

# Elliot E. Polebaum

## Of Counsel



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**Elliot E. Polebaum** leads Fried Frank's International Arbitration practice group and divides his time between the Washington, DC and Paris/London offices of the Firm.

Mr. Polebaum has appeared as counsel before tribunals throughout the world in more than 140 international cases. Some of his recent arbitrations include representing Total in an ICSID arbitration against the Government of Uganda; a large French company in an ICC arbitration in Geneva against a South American company in a dispute over ownership of an ICSID claim against the government of a country in South America; a large Italian company in an ICDR arbitration in Houston against a US company in the energy sector; an African exploration and production company in an ICC arbitration in London against the Government of Sierra Leone following the cancellation of offshore leases; a European manufacturer of satellites in an ICDR arbitration in New York arising out of a contract for the design and supply of a constellation of satellites to a US based customer; a European aerospace company in an ICC arbitration in New York arising out of an agreement for the design and supply of airframe components; the international owners of a large industrial project in a Middle Eastern country against an international engineering firm in an UNCITRAL arbitration in London; a French claimant in an UNCITRAL arbitration in Geneva arising out of a joint venture in Turkey with a major Turkish industrial group; a French respondent in an *ad hoc* arbitration in New York concerning patent disputes relating to avionics equipment; and Turkish claimants in ICC arbitrations in Istanbul, Helsinki and Frankfurt.

He also frequently serves as arbitrator in both administered and *ad hoc* cases, including recent disputes between US and Indian pharmaceutical companies, US and English pharmaceutical companies, Japanese and Korean technology companies, a Japanese power plant contractor and a South American customer, and Singaporean and Dutch companies arising out of contracts for the construction of drilling rigs. He also recently acted as emergency arbitrator in a dispute among Dutch, German and Japanese parties. He has been appointed as co-arbitrator, chairman or sole arbitrator in more than 50 international arbitrations.

He is Adjunct Professor of Law at Georgetown University Law Center, where he teaches international arbitration. He is the author of *International Arbitration: Commercial and Investment Treaty Law and Practice* (2015).

Mr. Polebaum is consistently recognized by *Chambers USA: America's Leading Lawyers for Business* in International Arbitration (National), where he has been described as "a lawyer with superb writing skills," "outstanding on his feet," and "always meticulously prepared," and by *Chambers Global: The World's Leading Lawyers for Business* in International Arbitration (USA), where he has been described as "incredibly able and astute," and "a very talented and excellent counsel." Mr. Polebaum is also consistently recognized by *Legal 500* in Litigation: International Arbitration, where he has been described as "one of the best international arbitration lawyers" in the market and "an outstanding advocate."

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Prior to joining Fried Frank, Mr. Polebaum served as law clerk to Supreme Court Justice William J. Brennan, Jr. and United States Circuit Judge James L. Oakes.

Mr. Polebaum received his AB, *magna cum laude*, from Middlebury College, his MPA from Harvard University, and his JD, *cum laude*, from The New York University School of Law, where he was a member of the Order of the Coif. He is admitted to practice in the District of Columbia, New York and Massachusetts.

## **Recent Experience as Arbitrator**

**Mr. Polebaum frequently serves as an arbitrator in disputes administered by the ICC and ICDR, as well as in *ad hoc* cases. He has recently sat as arbitrator on the following representative disputes:**

Co-Arbitrator in consolidated ICC cases presenting claims between Singaporean and Dutch parties relating to the construction of drilling rigs.

Co-Arbitrator in an ICC case between Japanese and Korean parties arising out of a patent licensing agreement.

Co-Arbitrator in an ICC case between US and English parties arising out of an asset purchase agreement and a supply agreement in the pharmaceutical industry.

Emergency Arbitrator in a dispute among Dutch, German and Japanese parties arising under cross-licensing agreements.

Co-Arbitrator in an ICDR case between US and Nicaraguan parties arising out of a textile manufacture and supply agreement.

Chairman in an ICDR case between US and Danish parties arising out of an equipment supply agreement.

Presiding Arbitrator in an ICC case in New York between the US subsidiaries of two Chinese companies arising out of a supply agreement.

Sole Arbitrator in an ICDR case between English and US companies arising out of a pooling agreement in the transportation industry.

Sole Arbitrator in an ICDR case between Polish and US parties arising out of a services contract.

Co-Arbitrator in an ICDR case between an Indian pharmaceutical company and a US company arising out of a Cooperation Agreement.

Chairman in an ICC case between Canadian and Argentine companies arising out of an acquisition agreement.

Co-Arbitrator in a non-administered CPR case arising out of investments in non-US distressed debt.

Chairman in an ICDR case between a joint-venture and a supplier in respect of a project in Afghanistan.

Co-Arbitrator in an ICDR case between US and Mexican companies arising out of a stock purchase agreement.

Co-Arbitrator in an ICDR case between US and Caribbean-based companies arising out of a hotel resort operating agreement.

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Chairman in an ICC case between Japanese parties and South American parties arising out of a major construction project.

Sole Arbitrator in an ICDR case between French and Korean parties arising out of a contract for the supply of Application Specific Integrated Circuits.

Chairman in an *ad hoc* UNICITRAL case between a Canadian company and a US company arising out of a distribution agreement.

Chairman in an ICC case between a US company and a Canadian company arising out of a joint venture agreement.

Co-Arbitrator in an ICDR case between a British company and a US company arising out of a development, marketing and strategic alliance agreement.

Sole Arbitrator in an ICC case between a German company and a US company arising out of a distribution agreement.

Co-Arbitrator in an ICDR case between an Austrian company and a US company arising out of a software license and distribution agreement.

Co-Arbitrator in an ICDR case between an Indian company and a US company arising out of a commercial contract.

Co-Arbitrator in an ICDR case between a Canadian company and a US company arising out of a patent license.

Sole Arbitrator in an ICC case between a Singapore company and a US company arising out of a telecom licensing agreement.

Co-Arbitrator in an ICDR case between a Norwegian company and a US company arising out of an acquisition agreement.

## **Recent Experience as Counsel**

**Mr. Polebaum represents a wide variety of US and non-US corporations in international arbitration. Recent representations include:**

An oil major in an ICSID arbitration against the Government of Uganda.

A large French company in an ICC arbitration in Geneva against a South American company in a dispute over ownership of an ICSID claim against a South American government.

A large Italian company in an ICDR arbitration in Houston against a US company arising out of a services contract in the energy sector.

A large US manufacturer of jet aircraft in an ICC arbitration in Geneva against a European supplier of certain airframe components.

The Brazilian subsidiary of an Indian company in an ICC arbitration in Sao Paulo against the Brazilian subsidiary of a US company arising out of a supply contract.

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A large European manufacturer of satellites in an ICDR arbitration in New York arising out of a contract for the design and manufacture of a constellation of low-earth orbiting satellites.

A large European manufacturer of jet aircraft in two ICC arbitrations in New York against a US designer and supplier of certain airframe components.

An African exploration and production company in an ICC arbitration in London against the Government of Sierra Leone following the cancellation of offshore leases.

The Mexican subsidiary of a large French company in an ICC arbitration in Paris brought by the US subsidiary of a Spanish company alleging defective supply of equipment to be used in an alternative energy project.

The international owners of a large industrial project in a Middle Eastern country against a US engineering firm in an UNCITRAL arbitration in London.

US, Danish and Belgian claimants in an ICC arbitration in Paris against German and French respondents arising out of a stock and asset purchase agreement.

A Turkish company in multiple ICC arbitrations in Helsinki and Istanbul against a large Scandinavian telecom equipment supplier.

A European telecom company in an ICDR arbitration in New York against a supplier of satellite services.

A French industrial company in an ICC arbitration in Singapore arising out of a contract to supply certain equipment to an Indian industrial company.

A Turkish company in an ICC arbitration in Frankfurt against a large US supplier of military communications equipment.

A French claimant in an ICDR arbitration in Houston against the US subsidiary of a German company arising out of a patent licensing agreement.

A large Scandinavian industrial company in an ICC arbitration against its North American distributor.

A Belgian company in an ICDR arbitration against US subsidiaries of a German company for breach of a Patent License Agreement.

A Belize company in an ICC arbitration in Geneva against a Finnish company arising out of a consulting and strategic marketing agreement.

A major international oil company in an ICC arbitration brought by a Venezuelan state-owned company arising out of an acquisition agreement.

A US chemical company in an ICC arbitration in Paris with a French chemical company in connection with the design, construction and operation of a new chemical plant.

A French aerospace and defense company in an *ad hoc* arbitration in New York against a US company concerning patent disputes relating to avionics equipment.

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A major international oil company in an UNCITRAL arbitration in Lausanne arising out of a joint venture in Turkey with a major Turkish industrial group.

A major international oil company in an ICC arbitration in Geneva arising out of a patent licensing dispute with another major international oil company.

A major US based multinational in an ICC arbitration in Miami arising out of the construction of two power plants in Venezuela.

The United Nations in an UNCITRAL arbitration in New York involving breach of contract, fraud and related claims brought by a supplier of air charter services to UN peacekeeping operations.

US underwriters in a dispute arising out of an export credit insurance policy subject to London Court of International Arbitration in London.

British underwriters in an LCIA arbitration in London brought by a Singapore insured asserting claims arising under an export credit insurance policy.

A US company in an ICC arbitration in Paris arising out of the purchase of a European business from a German company.

A US company in an ICC arbitration in Stockholm arising out of a contract for the procurement of military equipment from a Russian State entity.

A French satellite manufacturer in a breach of contract arbitration arising out of a construction and purchase contract.

A US manufacturer in an UNCITRAL arbitration in London arising out of a construction project in Thailand.

A US systems engineering company in an ICC arbitration in London against a Spanish company involving the installation of a command and control prototyping laboratory in Madrid and the related licensing of proprietary software.

A US semiconductor manufacturer in an ICC arbitration in Paris arising out of the construction of a new plant in France.

A US manufacturer in multiple American Arbitration Association arbitrations in Washington against its British distributor.

A Swiss company in an ICC arbitration in Vienna arising out of the purchase of a Danish company.

A European energy company in an LCIA arbitration arising out of a petroleum supply contract.

European nuclear interests in arbitrations related to both construction contracts and enrichment services contracts.

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## Litigation in US Courts

**Mr. Polebaum has represented US and non-US clients in litigation before US courts in the following recent cases:**

Veolia Environnement S.A. in litigation alleging complicity in human rights abuses in the West Bank.

Total SA in litigation arising out of a joint venture agreement.

France Telecom in multiple patent infringement and antitrust litigations.

Club Méditerranée in litigation in Miami brought by former Cuban nationals with respect to the alleged operation of a resort in Cuba by a Club Med affiliate from 1997 to 2003.

Total SA in class-action litigation alleging complicity in human rights abuses during the apartheid regime in South Africa.

Thales SA in patent infringement litigation relating to avionics equipment.

Total SA and subsidiaries in insurance coverage litigation in New York arising out of a worldwide construction policy.

A French-US joint venture in patent infringement litigation relating to ground collision avoidance systems.

Northrop Grumman Corporation in patent infringement litigation before the United States Court of Federal Claims.

Total SA in various class action antitrust litigations in the United States District Courts in the District of Columbia and in Philadelphia.

Multiple US companies in claims against the US Government for uncompensated regulatory takings of property rights.

A French avionics company in a patent infringement litigation in the United States District Court in San Francisco relating to accelerometer sensors.

A French avionics company in a patent infringement litigation in the United States District Court in Miami relating to air traffic collision avoidance displays.

A French software company in various trademark infringement litigations in United States District Court.

A major US oil company in litigation with the US government in United States District Court in Fresno, California.

A US retail chain in copyright infringement litigation in United States District Court in Los Angeles.

An Italian couturier in trademark infringement litigation in United States District Court in the Eastern District of Virginia.

A telecommunications company in breach of contract, tort and antitrust litigation in the United States District Court in Miami.

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## Articles

- Determining The Fate Of Federal ICSID Award Enforcement** Apr 6, 2016  
*Source: Law360; Authors: Elliot E. Polebaum, Katherine Raimondo*
- Spotlight On India's New Investment Treaty Initiative** Feb 19, 2016  
*Source: Law360; Authors: Elliot E. Polebaum, Helene Gogadze*
- Book Review: "Addressing Issues of Corruption in Commercial and Investment Arbitration"** 2015  
*Source: Paris Journal of International Arbitration; Authors: Elliot Polebaum*
- Oman Held Not Liable for Actions of State-Owned Enterprise** Dec 4, 2015  
*Source: New York Law Journal; Authors: Elliot E. Polebaum and Helene Gogadze*
- Supreme Court to Decide Citizenship of Trusts** Nov 18, 2015  
*Source: New York Law Journal; Authors: Elliot E. Polebaum, Eugene N. Hansen*
- English Court Removes Arbitrator For Lack Of Impartiality, Points Out His Tone And Intemperate Language** Apr 2015  
*Source: Mealey's International Arbitration Report; Authors: Elliot E. Polebaum and Helene Gogadze*
- The English Examine Multiple Dispute Resolution Clauses** Mar 20, 2015  
*Source: Law360; Authors: Elliot E. Polebaum, Helene Gogadze*
- Finding Of Arbitrator's "Evident Partiality" And Interlocutory Judicial Removal of Arbitrator: The Ninth Circuit Court Of Appeals Disapproves Both** Feb 2015  
*Source: Mealey's International Arbitration Report; Authors: Elliot E. Polebaum, Helene Gogadze*
- Abusive Reorganization of Investments To Obtain International Treaty Benefits** Feb 11, 2015  
*Source: New York Law Journal; Authors: Elliot E. Polebaum, Helene Gogadze*
- U.S. Supreme Court Holds that An Arbitral Tribunal's Decision on Precondition to Arbitration is Entitled to Deference** Aug 2014  
*Source: International Arbitration Law Review (Vol. 17, Issue 3, 2014); Authors: Elliot Polebaum and Helene Gogadze*
- Challenging the Validity and Enforceability of Arbitral Awards is a Risky Endeavor: US Courts Warn That Parties and Counsel Risk Costs and Sanctions** Jan 2014  
*Source: Mealey's International Arbitration Report; Authors: Elliot Polebaum and Helene Gogadze*
- Fried Frank International Arbitration Newsletter™** Dec 31, 2013
- Fried Frank International Arbitration Newsletter™** Jun 25, 2013
- Laos' Challenge to Arbitration Award Highlights Complexities in Enforcement** May 30, 2013  
*Source: New York Law Journal; Authors: Elliot Polebaum and Helene Gogadze*
- Looking to Enforce a Foreign Arbitral Award in the United States? Do Not Forget About Personal Jurisdiction** May 29, 2013  
*Source: Mealey's International Arbitration Report; Authors: Elliot Polebaum and Helene Gogadze*

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**Eleventh Circuit Court of Appeals Resolves a Disputed Issue of Law-U.S. Discovery is Available in Private International Commercial Arbitration Proceedings** Jan 30, 2013  
*Source: Mealey's International Arbitration Report; Authors: Elliot Polebaum, Eugene Hansen and Helene Gogadze*

**Fried Frank International Arbitration Newsletter™** Dec 12, 2012

## Books

**International Arbitration: Commercial and Investment Treaty Law and Practice** Jun 2015  
*Source: ALM/Law Journal Press* 2016 Update

## Speaking Engagements

Eighth Conference on Transnational Commercial Law, "Parties, Counsel and Arbitrators" Nov 17, 2016

College of Commercial Arbitrators, "The Use of Witness Statements in International Arbitration" Oct 21, 2016

American Arbitration Association and College of Commercial Arbitrators, "The Hearing in International Arbitration" Oct 20, 2016

Table Ronde, Revue de Droit des Affaires Internationales (Paris), "Le Privilège en Arbitrage International" Sep 27, 2016

USCIB Expatriate Subcommittee (Paris), "ICC Disclosure and Other Transparency Initiatives" Apr 14, 2016

18th Annual ABA Section of Dispute Resolution Spring Conference, "The International Arbitration Hearing" Apr 7, 2016

Société de Législation Comparée (Paris), "L'Entreprise face au Conflit d'Interêts" Nov 6, 2015

NYIAC Fall for Ethics Breakfast Panel, "IBA Guidelines on Party Representation" Sep 22, 2015

CIArb Centennial Celebration (Hong Kong), "Arbitration and the Expectations of In-House Counsel" Mar 20, 2015

Young ICCA Skills Training Workshop Mar 5, 2015

College of Commercial Arbitrators, "Tribunal Authority to Remove Counsel" Nov 7, 2014

Fried Frank International Arbitration Almanac (London) "The Year in Review in the United States" Nov 3, 2014

Washington College of Law, "US Supreme Court Decisions on Arbitration" Mar 12, 2014

International Arbitration Month at Georgetown Law, "Advantages of International Arbitration" Feb 4, 2014

Hong Kong International Arbitration Week, "The Power of International Tribunals to Protect the Integrity of the Proceedings" Oct 23, 2013



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College of Commercial Arbitrators, "Arbitration in Latin America"	Oct 13, 2013
IBA Annual Meeting (Boston), "Mass Claims - Abaclat and Ambiente"	Oct 8, 2013
PLI's International Arbitration 2013, "Pet Peeves of Arbitrators: Best (or at Least Good) Practices"	Jun 10, 2013
Fried Frank's Inaugural Aerospace and Defense Executive Seminar, "Advantages of Arbitration"	May 20, 2013
2012 Arbitration Symposium (Hong Kong), "Litigation v. Arbitration: Pros and Cons"	Jun 28, 2012
Arbitration Symposium (Tel Aviv), "What Israeli Companies Need to Know About International Business"	May 21, 2012
Third Annual ICC Asia-Pacific Conference, "Arbitration of Intellectual Property Disputes"	Mar 9, 2012
Eighth Annual Seminar on International Commercial Arbitration, "Discovery in Complex International Arbitration"	Oct 11, 2011