can/Should the Lawyers Do?”, Paris, France, September 2014

International Center for Dispute Resolution (ICDR), webinar on “The New ICDR Rules”, September 2014

Queen Mary University of London & Wilmer Cutler Pickering Hale and Dorr, organisation and moderation of the webinar on “BG Group v. Republic of Argentina”, April 2014 <https://www.youtube.com/watch?v=fQPllmURi24>

Queen Mary University of London & University of Cambridge, Lauterpacht Centre for International Law, organisation of research colloquium on “Transparency in Treaty-based Investor-State Arbitration: the New UNCITRAL Standard”, Cambridge, UK, January 2014

Queen Mary University of London, 3rd Paris LLM Opening Lecture, organisation of the conference on "Banking Union in Europe: Will It Solve the Next Crisis?", Paris, France, January 2014

Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 2nd Annual Arbitration Conference, organisation and participation of panel on "Conflicting Decisions in International Arbitration", Paris, France, November 2013

Queen Mary University of London & Freshfields & International Center for Dispute Resolution (ICDR), organisation of debate session with young practitioners, London, UK, October 2013

Queen Mary University of London, 2nd Paris LLM Opening Lecture, organisation of the conference on "Regulation and Control of International Transactions", Paris, France, September 2013

Queen Mary University of London, 1st Paris LLM Opening Lecture, organisation of the conference on "Transnational Commercial Law: Allures and Challenges", Paris, France, January 2013

Queen Mary, University of London & Lauterpacht Centre for International Law, University of Cambridge, conference on "The Paradoxical Argentina Cases", London, UK, December 2012

Queen Mary University of London & Freshfields & International Center for Dispute Resolution (ICDR), organisation of debate session with young practitioners, London, UK, November 2012

Queen Mary University of London, SciencesPo Law School & ICDR Y&I, 1st Annual Arbitration Conference, organisation and moderation of conference on "Techniques For Enhancing Procedural Efficiency In International Arbitration", Paris, France, June 2012

International Center for Dispute Resolution (ICDR), Anniversary Programme 2012, organisation and participation in colloquium on "Third Party Funding in International Arbitration", Vienna, Austria, April 2012

International Business Law Journal (IBLJ), organisation of Roundtable on "Third Party Funding in Europe: Part 2 – The Legal Debate", Paris, France, April 2012

International Business Law Journal (IBLJ), organisation of Roundtable on "Third Party Funding in Europe: Part 1 – Funders' Perspectives", Paris, France, January 2012

2. AS CHAIR, SPEAKER OR MODERATOR

SCC Centennial Symposium "Arbitrating for Peace", keynote opening remarks, Stockholm, Sweden, January 2017

Triple AAA-ICC-ICSID Colloquium, presentation on "Arbitrators' Conflict of Interests in Investment Arbitration", Paris, France, December 2016

CIArb Conference, presentation on ICC Expedited Arbitration Procedures, London, UK, October 2016

CIArb International Disputes Resolution Master Class, Beijing, China, October 2016

Kong Kong Arbitration week, chairing panel on Arbitrability, Hong Kong, October 2016

GAR Live, Hong Kong, debate on "This house believes that advocates should be appointed to plead on behalf of non-appearing respondents in arbitrations", Hong Kong, October 2016

Vilnius Arbitration Days, paper on "Ethical Issues under LCIA Arbitration Rules", Vilnius, Lithuania, October 2016

GAR live, Oxford Union debate on counsel conduct, Frankfurt, Germany, June 2016

DIS40 event, moderating panel on "Pitfalls and Strategies in Communication with Arbitral Tribunals", Frankfurt, Germany, May 2016

British Institute of International and Comparative Law (BIICL), presentation on "Arbitration in the Energy Sector," London, UK, May 2016

DIS40 event, presentation on "Gas Pricing Disputes in International Arbitration", Hamburg, Germany, May 2016

ICCA Congress, presentation on “The Effect of Foreign National Court Judgements Relating to the Arbitral Award: A Conceptual Framework” Mauritius, May 2016

CREDIMI, conference on “L'autorité de la volonté des parties en matière de contrôle des sentences arbitrales”, Dijon, France <https://mediaserveur.u-bourgogne.fr/permalink/v1255fc93e90b2q0v4gf/>

ICC conference Middle East and North Africa, presentation on emergency arbitrator proceedings, Dubai, April 2016

ICC & Queen Mary Symposium, presentation on emergency arbitrator proceedings, London, UK, February 2016

Casablanca Arbitration Days, presentation on Environment and Human Rights Issues in Arbitration in Africa, Casablanca, Morocco, December 2015

French Comite of International Arbitration (Comité français de l'arbitrage), Annual conference on Res Judicata in International Arbitration, Paris, France, October 2015

5th Investment Treaty Arbitration Conference 2015, presentation on Third Party Funding of International Arbitration, Prague, Czech Republic, October 2015

CEPANI40 annual conference, presentation on What a Counsel in Arbitration Can Do, Must Do or Must not Do?, Brussels, Belgium, October 2015

International Bar Association (IBA), Annual conference, presentation of a report on 40+ jurisdictions on the definition of public policy under the New York Convention, Vienna, Austria, October 2015

New York University School of Law, Center for Transnational Litigation and Commercial Law, Arbitration Forum, presentation and paper on “Party-Autonomy in the Post-Award Stage”, New York, US, September 2015

Russian Arbitration Day, Transparency in Investment Arbitration, Moscow, Russia, May 2015

King's College and Shearman & Sterling International Arbitration Speaker Series, Third-party Funding in International Arbitration, London, UK, April 2015

Pepperdine Law School Arbitration Symposium, Recognition and Enforcement of Annulled Awards, Malibu, US, April 2015 <http://www.law.qmul.ac.uk/news/2015/152613.html>

German-US Law Association, The New LCIA Rules, Frankfurt, Germany, March 2015

Annual ICC & Queen Mary Joint Symposium of Arbitrators, Parallel proceedings in international arbitration, Paris, France, March 2015

International Chamber of Commerce (ICC), ADR Training program, Krakow, Poland, March 2015

International Bar Association (IBA), Annual conference, paper presentation on “Public Policy from the National Courts' Standpoint”, Tokyo, Japan, October 2014

International Energy Credit Association (IECA), training on Energy Charter Treaty Arbitration, London, UK, September 2014

European Society of International Law (ESIL), 10th Anniversary Conference, paper presentation on “The Implications of Third-Party Finding on International Arbitration: An Economic Analysis”, Vienna, Austria, September 2014

International Chamber of Commerce (ICC), UK Symposium on “The Arbitral Award”, presentation on “The Relevance of National Law to Drafting and Enforcement of Awards”, London, UK, September 2014

Institute for Transnational Arbitration (ITA), Annual Workshop on “Modern Enforcement of Arbitral Awards: Show Me the Money” Dallas, US, June 2014

Hong Kong International Arbitration Centre (HKIAC), Roadshow on “New Rules and Recent Practice”, London, UK, May 2014

International Chamber of Commerce (ICC), Colloquium organized by Institute of World Business Law on “Jurisdictional Choices in Times of Trouble”, Paris, France, May 2014

University of Paris, Sorbonne Law School, Institute of Legal Research, presentation on “Conflicting Judgments in International Arbitration”, Paris, France, April 2014

Belgrade University, conference on “Arbitrators’ Powers and Party Autonomy”, Belgrade, Serbia, April 2014

ERA Academy of European Law, conference on “Arbitration and EU Law”, Tier, Germany, March 2014

Vienna Arbitration Days, conference on “Applicable Law in International Arbitration”, Vienna, Austria, February 2014

Columbia Law School, Centre for International Commercial and Investment Arbitration, First Annual Programme on Third Party Funding of International Arbitration, New York, US, February 2014

ICC YAF, conference on “Impartiality and Independence in Investment Arbitration,” Paris, France, January 2014

University of St Gallen, Colloquium on “Law & Economics of International Arbitration”, St. Gallen, Switzerland, October 2013

Global ICC YAF Conference, Panel on “Defying Investment Arbitration: Moral Hazards, Perceived Injustices and the Coming of a New Age”, New York, US, June 2013

ASA below 40 (Swiss Arbitration Association), conference on “The Empty Chair – Arbitrating Against Absent Respondents”, Geneva, Switzerland, May 2013

British Institute of International and Comparative Law (BIICL), Conference on “Unilateral Jurisdiction and Arbitration Clauses - Valid or Not?”, London, UK, May 2013

UK Ministry of Foreign Affairs (Foreign Office), presentation on Energy Arbitration (April 2013)

ESCP Europe Business School, Conference on The EU-Russia Energy Relationship, presentation on “The Effect of the Yukos Case and Proceedings”, London, United Kingdom, February 2013

Asser Institute, Hague Prize Colloquium on International Law, presentation on “Recognition in Private International Law”, The Hague, Netherlands, January 2013

New York University School of Law, Center for Transnational Litigation and Commercial Law, Arbitration Forum, presentation and paper on “Forum Shopping in International Arbitration”, New York, US, March 2013

8. Membership in arbitral institutions / functions in arbitral institutions/organizations:

Who’s Who Legal, The Legal 500 UK: regularly ranked as leading arbitration practitioner

Hague Academy of International Law : Director of Studies, 2016

Kluwer Journal of International Arbitration: General Editor, since 2015

International Bar Association (IBA): member of the committee on Recognition and Enforcement of Awards, since 2013

International Chamber of Commerce (ICC): member of task force on emergency arbitration proceedings, since 2016

International Centre for Dispute Resolution (ICDR): member of International Advisory Committee, since 2015

DIS40: co-Chair, since 2012

9. Languages

Mother tongue: German

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English, French

10. In which legal system have you trained?

Germany, France

11. What is your main jurisdiction of practice?

UK, France, Germany

Admitted to the Paris Bar (2001) and as solicitor in England and Wales (2010)

12. Special expertise or specializations (please list a maximum of three):

Energy Disputes, Joint Venture Disputes and Public International Law

13. Date of birth:

28.02.1975

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate. I understand that the above information will be used for VIAC's internal use and may be given to interested persons and may be put on VIAC's website.

29.01 2017

Date and signature