

Hong Kong International Arbitration Centre (HKIAC)

O'NEILL Philip

**Current Employer** - Independent Arbitrator; Adjunct Professor of International Arbitration at Boston College Law School and Boston University Law School

**Work History** - Partner, Edwards Wildman Palmer LLP (now Locke Lord), 1987-2014; Partner/Associate, Hale & Dorr (now Wilmer Hale) 1977-87.

**Experience** - Primarily engaged in litigation/arbitration as a trial attorney and arbitrator for over 35 years, with approximately equal experience in international and domestic arbitration and litigation involving complex business disputes (70%). The practice focus was on complex contractual, corporate, investment, intellectual property (e.g., patent license and trade secrets), and other business disputes, typically involving diverse industries, such as telecommunications, life sciences, computer software, energy supply, entertainment (e.g., music), apparel/fashion, transportation, and manufacturing (e.g., plastics, jewelry, food), as well as many other areas of business activity (e.g., supply/ distribution/partnership/franchise). Domestic and foreign clients ranged from large New York Stock Exchange listed companies to small venture backed start-ups and individuals. Additional experience as counselor and in transactions during the past 15 years (30%). Counseling and transactional experience typically involved manufacturers, as well as cross-border joint ventures and private equity/venture capital/collective investment, often times for foreign clients, in various industries and locales in the U.S. and around the world. Listed repeatedly in "America's Best Lawyers" in International Arbitration and among the "World's Finest Lawyers" in Expert Guides. Read more at [www.pdoneill.com](http://www.pdoneill.com) at Background.

**Academic Experience** - includes the following: Adjunct Professor of Law in International Arbitration, Boston College Law School (1988 to date); Adjunct Professor of Law in International Arbitration (2011 to date)(ELLM Program) and National Security Law (2001-09), Boston University Law School; Professor of International Law on Business Transactions, Fletcher School of Law & Diplomacy (2007), Nomura Lecturer in Law, International Arbitration, Harvard Law School (2005); Adjunct Research Associate, Center for International Affairs, Harvard University (1988); Adjunct Research Fellow, Center for Science and International Affairs, Kennedy School of Government, Harvard University (1983-87). Read more at [www.pdoneill.com](http://www.pdoneill.com) at Background/Academic Experience.

**Alternative Dispute Resolution Experience** - Member of the HKIAC, CIETAC, SCIA, SHIAC, KCAB, KLRAC, LCIA, ICC, Dubai, Stockholm, CPR, Milan, AAA/ICDR; WIPO and ICC Panels of Arbitrators. Selected as a neutral arbitrator in an array of over 120 large and complex cases, split between domestic and international. Presided over more than 50 trials adjudicating billions of dollars (U.S.) in total either claimed as damages or at issue through declaratory judgment actions.

**NOTABLE ARBITRATOR EXPERIENCE** as chair (30 cases), wing (over 40 cases) and sole arbitrator (over 40 cases), presiding over disputes involving:

(1) Communications - U.S.\$750 million patent licensing dispute between Asian and American telecom companies; U.S.\$20 million voice recognition modem chip contract with foreign supplier; satellite digital transmission license and services-related claim; telecom contract rate disputes; web-based video library services dispute.

(2) Distribution/Supply - Nine figure Asian industrial gas requirements contract; South Asian foreign military aviation supply contract; explosives supply contract; and printing, food and beverage (foreign and domestic) supply contracts, including outsourcing (eg. China).

(3) Energy - Eastern European privatization joint venture declaratory judgment and multimillion dollar damages claim; South East Asian power generation contract; electricity contracts; U.S.\$20 million oil storage claim.

(4) Private Equity/Investment/Acquisitions - U.S.\$150 million shipping asset post-closing adjustment between American and European parties; U.S.\$50 million private fundraising dispute with Asian Government; U.S.\$20 million Latin American transportation post-closing adjustment claim; food industry post-closing adjustment claims; brokerage sale non-competition dispute; cross-border fashion/garment industry disputes between partners as well as with venture capitalists; multimillion dollar environmental indemnity claims; office buildings investment partnerships; and stock valuation of foreign company;

(5) Technology/Life Sciences - Ownership and licensing of intellectual property, including: one billion dollar patent licensing and genetic technology trade secret dispute between Asian pharmaceutical and American biotech company; one billion dollar consumer electronics patent license dispute; U.S.\$200 million Russian defense technology patent license claim; U.S.\$100 million European bottling technology patent license dispute; U.S.\$20 million healthcare patent license/dispute; patent license and trade secret claims involving powered tools, collection software, printing equipment, private education software and other information technology and software related claims.

Arbitrator experience also includes dozens of six/seven figure contractual claims, including allegations of fraud, misappropriation and other standard types of business tort claims, in diverse industries ranging from aerospace to logistics; franchise (eg. food; private education);

entertainment (e.g., sports and movies); financial services and venture capital investment, including partnership (e.g., real estate) and shareholder disputes; restrictive covenants; product development, marketing (including global brand trademarks), transportation, shipping, and logistics; manufacturing, distribution and supply of foreign and domestic products, including apparel/fashion/accessories, food, weapons/explosives, software and chips; and consulting/services contracts. Read more at [www.pdoneill.com](http://www.pdoneill.com) at Arbitrator Experience/Representative Cases.

**Professional Associations** College of Commercial Arbitrators (Fellow); Chartered Institute of Arbitrators, U.K. (Fellow and Chartered Arbitrator); Member, National Academy of Distinguished Neutrals; International Law Association (American Branch, Arbitration Committee, Past Chair; International Arbitration Committee, American Delegate since 1989); American Society of International Law; Boston Bar Association (International Section, Past Chair; International Arbitration Committee, Past Chair); American Bar Foundation (Fellow); American Bar Association [International Section: Vice Chair International Arbitration Committee of the International Section (2011-2013) and Vice Chair National Security Law Committee (2002-05 and 2011-2015)]. Read more at [www.pdoneill.com](http://www.pdoneill.com) at Background/Professional Associations.

**Publications and Speaking Engagements** - Includes Textbook on International Commercial Arbitration (West Academic Press 2012) and numerous journals and CLE publications, as well as book chapters, primarily related to commercial arbitration and ADR, including "The Power of Arbitrators to Award Monetary Sanctions" in AAA HANDBOOK OF COMMERCIAL ARBITRATION (Chapter 21 in the 2010 edition), and "International Arbitral Jurisdiction: When Taking Control Goes Out of Control," (Chapter 6 in the 2010 edition of the AAA HANDBOOK ON INTERNATIONAL ARBITRATION. Read more at [www.pdoneill.com](http://www.pdoneill.com) at Background/Academic Experience/Publications

**Compensation** U.S.\$695 Per Hour – Rates include study time. Expenses charged for transportation and lodging.

**Citizenship** - United States of America

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