

## Klaus Reichert SC

YEAR OF CALL: 1996

*"A superb arbitrator – one of the best in the market."*

The Legal 500 2016

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## Practice Overview

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Klaus Reichert SC specialises in international arbitration and has worked on, both as lead counsel and as arbitrator (frequently as chair), in excess of 250 international disputes right across a broad spectrum of complex subject matters, industries and governing laws involving parties (often sovereigns, or state commercial entities) from all over the World. These cases involved Institutions and Rules such as ICSID, ICC, SCC, LCIA, ICDR, CAS, DIAC, DIFC-LCIA, and UNCITRAL. The venues have included Paris, Los Angeles, San Francisco, Helsinki, New York, London, Munich, Seoul, Miami, Geneva, Dublin, Port Louis, Dubai, Stockholm, Nassau, and Zürich. He is a member of the Court of Arbitration for Sport and the International Basketball Federation (BAT) panel of arbitrators. In 2012 he was elected to the Governing Board of the International Council for Commercial Arbitration (ICCA). He is a Member-at-Large of the Executive of the Institute of Transnational Arbitration (Dallas) and was made a Fellow of the College of Commercial Arbitration (USA) in 2017. He has served on a number of bodies in the international legal domain including the IBA (Co-Chair of the Litigation Committee (2008-09), Council Member of the Legal Practice Division (2011-2018)), the International Commercial Arbitration Committee of the ILA, the European Users' Council of the LCIA, and was a founder member of Arbitration Ireland – the Irish Arbitration Association. He was made a Silk (Senior Counsel) at the Bar of Ireland in 2010, and was involved as counsel in a large number of leading cases in the field of private international law before the Irish Courts. In 2008 he chaired the Host Committee for the ICCA Conference in Dublin to mark the 50th anniversary of the New York Convention. He was counsel for Dallah in the landmark case in the English Courts on the New York Convention against the Government of Pakistan. During the Academic Year 2017-18 he was the Scholar in Residence at New York University School of Law Center for Transnational Litigation, Arbitration, and Commercial Law.

## Arbitration

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### Recent examples of arbitrator appointments

- Co-arbitrator, *Itochu Corporation v. Kingdom of Spain* (ICSID Case No. ARB/18/25)
- Co-arbitrator in *Antin Infrastructure Services Luxembourg S.à.r.l. and Antin Energia Termosolar B.V. v. Kingdom of Spain* (ICSID Case No. ARB/13/31) – Rectification
- Co-arbitrator in *Shin Dong Baig v. Socialist Republic of Vietnam* (ICSID No. ARB(AF)/18/2)
- Co-arbitrator, *MetLife, Inc., MetLife Servicios S.A. and MetLife Seguros de Retiro S.A. v. Argentine Republic* (ICSID Case No. ARB/17/17)
- Chair, *Rockhopper Italia S.p.A., Rockhopper Mediterranean Ltd, and Rockhopper Exploration Plc v. Italian Republic* (ICSID Case No. ARB/17/14)

- Chair, *VC Holding II S.a.r.l. and others v. Italian Republic* (ICSID Case No. ARB/16/39)
- Co-arbitrator in *Sanum Investments Limited v. Lao People's Democratic Republic* (ICSID Case No. ADHOC/17/1)
- Co-arbitrator in *UniCredit Bank Austria AG and Zagrebaka Banka d.d. v. Republic of Croatia* (ICSID Case No. ARB/16/31)
- Co-arbitrator in *Iskandar Safa and Akram Safa v. Hellenic Republic* (ICSID Case No. ARB/16/20)
- Chairman of the tribunal in *Ignatius Leong v World Chess Federation* (CAS 2015/A/4223)
- Co-arbitrator in *Nova Group Investments, B.V. v. Romania* (ICSID Case No. ARB/16/19)
- Co-arbitrator in *Lao Holdings N.V. v. Lao People's Democratic Republic* (ICSID Case No. ARB(AF)/16/2)
- Chairman of a confidential investor-state arbitration in the energy sector, SCC Rules, Paris seat
- Chairman, *Merck KGaA v. ICANN*, ICDR Rules
- Co-Panellist, *Asia Green IT Systems Bilgisayar San. ve Tic. Ltd. Sti. v. ICANN*, ICDR Rules
- Co-arbitrator, Gas Price Revision dispute, ICC Rules, Geneva seat
- Co-arbitrator, renewable energy sector dispute involving a sovereign and a sovereign investment fund, ICC Rules, London
- Chairman of an ICC arbitration in New York concerning the purchase of a number of cargo aircraft
- Co-arbitrator in an AAA Complex Commercial Rules/International Procedures arbitration in San Francisco involving a very high value technology for the functioning of tablet screens
- Co-arbitrator in three related LCIA arbitrations in London in a joint venture dispute regarding an ultra high end luxury tourism development
- Chairman of an UNCITRAL arbitration in New York involving a dispute about LNG resources in the Caribbean region
- Co-arbitrator in an AAA Complex Commercial Rules/International Procedures arbitration in Miami in disputes arising from a share purchase of a large and complex petroleum business across the Caribbean region
- Chairman of an ICC arbitration in Paris involving the national oil corporation of a major MENA state and the development of a refinery
- Co-arbitrator in an LCIA arbitration in London arising from a management contract of a high-end luxury hotel in the MENA region
- Chairman of an ICC arbitration in Miami involving disputes between joint venture parties arising from a major oil products business in Brazil
- Chairman of an ICDR arbitration in Miami arising from a Latin America-wide movie theatre development agreement
- Chairman of an ICC arbitration in London involving a dispute about oil supply obligations in Eastern Africa
- Co-arbitrator in an ICC arbitration in Geneva arising from drilling and exploration disputes in Southern Africa
- Co-arbitrator in an ICDR arbitration in New York arising from a pharmaceutical marketing agreement
- Co-arbitrator in an LCIA arbitration in London involving a joint venture multi-channel TV distribution business in the MENA region
- Co-arbitrator in an ICC arbitration in London concerning a significant dispute involving major energy corporations over an African state's LNG sector, the dedication of gas and gas products from the field and the production facilities
- Chairman of an ICDR administered UNCITRAL arbitration in New York between major North American and Latin American energy companies concerning a refinery
- Co-arbitrator in an investor-state arbitration subject to the UNCITRAL Rules pursuant to a BIT concerning claims of unequal treatment of a foreign investor
- Co-arbitrator in a very substantial ICC arbitration in London between international energy companies concerning an LNG plant
- Chairman of an investor-state arbitration subject to the UNCITRAL Rules pursuant to a BIT concerning claims of expropriation
- Co-arbitrator in an UNCITRAL arbitration in London between a US corporation and a major Eastern European oil company concerning a refinery

- Co-arbitrator in an ICC arbitration in Vienna between Bulgarian and Greek parties concerning a joint venture in the food sector
- Co-arbitrator in an LCIA arbitration heard in London and in Seoul between Swiss and Korean parties concerning international sales of aluminium
- Chairman of an LCIA arbitration in London between Swiss and British parties concerning the arrangement of significant financing for North American natural resources operations
- Sole arbitrator in a DIFC-LCIA arbitration in Dubai between UAE and Hong Kong parties concerning steel shipments
- Sole arbitrator in an LCIA arbitration in London between two major international financial institutions concerning the conclusion of a complex spin-off
- Chairman of a DIFC-LCIA arbitration in Dubai between a UAE party and an international corporation concerning logistics
- Co-arbitrator in an UNCITRAL arbitration in Helsinki between major international companies concerning telecoms
- Chairman of an UNCITRAL arbitration in London between an international corporation and a state entity concerning power generation
- Co-arbitrator in related ICC cases in Stockholm between international parties concerning complex share dealings
- Chairman of an ICC arbitration in London between a US telecoms company and a sovereign state concerning privatization of a mobile/cellular system
- Co-arbitrator in an ICC arbitration in Paris between an international machinery corporation and an Eastern European company concerning distribution
- Sole arbitrator in several international basketball disputes seated in Geneva concerning commercial arrangements between players, coaches, agents and clubs
- Co-arbitrator in a high profile CAS arbitration involving WADA and an Olympic athlete

### **Recent examples of counsel appointments**

- lead hearing counsel in related ICSID cases between an international oil exploration company and a West African state concerning offshore drilling rights
- lead counsel in a high value ICC arbitration in Miami concerning a post-share purchase dispute in the television and communications sector in the Caribbean
- lead counsel in an LCIA arbitration arising from the development of a medical system for the accurate delivery of treatment of certain cancers
- lead hearing counsel in a complex ICSID case between an international mining company and a West African state involving a wide number of issues including novel PIL points
- co-counsel for a major FTSE 100 company in a very large ICC arbitration in Paris concerning a joint venture
- co-counsel for Dallah in the English Courts in the landmark case against the Government of Pakistan
- co-counsel for Goshawk in the Irish Courts in the highly significant Brussels Regulation case against Life Receivables (the issue later being specifically addressed in the revised Brussels Regulation)
- lead counsel before the Irish Courts on a common law enforcement action on a € 400,000,000.00+ foreign judgment, with a highly significant threshold jurisdiction issue
- co-counsel for a major international hotel management company in both pre-arbitration proceedings before the Irish courts and then in the main ICDR arbitration

## **Publications**

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Published materials include numerous articles, chapters and case notes in several journals and loose-leaf publications on private international law, commercial litigation, arbitration and mediation in:

- *Les Cahiers de l'Arbitrage (Paris)*
- *International Arbitration Law Review (London)*
- *Global Arbitration Review (London)*
- *The Journal of International Arbitration (Kluwer)*
- *Arbitration (CIARB)*
- *Dispute Resolution Journal (AAA)*
- *The Bar Review (Dublin)*
- *Commercial Law Practitioner (Dublin)*
- the Law Society of Ireland Gazette
- *The Maritime Advocate*
- *The Encyclopedia of International Commercial Litigation (Kluwer)*
- *Enforcement of Foreign Money Judgments (Juris)*
- *Attachment of Assets, (Juris)*
- *Mealey's International Arbitration Report*
- the Newsletters of both the Litigation Committee and Arbitration Committee of the IBA
- the Irish chapter in the second edition of *Arbitration World* and co-authored the Irish chapter in the third edition

"He has co-authored the Ireland Chapter for the ICCA Handbook, together with chapters on Arbitration in the United Kingdom (Kluwer) and Arbitral Seats (OUP).

He was the founding General Editor of *The European International Arbitration Review (Juris)*."

## Qualifications

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1990 BCL, University College, Dublin

1992 Barrister-at-Law Degree, King's Inns, Dublin

Called to the Irish Bar

1996 Called to the English Bar (Middle Temple)

1998 Called to the Bar of Northern Ireland

2004 CEDR Accredited Mediator

Post Graduate Diploma, International Commercial Arbitration, Queen Mary, University of London

2010 Senior Counsel (SC) at the Irish Bar

## Directory Quotes

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- Klaus Reichert SC is an “extremely good counsel and arbitrator” who excels on issues arising from mining, energy and joint ventures. Sources highlight him for his “responsiveness and ability to manage a case well”. (Who's Who Legal - UK Bar: Arbitration 2019)
- Klaus Reichert of Brick Court Chambers is renowned for his work as arbitrator in diverse commercial and investor-state cases, including those subject to UNCITRAL, SCC and ICSID rules. One interviewee appreciates that he "gets to things efficiently and does it very diplomatically." Another notes: "From his background as an advocate he is quite skilled at boiling arguments down to their essence and to what is reliable. He has superb insights and is very collegial on a tribunal." (Chambers & Partners Global 2019: Most In Demand Arbitrators - Europe-wide)
- Klaus Reichert SC of London's Brick Court Chambers has extensive experience as both presiding and party-appointed arbitrator in high-stakes contractual and treaty disputes. Sources effuse about his "superb reputation" in the field and report that "he is phenomenal and in high demand." (Chambers & Partners Global 2019: Most In Demand Arbitrators - Global-wide)
- "Tremendously thoughtful and prepared as an arbitrator." "A standout arbitrator who is incredibly polite and very analytically astute. He clearly has a strong intellect." (Chambers & Partners 2019)
- "Deftly navigates all points on the compass." (Legal 500 2018-19)
- "He is great. A very effective chair with a no-nonsense approach that focuses on the issues." (Chambers & Partners 2018)
- "A very bright, sound lawyer, who is a pleasure to work with." (Legal 500 2017)
- "Competent, calm, able and always on top of his file." (Legal 500 2017)
- "He is especially well regarded in the USA, Brazil, Paris and London." (Chambers & Partners 2017)
- "Very fair and commercially minded." "Good at coming up with pragmatic and interesting solutions to problems." (Chambers & Partners 2017)
- "A superb arbitrator – one of the best in the market." (Legal 500 2016)
- "Knowledgeable and charming." (Legal 500 2016)
- "A seasoned counsel and arbitrator, with substantive experience sitting as arbitrator in commercial and investment treaty arbitrations. His international practice has seen him act as arbitrator in many of the major centres for arbitrators, including London, New York, Geneva and Stockholm. **Strengths:** "He is terrific. He stands out for his technical prowess and his team behaviour." (Chambers & Partners 2016)
- "He is a very well-regarded and sensible co-ordinator of a tribunal." (Chambers & Partners 2015)
- "It's an excellent experience working with him. He has particular strength in understanding the arbitration process." (Chambers & Partners 2014)
- "Another experienced advocate and arbitrator at this set is Klaus Reichert. His practice encompasses the full spectrum of commercial and investment treaty arbitration, and he is respected for his "sensible and measured approach." " (Chambers & Partners 2013)
- "The 'very impressive' Klaus Reichert SC is 'an exceptional lawyer' with 'superb cross-examination skills'." (Legal 500 2012)
- "Klaus Reichert is widely recognised as an up-and-coming" international arbitrator within chambers. His recent appointment for the first joint LCIA/DIFC dispute is of particular note." (Chambers UK 2012)