

## PATRICK W. PEARSALL, Partner

*Patrick W. Pearsall is the chair of the firm's Public International Law Practice. He is recommended in the Legal 500 and in 2019 is ranked as the second "Most Highly Regarded" arbitration practitioner in the Americas out of several hundred listed in the peer and client reviewed Who's Who Legal: Arbitration, where he is recognized as "an incredible advocate," "whose razor-sharp mind is unmatched" and who is a "leader in public international law and investment treaty arbitration." He has extensive experience representing parties in complex commercial arbitration and investment disputes. Mr. Pearsall served in the U.S. State Department from 2009-2017 and was the Chief of Investment Arbitration from 2015 onward. He has arbitrated claims involving billions of dollars on behalf of the United States, other sovereign states, and private investors in both commercial arbitration and investment arbitration. He is a trusted adviser to governments and private entities and is regularly called upon to provide strategic counsel before a dispute arises. In addition to his representations, he has advised on the revision of the International Court of Arbitration's (ICC) rules and led the negotiations of several bilateral and multilateral treaties. Most recently, he advised on the negotiation of the investment provisions in the Trans-Pacific Partnership (TPP), the Transatlantic Trade & Investment Partnership, and the U.S.-China Bilateral Investment Treaty.*

Mr. Pearsall has received several awards and has worked for the ICC and for the Hon. Sonia Sotomayor on the United States Court of Appeals. He is an adjunct professor at Georgetown University Law Center where he teaches courses on international courts and tribunals and investment arbitration. Prior to this appointment, he has taught at Columbia Law School, Harvard Law School and Yale Law School. Mr. Pearsall regularly publishes and speaks widely on commercial and investment arbitration.

Currently, Mr. Pearsall is an appointed member of the Hong Kong International Arbitration Centre's List of Arbitrators.

Mr. Pearsall's select representations include the following:

### Representation of Governments and Political and Economic Integration Unions

- Provided training and advice to the United Kingdom's Department of International Trade concerning matters of public international law and international investment arbitration disputes (2018)
- Represented the European Union on matters of public international law and the GDPR before the *United States Supreme Court in U.S. v. Microsoft* (2017)

### Counsel for the United States (Party)

- *TransCanada Pipelines Ltd. et al. v. United States of America*, ICSID Case No. ARB/16/21



## PATRICK W. PEARSALL Partner

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### PRACTICE GROUPS

Energy  
Government Controversies and Public Policy  
Litigation  
International Arbitration  
Public International Law

### EDUCATION

Columbia University School of Law, J.D., 2005; Harlan Fiske Stone Scholar; Dorsey & Whitney Prize (best international law note); Parker School of Foreign and Comparative Law Award; teaching assistant, Professor Samuel Issacharoff; Head Articles Editor, *Columbia Journal of Transnational Law*, Senior Editor, *American Review of International Arbitration*

Columbia College, B.A., 2002; *magna cum laude*; The Robert Lincoln Carey Commencement Prize (highest academic achievement); Phi Beta Kappa; Highest Departmental Honors: English and Political Science

### ADMISSIONS

District of Columbia, 2009

New York, 2006

### JUDICIAL CLERKSHIP

International Court of Arbitration (ICC), Paris, France 2005 (Clerkship)

- *The Islamic Republic of Iran v. United States of America* (ICJ)
- *Apotex, Inc. v. United States of America* (UNCITRAL) (“Apotex III”)
- *Ecuador v. United States of America* (UNCITRAL)
- *Apotex Holdings, Inc. v. United States of America* (UNCITRAL) (“Apotex I & II”)
- *Grand River Enterprises v. United States of America* (UNCITRAL)
- *Stanford Ponzi Scheme Victims v. United States of America* (UNCITRAL)
- *Camara Nacional del Autotransporte de Carga v. United States of America* (UNCITRAL)
- *The Islamic Republic of Iran v. United States of America* (UNCITRAL) (“A:15 IIA”)
- *The Islamic Republic of Iran v. United States of America* (UNCITRAL) (“B1”)

## **Counsel for the United States (Non-Party)**

- *Australia v. Japan* (ICJ) (“Antarctic Whaling”)
- *Resolute Forest Products Inc. v. Government of Canada*, PCA Case No. 2016-13
- *Eli Lilly and Company v. Government of Canada*, NAFTA/UNCITRAL Case No. UNCT/14/2
- *Windstream Energy, LLC, Inc. v. Government of Canada*, PCA Case No. 2013-22
- *Mercer International Inc. v. Government of Canada*, NAFTA/ICSID Case No. ARB(AF)/12/3
- *Mesa Power Group, LLC v. Government of Canada*, PCA Case No. 202-17
- *Bilcon of Delaware et al. v. Government of Canada*, PCA Case No. 2009-04
- *St. Marys VCNA, LLC v. Government of Canada*, NAFTA/UNCITRAL
- *Mobil Investments Canada Inc. and Murphy Oil Corp. v. Canada*, NAFTA/ICSID Case No. ARB(AF)/07/4
- *Tele Fácil México S.A de C.V. v United Mexican States*, NAFTA/ICSID Case No. ARB(AF)
- *Lion Mexico Consolidated L.P. v. United Mexican States*, NAFTA/ICSID Case No. ARB(AF)/15/2
- *B-Mex, LLC et al. v. United Mexican States*, ICSID Case No. ARB(AF)/16/3
- *Dominion Minerals Corp. v. Republic of Panama*, ICSID Case No. ARB/16/13
- *IBT Group LLC et al. v. Republic of Panama*, ICSID Case No. ARB/14/33
- *Gramercy Funds Management LLC v. Republic of Peru*, ICSID Case No. ARB/03/28
- *Renco Group, Inc. v. Republic of Peru*, ICSID Case No. UNCT/13/1
- *Railroad Development Corporation v. Republic of Guatemala*, CAFTA-DR/ICSID Case No. ARB/07/23
- *TECO Guatemala Holdings, LLC v. Republic of Guatemala*, CAFTA-DR/ICSID Case No. ARB/10/23
- *Pac Rim Cayman, LLC v. Republic of El Salvador*, CAFTA-DR/ICSID Case No. ARB/09/12

- *Commerce Group Corp. v. Republic of El Salvador*, CAFTA-DR/ICSID Case No. ARB/09/17
- *Corona Materials, LLC v. Dominican Republic*, ICSID Case No. ARB(AF)/14/3
- *David Aven et al. v. Republic of Costa Rica*, ICSID Case No. UNCT/15/3
- *Spence International Investments et al. v. Republic of Costa Rica*, ICSID Case No. UNCT/13/2
- *Zbigniew Piotr Grot et al. v. Republic of Moldova*, ICSID Case No. ARB/16/8
- *Ampal-American Israel Corp. et al. v. Arab Republic of Egypt*, ICSID Case No. ARB/12/11
- *Champion Holding Company et al. v. Arab Republic of Egypt*, ICSID Case No. ARB/16/2
- *Adel A. Hamadi Al Tamimi v. Sultanate of Oman*, ICSID Case No. ARB/11/33
- *Bolivarian Republic of Venezuela v. Helmerich & Payne International* (U.S. Supreme Court, 2016)
- *Corporacion Mexicana de Mantenimiento Integral v. Pemex-Exploracion y Produccion* (2d Cir. 2016)
- *Mobil Cerro Negro, Ltd. v. Bolivarian Republic of Venezuela* (2d Cir. 2016)
- *BG Group PLC v. Republic of Argentina* (U.S. Supreme Court, 2014)
- *Leidos, Inc. v. Hellenic Republic*, No. 13-cv-1070 (GK) (D.D.C. 2013)
- *Belize Soc. Dev. Ltd. v. Gov't of Belize*, 5 F. Supp. 3d 25 (D.D.C. 2013), *aff'd*, 794 F.3d 99 (D.C. Cir. 2015)

## **Counsel on Additional Matters (Select)**

- *Abaclat et al. v. Argentine Republic*, ICSID Case No. ARB/07/5, on behalf of Argentine Republic
- *Cruz et al. v. United States of America et al.* (“Braceros Class Action”) (N.D. Cal. 2008), on behalf of the United Mexican States
- Billion-Dollar Arbitration on behalf of Major Financial Institution, ICC Rules, hearings in Paris (2007)
- Billion-Dollar Arbitration on behalf of Brazilian entity, ICC Rules, hearings in Paris (2006 – 2007)
- Billion-Dollar Arbitration on behalf of Telecommunications entity, ICC Rules, London (2005 – 2007)
- *Chaul et al. v. Fresh Del Monte Produce, Inc. et al.*, successful jury trial verdict in Florida State Court, Case No. 02-31670 (2005 – 2007); successful appeal, Fla. 3d Dist. Ct. of Appeal (2008)

## **Awards**

- *Who’s Who Legal: Arbitration Leaders* 2017, 2018, 2019 (Peer Selected)
- National LGBT Bar Association  
“Best LGBT Lawyers Under 40,” 2017
- Superior Honor Award (U.S. State Department)
- Awards for Meritorious Service
- *Legal 500 US: Dispute Resolution- International Arbitration-* 2018

- The Irish Legal 100, 2016

## **Service to the Bar**

- International Bar Association (Investor-State Arbitration and Arb40 Subcommittees)
- ICDR Y&I Board Member
- American Society of International Law
- ICCA-ASIL Damages Task Force Member

## **Select Treaties And Rules Committees**

- Trans-Pacific Partnership
- United States-China Bilateral Investment Treaty
- Transatlantic Trade and Investment Partnership
- Mauritius Convention
- UNCITRAL Working Group III
- I.C.C. Task Force on States and State Entities (Special Drafting Committee)
- North Pacific Fisheries Convention (Head of Delegation)
- South Pacific Tuna Treaty (Head of Delegation)
- International Convention for the Conservation of Atlantic Tuna
- Inter-American Convention on Conservation of Tropical Tuna
- North Atlantic Fisheries Organization
- International Whaling Commission
- Keystone XL Cross-Border Permit Application (2012-2016)

## **Publications**

- Updated Guide on Enforcement of Foreign Arbitral Awards and Court Judgments in the United States (2nd ed.), November 30, 2018
- “The Role of the State and the ISDS Trinity,” *American Journal of International Law*, September 2018
- “Causation and Injury in Investor-State Arbitration,” *Contemporary and Emerging Issues on the Law of Damages and Valuation in International Investment Arbitration*, April 2018
- “A View Toward the Post-Brexit Future: The UK in the NAFTA?” Parts I and II, *Kluwer Arbitration Blog*, February 13, 2018
- New Guides on Enforcement of Foreign Arbitral Awards and Court Judgments in the United States and England and Wales, October 2017

- “Commentary on ICSID Articles 71 and 72,” *The ICSID Convention, Rules and Regulations: A Commentary*, Elgar Publishing, forthcoming (2018)
- *Non-Disputing Party Submissions by the United States*, forthcoming (2018)
- “The Emerging Role of International Investment Agreements in the Asia-Pacific Region,” *Investment Treaty Arbitration and International Law*, Juris Publishing (ed. Laird), 2011
- Editor-in-Chief, *ABA International Litigation: Year in Review*, 2009
- Co-Author, *Attorney Liability for Aiding and Abetting Breach of Fiduciary Duty*, 2008
- Co-Author, *Realizing the Benefits of International Arbitration through an Appropriate Arbitration Clause*, 2006
- “Means/Ends Reciprocity in the Act of State Doctrine,” 43 *Colum. J. Transnat’l L* 999, 2004

## Speaking Engagements

- “2018 Year in Review: The Top 10 Developments in International Energy Arbitration,” ITA-IEL-ICC Joint Conference on International Energy Arbitration, January 2019
- “Strategic Communications in International Arbitration,” ICDR-AAA/ICC/ICSID 35th Annual Joint Colloquium, December 07, 2018
- Moderator, 4th Annual GAR Live BITs Conference, May 17, 2018
- “Parallel Proceedings in Investment Arbitration” Juris Investment Treaty Law Conference, March 2018
- “International Law in Latin America” Buenos Aires Law School, Buenos Aires, Argentina, February 2018
- “International Arbitration and the Problem of Corruption” ICDR, Paris, France, December 2017
- “Arbitration in Difficult Jurisdictions” Round Table at Clearance House, London, United Kingdom, October 2017
- “The Future of Investment Arbitration in Asia” Hong Kong International Arbitration Centre, Hong Kong, October 2017
- “NAFTA on the table,” 12th ICC New York Conference on International Arbitration, September 27, 2017
- Moderator, “Corruption and International Investment Law,” GAR BITs Live, Washington, D.C., May 2017
- Chair, “The Changing Political Landscape in Latin America and its Impact on Investment and Commercial Arbitration,” Annual ICC Miami Conference, November 2016
- Speaker, “China’s Three-Prong Investment Strategy: Bilateral, Regional, and Global Tracks,” Asia FDI Forum II, Hong Kong, November 2016
- Lecture, “The Future of the International Investment System and the Role of the State,” Richmond Law School, October 2016
- Panelist, “Interim Relief and Emergency Measures,” IBA Arb40 Symposium, Washington, D.C., September 2016
- Instructor, “Executive Training for Government Officials: Representing States in International Disputes,” Columbia Center for Sustainable Investment, New York, August 2016
- Keynote Speaker, “Representing States in International Arbitration,” Koç University, Istanbul, Turkey, June 2016
- Speaker, “Standing Court or Permanent Appeals Mechanism,” GAR BITs Live, Washington, D.C., April 2016

- Speaker, “How a State Exercises Control of Treaty Interpretation in an International Dispute,” NYIAC, New York, April 2016
- “Defending States under International Investment Law,” Seminar, Yale Law School, March 2016
- Lecture, “Defending States and Encouraging FDI,” U. Penn Law School, March 2016
- Speaker, “Beyond TPP and TTIP,” McGeorge Law School Symposium, Sacramento, February 2016
- Speaker, “Investment Arbitration and Corporate Restructuring,” Harvard Law School, February 2016
- Moderator, “Investment Arbitration and Nationality: Latin American Perspectives,” IBA Regional Meeting, Miami, February 2016
- Lecturer and Instructor, “Defending States under TPP and Beyond: The Pacific Perspective,” APEC Annual Meeting, Lima, Peru, February 2016
- Moderator, “Arbitrability in International Arbitration: The Sky is Not the Limit”, ICSID, Washington, D.C., October 2015
- Speaker, “Harmonization of Bilateral Investment Treaties,” GAR BITs Live, Washington, D.C, April 2015
- Moderator, “Advanced Topics in International Arbitration,” YIAG, IBA, Washington, D.C, February 2015
- Speaker, “Developments in Asia-Pacific Arbitration,” AFIA, Washington, D.C., February 2015
- Keynote Speaker, “The State as Respondent,” CFA-40, Paris, France, November 2014
- Speaker, “The Clawback of Investor Rights”, GAR Live, Frankfurt, Germany, June 2014
- Speaker, “Investment v. Commercial Arbitration?” IBA North America, Toronto, Canada, May 2014
- Lecture, “Advanced Topics on Investment Arbitration,” Columbia Law School, November 2013
- Speaker, “Transparency and the State Party in Investor-State Arbitration,” ICC-YAF, Frankfurt, Germany, May 2012
- Speaker, “International Law: Investor-State Arbitration in the Americas: Update on CAFTA and NAFTA,” Joint Canadian Bar Association, ABA Program, Toronto and Washington, D.C., October 2011
- Lecture, “United States Investment Policy and Investment Disputes,” Foreign Service Institute, Washington, D.C, July 2011
- Lecture, “Investment Treaties and FDI,” Vanderbilt Law School, November 2010
- Lecture, “Investment Disputes,” Foreign Service Institute, Washington, D.C., July 2010
- Speaker, “The Future of Investor-State Arbitration,” Eighth Annual ICCA-YAP Congress, Rio de Janeiro, Brazil, May 2010
- “The Role of Investment Treaties in the Asia-Pacific Region,” Fourth Annual Investment Treaty Arbitration Conference, Washington, D.C., April 2010
- Lecture, “Investment Treaties and the U.S. State Department,” Cornell Business School, March 2010