



## **Thomas H. Webster**

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### Background

Education:	B.A. (University of Alberta); J.D. (University of Toronto) (with full-time Justice Dept. summer courses in civil law at the Université Laval and the Université d'Ottawa); LL.M (Cambridge University); D.E.A. (University of Paris)
Bar memberships:	Ontario, Canada, 1979; New York, 1980; England, 1982 (Solicitor); Paris, France 1982 (Avocat Honoraire)
Languages:	Trilingual: English, French, German Reading Fluency: Spanish, Italian
Nationality:	Canadian

### Professional Experience

1998 -	<i>Counsel, arbitrator and mediator, Paris and London</i>
1985 - 1998	<i>Hughes Hubbard &amp; Reed, Paris. (Partner)</i>
1979 -1985	<i>Dewey Ballantine, New York and Paris. (Associate)</i>
1976-1977	<i>Lecturer in Comparative Law, Institut de Droit Comparé, Paris</i>

Areas of Activity: International Arbitration (LCIA, ICC, AAA, UNCITRAL, ICDR, DIAC, QICCA, CEPANI, ICSID, Swiss Arbitration Rules, Netherlands Arbitration Institute, Polish Court of Arbitration); Mediation

General arbitration activities: Conduct of construction arbitration in various jurisdictions under FIDIC and related construction contracts under English and civil law systems; conduct of engineering and energy arbitrations under various systems of law; dealing with sanctions regulations in various contexts.

Current Activities: Various arbitrations including: an LCIA arbitration regarding a corporate dispute; an LCIA arbitration regarding sale of a company; an LCIA arbitration regarding a real estate investment; an ad hoc arbitration regarding an African oil sales; an ICC arbitration relating to construction of submarines; a DIAC arbitration regarding a

financing; an ICC arbitration regarding a large construction project and sanctions; an LCIA arbitration regarding a major financing and sanctions.

Arbitrations recently concluded: An ICC arbitration regarding an M&A transaction; two Qatar arbitrations regarding two major construction projects; an LCIA arbitration regarding third party funding; an LCIA arbitration regarding a shareholder dispute; an ICC arbitration regarding a US construction project; an ICC arbitration relating to a Saudi construction project; an ICC arbitration regarding financing in the travel industry; an ICC arbitration relating to a defence sales contract in Saudi Arabia; a DIFC-LCIA arbitration regarding hotel management arrangements; a DIFC-LCIA arbitration relating to a construction project in Dubai; two DIAC arbitrations relating to construction projects in Dubai; a SIAC arbitration regarding a financing; an ICC arbitration relating to compensation arrangements relating to sale of aircraft; an ICC arbitration relating to a pharmaceutical license agreement; an LCIA arbitration relating to an acquisition of a software company.

Other arbitrations: Arbitrations dealt with a broad range of matters including financing arrangements, oil production and engineering, construction, mining, thermal, wind, solar and electrical power generation, telecommunications, share purchase agreements, investment agreements, oil exploration and operations, environmental issues, representation and distribution agreements and pharmaceuticals.

Experience in corporate matters. In addition to extensive experience in corporate law arbitration, over 20 years experience handling mergers and acquisitions and corporate matters and financings related thereto, including shareholder agreements (put and call options), shareholder rights (including oppression), commercial contracts and financings at various levels.

Applicable law: The applicable law in the past and current arbitrations has included US law (various states), English law, French law, Swiss law, Turkish law, German law, Japanese law, Belgian law, Canadian law (various provinces), Spanish law, Italian law, Egyptian law, Ethiopian law, law of Trinidad and Tobago, law of the Democratic Republic of the Congo, Bulgarian law, Philippines law, Russian law, Saudi law, UAE law, DIFC law, Qatari law, Abu Dhabi law, Chadian law, Sudanese law and international law. Approximately one half of the arbitrations were subject to civil law and one half are subject to common law.

Places of arbitration: The places of arbitration include in particular London, Paris, Geneva, Zurich, Singapore, New York, Saudi Arabia, Dubai, Qatar and Montréal.

Procedural Issues: The procedural issues have varied widely. They have included numerous issues as to bifurcation and decisions on dispositive issues, interim relief, amendments of claim and defence, admission or refusal of new evidence and the effect of prior awards. In addition, increasingly there are issues as to proactive management of arbitrations with midstream conferences to identify issues and areas of expert evidence and expert witness conferences to ensure that experts are assisting tribunals.

Court decisions: Most Awards are confidential. However, recent Awards as presiding or sole arbitrator have been upheld in *Erdenet Mining Corporation v. ICBC Standard Bank Plc* [2017] EWHC 1090 (Comm); *C1, C2 and C3 v. D* [2016] EWHC 1893 (Comm); and *C v. D1, D2 and D3* [2015] EWHC 2126 (Comm).

#### Recent Books:

*Handbook of UNCITRAL Arbitration* (4th Edition) (Thomson/Sweet & Maxwell/Westlaw) (April 2023)

*Handbook of ICC Arbitration* (5th Edition) (Thomson/Sweet & Maxwell/Westlaw) with Michael Bühler (October 2021) (6<sup>th</sup> Edition in preparation)

*Handbook of Investment Arbitration* (Thomson/Sweet & Maxwell/Westlaw) (2012)

Selected Articles:

“Proposed Basic Timetables for Expedited Arbitration”, *Arbitration International*, XX, 1-16 (January 2023).

Co-author of a chapter in the *Guide to M&A Arbitration* (with Amy Kläsener (GAR 2018 updated in 2023)

"Agreements to Arbitrate and the Place of Arbitration": Divergences in approach” *Dispute Resolution International* (May 2014)

"Efficiency in Investment Arbitration: Recent Decisions on Preliminary and Costs Issues", Vol. 26 No.3 *Arbitration International* (December 2009)

"Functus Officio and Remand in International Arbitration" Vol. 27 *ASA Bulletin* No. 3 (September 2009)

"Review of Substantive Reasoning of International Awards by National Courts: Ensuring One-Stop Adjudication, Vol. 23 No. 3 *Arbitration International* (June 2006).

"Evolving Principles regarding Enforcement of Awards subject to Annulment Proceedings" Vol. 22 *Journal of International Arbitration* (June 2006)

"Terms of Reference and French Annulment Proceedings", Vol. 20 *Journal of International Arbitration* (December 2003)

"Party Control in International Arbitration" Vol. 19 No. 2 *Arbitration International* (2003)

"Selecting Arbitrators in a Nutshell", Vol. 19 No. 3 *Journal of International Arbitration* (2002)

"Obtaining Evidence from Third Parties in International Arbitration" Vol. 17 No. 2 *Arbitration International* (2001)

"Obtaining Documents from Adverse Parties in International Arbitration" Vol. 17 No. 1 *Arbitration International* (2001)