

VIAC – Questionnaire for Arbitrators

1. **Name:** Tony Cole FCIArb

2. **Citizenship:** British; Australian

3. **Contact information:**

Address: JAMS New York, NY Times Building 620 8th Ave 34th Floor New York, NY 10018

Telephone: c/o Douglas Duzant 1-212-607-2787

Fax: 1-212-801-1743

E-Mail: c/o Douglas Duzant dduzant@jamsadr.com

Website: <https://www.jamsadr.com/cole/>

LinkedIn: <https://www.linkedin.com/in/tonycolearbitration/>

4. **Current position:** Arbitrator at JAMS; Reader in Arbitration and Investment Law at the University of Leicester

5. **Education:**

The University of Michigan Law School, Ann Arbor, MI, USA
Juris Doctor, *cum laude*, May 2004

St. John's College, Annapolis, MD, USA
Bachelor of Arts (Liberal Arts), May 1997

6. **Practiced experience in arbitration**

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

75 – SCC, ICDR, AAA, *ad hoc*

- How often have you acted as Chairman?

0

- How often have you acted as Sole Arbitrator?

70

- How often have you acted as Co-Arbitrator?

0

- How often have you acted as Counsel?

5

- How often have you acted in a different function (e.g. Administrative Secretary)?

0

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

1. Books

Understanding International Arbitration (with Pietro Ortolani) (Routledge 2019)

The Roles of Psychology in International Arbitration (editor) (Series: International Arbitration Library) (Kluwer 2017)

The Structure of Investment Arbitration (Routledge 2013) (paperback edition released in 2015; US edition released in 2015)

2. Studies

“Arbitration in the Americas” (2018) (with Pietro Ortolani, Pinar Karacan and Stephanie Trindade Cardoso) (principal investigator and co-lead author with Pietro Ortolani) (supported by the Organization of American States and by the Arbitration Court of the International Chamber of Commerce) (funded by Gentium Law): <https://www2.le.ac.uk/departments/law/research/arbitration>

“Legal Instruments and Practice of Arbitration in the EU” (2015) (with Ilias Bantekas, Christine Riefa, Federico Ferretti, Barbara Warwas and Pietro Ortolani) (principal investigator and lead author) (funded by the European Parliament): [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2015\)509988](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2015)509988)

3. Blog

The Social and Psychological Underpinnings of Commercial Arbitration in Europe:
<https://commercialarbitrationineurope.wordpress.com/project-blog/>

4. Articles and Chapters

“Introducing Statutory Construction Adjudication to India: Drawing from International Experience”, (with Harry Meliniotis, Arran Dowling-Hussey and Tariq Mahmood) (submitted, publication expected in 2020)

“Arbitration in Its Psychological Context: A Contextual Behavioural Account of Arbitral Decision-Making”, in The Oxford Handbook of International Arbitration (Thomas Schultz & Federico Ortino eds.) (Oxford University Press 2020) (with Pietro Ortolani and Sean Wright) (lead author)

“Judicial Interpretation of Standard Arbitration Clauses: ‘Any and All Claims Related’”, in Judicial Control over Arbitral Awards (Cambridge University Press 2019) (with Rocio Digon and Kamil Mehiz) (lead author)

“Legislating for an Effective and Legitimate System of Online Consumer Arbitration”, in The Brave New World of Arbitration: The Role of Technology and the Internet in International Arbitration (Christian Aschauer & Maud Piers eds. 2018) (Cambridge University Press) (with Pablo Cortés)

“Arbitration in Southern Europe: Insights from a Large-Scale Empirical Study”, 26 *American Review of International Arbitration* 187 (2015) (with Pietro Ortolani and Barbara Warwas) (lead author)

“Diversity in Arbitration in Europe: Insights from a Large Scale Empirical Study”, *Transnational Dispute Management* (2015) (with Pietro Ortolani)

“Legal Instruments and Practice of Arbitration in the EU”, *Transnational Dispute Management* (2015) (with Ilias Bantekas, Christine Riefa, Federico Ferretti, Barbara Warwas and Pietro Ortolani) (replication of European Parliament study) (principal investigator and lead author)

“Non-Binding Documents and Literature”, in *International Investment Law: The Sources of Rights and Obligations* (Eric De Brabandere and Tarcisio Gazzini eds.), (Brill 2012)

“The Boundaries of Most Favored Nation Treatment in International Investment Law”, 33 *Michigan Journal of International Law* 537 (2012)

“Power-Confering Treaties: The Meaning of ‘Investment’ in the ICSID Convention” (with Anuj Kumar Vaksha – PhD supervisee), 24(2) *Leiden Journal of International Law* 355 (2011)

“Authority and Contemporary International Arbitration”, 70 *Louisiana Law Review* 801 (2010)

“Commercial Arbitration in Japan: Contributions to the Debate on Japanese ‘Non-Litigiousness’”, 40 *New York University Journal of International Law and Politics* 29 (2007)
- republished in 7 *Transnational Dispute Management* (2010)

5. Book Reviews and Professional Publications

“‘Pakistan Protocol’ on Virtual Hearings” (with Arran Dowling Hussey and Tariq Mahmood), *The News (Pakistan)* (2020)

“Africa Arbitration Academy Protocol on Virtual Hearings in Africa: A leap in the right direction?” (with Arran Dowling Hussey and Tariq Mahmood), 33 *Bedford Row Blog* (2020)

“The Seoul Protocol on Video Conferencing in light of COVID-19” (with Arran Dowling Hussey and Tariq Mahmood), *JAMS Blog* (2020)

“Witness Conferencing Guidelines”, (with Arran Dowling Hussey), *Westlaw Middle East* (2019)

“ICS v. Argentina”, 27 *ICSID Review – Foreign Investment Law Journal* 268 (2013)

“Repsol May Never Get Paid for YPF”, *New Statesman* (online), 24 April 2012 [blog post]

“Is Argentina allowed to seize YPF?”, *New Statesman* (online), 23 April 2012 [blog post]

“Abdulrahman Yahya Baamir – Shari’a Law in Commercial and Banking Arbitration: Law and Practice in Saudi Arabia”, 12 *Journal of Banking Regulation* 192 (2011)

“Arbitrator Appointments in Investment Arbitration: Why Expressed Views on Points of Law Should Be Challengeable,” 1 *Investment Treaty News Quarterly* 13 (2010)

“International Company for Railway Systems (ICRS) and Privatization Holding Company (PHC) v. Hashemite Kingdom of Jordan (ICSID Case No. ARB/09/13)” (with Yazan D. Haddadin – PhD student), 7 *Transnational Dispute Management* (2010)

“Ronald Charles Wolf – *Trade, Aid and Arbitrate* (2003)”, *Global Law Books* (2007)

“New York State Courts May Order Provisional Remedies in Support of International Arbitration,” *World Arbitration and Mediation Report*, 17 *World Arbitration & Mediation Report* 176 (2006)

6. Invited Presentations of Research

Conference: Co-presentation (I was the invitee, but I arranged for a co-author to present a co-authored paper in my place): “Judicial Control of Arbitral Awards: Scope, Vacation, and Public Policy”, Catholic University of Lyon, Lyon, France, 26-27 April, 2019

Conference: “Dublin International Arbitration Day” (member of panel on arbitration and psychology), Arbitration Ireland, Dublin, Ireland, 16 November 2018

Conference: “V International Arbitration Readings” (member of panel on arbitrability), International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry, Kiev, Ukraine, 4 October 2018

“Modern Times in arbitration: Initiatives and Perspectives” (member of panel on arbitrability), Permanent court of Arbitration attached to the Economic chamber of Macedonia, Skopje, Macedonia, 19-20 April 2018

Conference: “Second Annual Meridian-180 Global Summit: Responding to the Rise of Inward-Looking Societies: New Models of Cooperation”, Brussels, May 19-21, 2017

Roundtable: “Guerilla Tactics in International Arbitration: Views from Southeast Asia to the Atlantic”, Asia-Pacific Forum for International Arbitration, Dublin, 17 October, 2016

Conference: “Arbitration Futures: The Next 10 Years” (member of panel on “Arbitration in 2026”; keynote speech to Under-40 Session), 10th Congress of the Commercial Arbitration Centre of the Portuguese Chamber of Commerce and Industry, Lisbon, Portugal, 7-8 July, 2016

Workshop: Co-presentation (presentation made by my co-author) “The Brave New World of Arbitration: The Role of Technology and the Internet in International Arbitration”, Ghent, Belgium, 11-12 January, 2016

Conference: “International Dispute Resolution: Diversity Towards Convergence?”, Krakow, Poland, 15-16 October, 2015

Conference: Co-presentation (I was the invitee, but I arranged for a co-author to present a co-authored paper in my place): “Dispute Resolution in M&A/JV Transactions”, Warsaw, Poland, 28-29 May, 2015

Participant in the UNCTAD Expert Meeting on “The Transformation of the International Investment Agreement Regime”, Geneva, Switzerland, February 2015

Presentation to the JURI Committee of the European Parliament: “Legal Instruments and Practice of Arbitration in the EU”, Brussels, Belgium, February 2015

Workshop: “Towards a Theory of Arbitration: A Decentering Approach to Globalization”, Chinese University of Hong Kong, Hong Kong, China, June 2014

Conference: “International Arbitration: The Role of Law”, Stockholm, Sweden, Thursday, May 2014

Conference: “FT MIGA Summit: Managing Global Political Risk: Old Risks, New Moment”, London, UK, December 2011

Conference: “The Most-Favoured-Nation Treatment of Substantive Rights”, Association for International Arbitration, Brussels, Belgium, October 2010

Presentation of “Most-Favoured Nation Treatment in International Investment Law”, Louisiana State University, Baton Rouge, USA, March 2010

Presentation of “Justice in the Diffusion of Innovation” (with Allen Buchanan & Robert Keohane), Yale University, New Haven, USA, March 2010

Conference: “Investment Treaty Arbitration: Evolution and Revolution in Substance and Procedure”, Sydney Law School, Australia, February 2010

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

Chair, East Midlands Branch, Chartered Institute of Arbitrators

Fellow, Chartered Institute of Arbitrators

Panels/Lists: Asia International Arbitration Centre (AIAC); British Virgin Islands International Arbitration Centre; Cairo Regional Centre for International Commercial Arbitration (CRCICA); Chartered Institute of Arbitrators (Business Arbitration Scheme); Delos Dispute Resolution; International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry (ICAC); Istanbul Arbitration Centre; Kosovo Permanent Tribunal of Arbitration; Permanent Arbitration at the Chamber of Commerce and Industry of Serbia; Permanent Court of Arbitration attached to the Economic Chamber of Macedonia; Vienna International Arbitral Centre (VIAC)

9. Languages

Mother tongue: English

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):

10. In which legal systems have you trained?

- | | | |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law | <input checked="" type="checkbox"/> Common Law | |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law |
| <input type="checkbox"/> Czech Law | <input type="checkbox"/> Polish Law | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law | <input type="checkbox"/> Slovakian Law | <input type="checkbox"/> European Law |

Other: U.S./New York law; English law

11. What is your main jurisdiction of practice?

New York and England

12. In which jurisdictions are you admitted to the bar?

New York

13. Special expertise or specializations (please list a maximum of five):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> Antitrust/Unfair competition | <input type="checkbox"/> Damages | <input type="checkbox"/> Insolvency | <input type="checkbox"/> Power plants |
| <input checked="" type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input checked="" type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input checked="" type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input checked="" type="checkbox"/> CISG | <input type="checkbox"/> Energy | <input type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping |
| <input type="checkbox"/> Civil fraud disputes | <input type="checkbox"/> Engineering | <input type="checkbox"/> Licensing | <input type="checkbox"/> Sports |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Life sciences | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market | <input type="checkbox"/> Healthcare & Pharmac. | <input type="checkbox"/> Maritime arbitration | <input type="checkbox"/> Technology |
| <input type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input checked="" type="checkbox"/> Telecommunication |
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining | <input type="checkbox"/> Transport |
| <input checked="" type="checkbox"/> Contract law | <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Natural resources | |
| <input type="checkbox"/> Other _____ | | | |

14. Date of birth: 29 May 1969

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.