

VIAC – Questionnaire for Arbitrators

1. **Name:** Frederick R. Fucci

2. **Citizenship:** U.S.

3. **Contact information:** Fucci Law & ADR, PLLC

Address: 41 Madison Avenue, Suite 4012, New York, NY 10010 USA

Telephone: 1.212.763.4162

Fax: 1.212.763.4141

E-Mail: fred@fuccilaw-adr.com

Website: <https://fuccilaw-adr.com/>

LinkedIn: www.linkedin.com/in/fred-fucci-83640713/

4. **Current position:** Arbitrator/Mediator in private practice

5. **Education:**

Georgetown University Law Center, Washington, D.C.

Juris Doctor, May 1987; Law Review: *The Tax Lawyer*, Lead Articles Editor

Johns Hopkins School of Advanced International Studies, Washington, D.C. and Bologna, Italy - *M.A. in International Relations*, May 1987, with distinction

Ecole Normale Supérieure, Paris, France - 1981-1982 - *Pensionnaire étranger* (Resident Foreign Fellow)

Amherst College, Amherst, Massachusetts - B.A. in European Studies, *cum laude* - May 1981 - Foreign Study at the *Université de Paris IV/Sorbonne* (Paris, France) and the *Università di Firenze per Stranieri* (Florence, Italy); Awards: Forris Jewett Moore Fellowship in History; John Woodruff Simpson Fellowship for Legal Studies

6. **Practiced experience in arbitration**

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

I have acted as an arbitrator in a total of 32 cases under the rules of ICC, ICDR, AAA, LCIA and CAM. 19 of those cases have been international and 13 domestic.

- How often have you acted as Chairman? Twice
- How often have you acted as Sole Arbitrator? 17 cases.
- How often have you acted as Co-Arbitrator? 13 cases.
- How often have you acted as Counsel? Numerous cases.

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

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

Presentations / Articles Relating to Commercial Arbitration

- June 28, 2019 – *Choice of Law & Forum – International Contracts and Arbitration* and June 7, 2018 – *Distribution Agreements – Choice of Law; Drafting and Negotiating an International Contract* - Siena Italy, at conferences sponsored by Camera di Commercio Siena, Confindustria Toscana Sud and ICC Italia.
- Feb 1, 2019 – *Some Reflections on Contracting and Arbitration*, Opening Lecture, International Commercial Arbitration Competition, University of San Diego School of Law
- August and December 2016, March 2017 – *Arbitration in M&A: Laws of New York and Delaware, Parts I, II & III*; *Dispute Resolution Journal*.
- October 6, 2016 – *Advanced M&A: Legal Topics and Practical Tips – Pre-Contractual Considerations / Letters of Intent & Indemnification Claims / Sandbagging* – Association of Corporate Counsel, Westchester County/Southern Connecticut Chapter.
- September 24, 2016 – *Arbitral Institutions / Points of Comparison* - TerraLex 2016 General Meeting (International Dispute Resolution Practice Group), New York
- February 4, 2015 - United States Council on International Business, Committee on Arbitration – Moderator of Panel – *The Pros and Cons of Arbitration Clauses in International Agreements: An In-House Perspective*
- November 3, 2014 – International Chamber of Commerce, Miami Conference on Latin American Arbitration – *Arbitration in M&A Transactions*
- May 7, 2013 - United States Council on International Business, Committee on Arbitration – Moderator of Panel – *New York as a Place of Arbitration*.
- January 16, 2011 – United States Council on International Business, Committee on Arbitration – Moderator of Panel – *Choosing a Place of Arbitration*.
- September 23, 2010 - International Chamber of Commerce Court of Arbitration – Annual New York Conference – Moderator of Panel – *Negotiating a Successful Deal*.
- May 13, 2010 – Lewiatan Arbitration Court / ICC Court of Arbitration – Dispute Resolution in M&A Transactions (Warsaw) – Presentation on *Means of Dispute Settlement in M&A Transactions: Does Arbitration Have Competitors? – U.S. Perspective*.
- November 6, 2007 – “*Getting Transactional Lawyers Thinking about Dispute Resolution*” - ICC Miami Conference on International Commercial Arbitration in Latin America (Presentation and Paper).
- April 2006 - “*Hardship and Changed Circumstances as Grounds for Adjustment or Non-Performance of Contracts - Practical Considerations in International Infrastructure Investment and Finance*”; Proceedings of the ABA Section of International Law Spring Meeting (subsequently published by OGEMID).

- January 2004 - American Foreign Law Association, New York – “Drafting Arbitration Provisions in International Project Agreements – Issues and Best Practices”.
- September 2003 – “Issues in the Enforceability of Arbitral Awards in International Project Lending” - IBA Conference Papers.

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

- U.S. Delegate to ICC Commission on Arbitration; Member of the Board of Directors of SICANA, Inc. (Secretariat of the International Court of Arbitration North America)
- Member of USCIB Committee on Arbitration, Chair of the Transactional Lawyers Subcommittee
- Listed on AAA Construction, Commercial and M&A-Joint Venture Rosters
- Member ICDR Panel and ILA Energy Arbitrators List
- Fellow of the Chartered Institute of Arbitrators

Member of the: (1) CPR Panel of Distinguished Neutrals (Energy, Oil & Gas, International, NYC and Environmental); (2) Hong Kong International Arbitration Centre Panel of Arbitrators; (3) the International Panel of the British Columbia International Commercial Arbitration Centre; (4) LCIA North American Users’ Council; (5) Toronto Commercial Arbitration Society and (6) List of Practitioners – Vienna International Arbitration Centre

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): French. Also my knowledge of Italian and German is strong enough to manage proceedings in those languages although I would not be able to write an award in those languages without assistance.

10. In which legal systems have you trained?

- | | | |
|---|--|--|
| <input checked="" 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 _____

11. What is your main jurisdiction of practice?

New York.

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

England & Wales, Paris France

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 checked="" type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Private Intern. Law |
| <input type="checkbox"/> Banking & Finance | <input type="checkbox"/> Domain name disputes | <input type="checkbox"/> Intellect. property (IP) | <input type="checkbox"/> Public Intern. Law |
| <input type="checkbox"/> Capital markets | <input type="checkbox"/> Employment | <input type="checkbox"/> ISDS/ Foreign invest. | <input type="checkbox"/> Real estate |
| <input type="checkbox"/> CISG | <input checked="" 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 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 checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input 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: 28 July 1959

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>.

28 Nov. 2021

Date

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