

JAMES H. CARTER

CARTER ARBITRATION
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Biographical Information

Date of Birth: September 25, 1943

B.A. Yale University, 1965

Fulbright Scholar, Cambridge University, 1965-66

LL.B. Yale University, 1969

Law Clerk to Hon. Robert P. Anderson, United States Court of Appeals for the Second Circuit, 1969-70

Sullivan & Cromwell LLP, New York, N.Y., 1970-2010 (partner, 1977-2010; Co-Chair, International Arbitration Group)

Dewey & LeBoeuf LLP, New York, N.Y., 2011-2012 (Co-Chair, International Arbitration and Cross-Border Dispute Resolution Group)

Wilmer Cutler Pickering Hale and Dorr LLP, New York, N.Y. 2012-2022 (Senior Counsel)

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Recent International Arbitration Recognition:

Ranked by *Chambers USA* in 2022 as one of two “Senior Statespeople” among international arbitration counsel nationwide in the U.S. and in “Band 1” among international arbitrators nationwide

Listed by *Chambers Global Guide* (2022) among the “most in demand arbitrators global-wide”

Listed in *Best Lawyers in America*, 2006-2022, and named as New York City International Commercial Arbitration “Lawyer of the Year,” 2012, 2014, 2017, 2020

Association for Conflict Resolution-Greater New York Chapter 2017 Achievement Award

Named by Euromoney's *Expert Guide's Best of the Best 2016* as one of 30 leading commercial arbitration attorneys worldwide

Arbitration Organizations:

American Arbitration Association

Board of Directors and Executive Committee (1992-2007; ex officio, 2007- 2016)

Honorary Director (2016-present)

Chairman of the Board (2004-2007)

Chair, Executive Committee (2001-2004)

Chair, Nominating and Governance Committee (2007-2010; member,

2011-2013)

Co-Chair, Task Force on Production of Documents (2007-2008)

Chair, Arbitration Law Committee (2000-2001; member, 2013-present)

Co-Chair, Corporate Counsel Committee (1993-2000)

Chair, Governance Committee (1996-2000)

The College of Commercial Arbitrators

Director (2000-2002)

Co-Chair, Public Policy Committee (2009-present)

Commercial Arbitration and Mediation Center for the Americas

Roster of Arbitrators (1996-present)

Court of Arbitration for Sport, Lausanne

Member of the Court (2000-present)

CPR International Institute for Conflict Prevention and Resolution

Arbitrator Challenge Review Board (2000-present)

Rules Revision Committee (1999-2000)

Information Exchange Working Group (2007-2009)

Arbitration Committee (2005-present)

The Institute for Transnational Arbitration

Advisory Board (1988-2000)

International Chamber of Commerce Forum on ADR (2000-present)

The International Arbitration Club, London (1997-present)

The International Arbitration Club of New York (co-founder) (2010-present)

International Arbitration Institute, Paris

Correspondent for New York (1999-present)

Japan Commercial Arbitration Association
Panel of Arbitrators (2004-present)

London Court of International Arbitration
Vice President, North American Council (1992-2006)
Member of the Court (1998-2005)
Member of the Company (2005-present)

New York International Arbitration Center, Inc.
Chair of the Board (2016-2019)
Vice-Chair of the Board (2012-2016)

Swiss Arbitration Association (1998-present)

U.S. Council for International Business, Committee on Arbitration (1982-present)

World Intellectual Property Organization
Arbitration Consultative Commission (1994-2002)

Bar Association Offices:

American Bar Association Representative to the United Nations (2008-2009)

Chair, American Bar Association Section of International Law and Practice (1993-1994); Louis B. Sohn Award for Public International Law (2009)

Co-Chair, American Bar Association Section of Litigation International Litigation Committee (1991-1992)

Co-Chair, American Bar Association United Nations Affairs Coordinating Committee (2000-2004); ABA Observer at the U.S. Mission to the U.N. (1999-2004)

Chair, Association of the Bar of the City of New York Council on International Affairs (1997-2000)

Chair, Association of the Bar of the City of New York Committee on International Law (1989-1992)

Co-Chair, American Bar Association Section of International Law and Practice International Commercial Arbitration Committee (1988-1990)

Chair, American Bar Association Section of International Law and Practice United Nations Activities Committee (1984-1986)

Chair, New York State Bar Association Committee on International Law
(1979-1984)

Chair, New York State Bar Association Committee on International
Dispute Resolution (1987-1990)

Chair, New York Courts Subcommittee of New York State Bar Association
Task Force on New York Law in International Matters (2010-2011)

American Association for the International Commission of Jurists
Board of Directors (1995-present)

American Bar Foundation
Board of Directors (1998-2007)

American Law Institute (1995-present)
Adviser, Restatement of U.S. Law of International Commercial
Arbitration (2009-2019)

American Society of International Law:
President (2004-2006)
Vice President (1999-2002)
Executive Committee (1996-1998, 1999-2002, 2003-2006)
Executive Council (1995-1998)
Counselor (2002-2004)
Chair of Nominating Committee (2008-2009)
Corresponding Editor, International Legal Materials (1982-present)

The Commercial Bar Association (COMBAR): Honorary Overseas Member

Council on Foreign Relations (1998-present)

Freedom House
Board of Trustees (2008-2017)
Secretary and Chair of Governance & Ethics Committee (2014-2017)

International Advisory Bodies:
NAFTA Advisory Committee on Private Commercial Disputes
(1994-1999)

American Bar Association/Canadian Bar Association/Barra Mexicana Joint
Working Group on the Settlement of International Disputes (1994-
1999)

NFL Management Council/NFL Players Association
Appeals Arbitrator for Policy and Program on Substance Abuse and Policy
on Performance-Enhancing
Substances (2015-present)

Other Advisory Boards:

Oxford Commentaries on American Law Editorial Advisory Board (2008-present)

American Bar Foundation/University of Illinois Center on Law and Globalization Advisory Board (2008-present).

Practising Law Institute (International Law Advisory Committee) (1983-1991, 1998-present)

The Center for American and International Law (1982-present; Vice-President of Advisory Board, 1992-1997)

World Arbitration and Mediation Report (1990-2008)

NAFTA: Law and Business Review of the Americas (1995-2000)

Cartoon News (1996-2001)

Publications:

INTERNATIONAL COMMERCIAL ARBITRATION IN NEW YORK (co-editor, with John Fellas) (Oxford University Press 2010; second ed. 2016).

THE INTERNATIONAL ARBITRATION REVIEW (editor, co-author of United States chapter), (Law Business Research, 13 annual eds. 2010-2022).

George Bermann and the Parking Lot Brawl in STATE OF ARBITRATION: ESSAYS IN HONOUR OF PROFESSOR GEORGE BERMANN (2022).

Advocacy in International Sport Arbitration in THE GUIDE TO ADVOCACY (Pinsolle and Jagusch, eds.) (5 eds. 2016-2021).

Book review of "A Guide to the ICDR International Arbitration Rules, 2d ed." 36(2) Arbitration International 315 (2020).

The Perils of Cross-Examination in a Language Other Than The Language of the Proceeding in TAKE THE WITNESS: CROSS-EXAMINATION IN INTERNATIONAL ARBITRATION (Newman and Nelson, eds.) (2010; 2d ed. 2019).

Arbitrating in New York: the NYIAC Advantage in ICLG INTERNATIONAL ARBITRATION (with John V.H. Pierce) (3 eds. 2017-2019)

Class Arbitration in the United States: Life After Death? in CLASS AND GROUP ACTIONS IN ARBITRATION (Hanotiau and Schwartz, eds.), ICC Institute of World Bus. Dossiers (2016).

Have Class Arbitrations Found New Life?, New York Law Journal November 16, 2015 (with John V.H. Pierce).

The Culture of Arbitration and the Defense of Arbitral Legitimacy in PRACTISING VIRTUE: INSIDE INTERNATIONAL ARBITRATION (Caron, Schill, Smutny and Triantafyllou, eds.) (2015).

The 2014 IBA Guidelines on Conflicts of Interest in International Arbitration, New York Law Journal November 17, 2014 (with John V.H. Pierce).

FRAND Royalty Disputes: A New Challenge for International Arbitration? in CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS 2013 (Rovine, ed.) (2014).

Damages in International Arbitration: Perspectives of the Tribunal, 1(1) Journal of Damages in International Arbitration 233 (2014).

Book Review of "The Culture of International Arbitration and the Evolution of Contract Law," 29(3) Arbitration International 539 (2013).

A KISS For Arbitration Costs Allocation, 23 American Review of International Arbitration 475 (2013).

Dispositive Motions in International Arbitration and the Role of U.S. Courts in INTERNATIONAL ARBITRATION: CONTEMPORARY ISSUES AND INNOVATIONS, 5 SOKOL COLLOQUIUM (Moore, ed.) (2013).

Reaching Consensus on Arbitrator Conflicts: The Way Forward, 6(1) Dispute Resolution International 17 (2012).

"Manifest Disregard" of Law?, 23 AAA YEARBOOK ON ARBITRATION & THE LAW 271 (Huber and Sheppard, eds.) (2011) (with Florence J. Goal).

Book Review of "A Guide to the ICDR Arbitration Rules," 27(4) Arbitration International 663 (2011).

Arbitration Under Expedited Discovery Procedures: What Are the Sacrifices?, in THE ARBITRATION REVIEW OF THE AMERICAS 2011 (with Joseph E. Neuhaus).

Privilege Gets A New Framework, 13(5) International Arbitration Law Review (2010).

The U.S. Practice of and Perspective on Advocacy (with Doak Bishop) in THE ART OF ADVOCACY IN INTERNATIONAL ARBITRATION (2d ed., Bishop and Kehoe, eds.) (2010).

Agora: Gary Born on International Commercial Arbitration (book review), 26(1) Arbitration International 161 (2010).

Non-Party Discovery in the United States, in THE ARBITRATION REVIEW OF THE AMERICAS 2010 (with John L. Hardiman and Joseph E. Neuhaus).

Discovery in Arbitration: Recent Developments, THE ARBITRATION REVIEW OF THE AMERICAS 2009 (with John L. Hardiman and Joseph E. Neuhaus).

International Arbitration in AMERICAN ARBITRATION: PRINCIPLES AND PRACTICE (Von Mehren, Burton and Coombe, eds.) (2008).

The Law of International Sports Disputes, Proceedings of the American Branch of the International Law Association, 2007-08 (2008).

ICDR Issues New “Discovery” Guidelines, 1(1) New York Dispute Resolution Lawyer 43 (2008).

Recent Developments in Arbitrator Disclosure Law and Practice in CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION (Rovine, ed.) (2008).

“Class Action” Arbitrations in the United States, GUIDE TO THE WORLD’S LEADING EXPERTS IN COMMERCIAL ARBITRATION (2006).

Issues in Integrated Dispute Resolution Systems, INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION, CONGRESS SERIES NO. 12 (2005).

Selecting the Site for Arbitration in PRACTITIONER’S HANDBOOK ON INTERNATIONAL ARBITRATION AND MEDIATION (Rhoades, Kolkey and Chernick, eds.) (2002; 2d ed. 2007).

Improving Life With the Party-Appointed Arbitrator: Clearer Conduct Guidelines for “NonNeutrals” 11 American Review of International Arbitration 295 (2000).

Uniform Law Commissioners Adopt Revised RUAA, 5(3) ADR Currents 1 (2000).

Ad-Hoc, Institutional and Hybrid Procedures: Differences Advantages and Disadvantages in COMMERCIAL MEDIATION AND ARBITRATION IN THE NAFTA COUNTRIES (Diaz and Oretskin, eds.) (1999).

Enforcing an Agreement to Mediate or Negotiate, 4(2) ADR Currents 14 (1999).

International Arbitration Rules of the American Arbitration Association in CARSWELL'S HANDBOOK OF INTERNATIONAL DISPUTE RESOLUTION RULES (Barin, ed.) (1999).

California Court Shoots Arbitration in the Foot, 3(2) ADR Currents 1 (1998).

NAFTA: How It Has Transformed Dispute Resolution in Canada, Mexico and the United States, 4(3) Dispute Resolution Magazine 19 (1998).

The Attorney-Client Privilege and Arbitration, 2(1) ADR Currents 1 (1997).

A User's Perspective on the Arbitral Process: What Are the Current Needs?, Proceedings of the Biennial Conference of the International Federation of Commercial Arbitration Institutions 49 (Geneva, 1997).

Current Issues in International Law: Perspectives of an American Litigator, 170 Federal Rules Decisions 223 (1997).

International Commercial Dispute Resolution, 51 Dispute Resolution Journal 94 (1996).

International Commercial Arbitration in THE INTERNATIONAL LAWYER'S DESKBOOK (Low, Norton and Drory, eds.) (ABA 1996; 2d ed. 2003).

The Rights and Duties of the Arbitrator: Six Aspects of the Rule of Reasonableness, ICC International Court of Arbitration Bulletin, Special Supplement: The Status of the Arbitrator (1995); also published in 52 Dispute Resolution Journal 58 (1997).

Appeals from Arbitration Awards (Book Review), 6 American Review of International Arbitration 131 (1995).

The Selection of Arbitrators, 5 American Review of International Arbitration 84 (1994).

Experiences from the American Arbitration Association, in THE REFORM OF COMMERCIAL ARBITRATION PROCEDURES (International Conference Proceedings, London, 1994).

The International Commercial Arbitration Explosion: More Rules, More Laws, More Books, So What?, 15 Michigan Journal of International Law 785 (1994).

Living With the Party-Appointed Arbitrator: Judicial Confusion, Ethical Codes and Practical Advice, 3 American Review of International Arbitration 153 (1992).

Dispute Resolution and International Agreements, 4 International Quarterly 100 (1992).

The Enforcement of Agreements to Arbitrate and Arbitral Awards in the United States, 17 Canada-United States Law Journal 481 (1991).

They Know It When They See It: Copyright and Aesthetics in the Second Circuit, 65 St. John's Law Review 773 (1991) .

Contributing author (U.S. Law), INTERNATIONAL COMMERCIAL LITIGATION (Park and Cromie, eds.) (Butterworths 1990; 2d ed. 1997).

Grounds for Setting Aside an ADR Result, in ADR PRACTICE BOOK (Wilkinson, ed.) (Wiley 1990).

A Code of Ethics for International Commercial Arbitration in INTERNATIONAL COMMERCIAL ARBITRATION: RECENT DEVELOPMENTS (Gaillard and von Mehren, eds.) (PLI 1988).

The Iran-United States Claims Tribunal: Observations on the First Year, 29 UCLA Law Review 1076 (1982).

International Commercial Arbitration, in INTERNATIONAL LITIGATION (Stein, ed.) (PLI 1980).

Obtaining Foreign Discovery and Evidence for Use in Litigation in the United States: Existing Rules and Procedures, 13 International Lawyer 5 (1979).

Proving International Law in a National Forum (panel), 1976 ASIL Proceedings 9.

Counsel in United States and transnational litigation involving contract disputes, international trade and investment, corporate and securities law, antitrust law and intellectual property

Bar Admissions: New York, United States Supreme Court, various Federal Courts of Appeals and District Courts, U.S. Court of International Trade

Service as an Arbitrator in more than 135 international commercial and investment matters (American Arbitration Association, International Chamber of Commerce, London Court of International Arbitration, Stockholm Chamber of Commerce, Singapore International Arbitration Centre, German Institution of Arbitration, Institute of Arbitrators & Mediators Australia, ICSID and ad hoc) and in international sports disputes

Service as a Mediator in international commercial matters

Expert witness in arbitrated matters concerning issues of New York law (London Court of International Arbitration and Zurich Chamber of Commerce tribunals)

Speaker at programs involving international litigation and arbitration of the International Bar Association, Union Internationale des Avocats, American Bar Association, American Bar Foundation, New York State Bar Association, Association of the Bar of the City of New York, International Council for Commercial Arbitration, American Arbitration Association, International Chamber of Commerce Court of International Arbitration, International Federation of Commercial Arbitration Institutions, London Court of International Arbitration, Chartered Institute of Arbitrators, Court of Arbitration for Sport, American Corporate Counsel Association, Association of General Counsel, American Society of International Law, Second Circuit Judicial Conference, Institute for Transnational Arbitration, College of Commercial Arbitrators, Practising Law Institute, Canadian Bar Association, Canada-United States Law Institute, World Intellectual Property Organization, Department of Justice of Canada, Quebec National and International Arbitration Centre, The Commercial Bar Association, German Institution of Arbitration, International Arbitral Centre of the Austrian Federal Economic Chamber, Finland Arbitration Institute, National U.S.-Arab Chamber of Commerce, CPR Institute for Dispute Resolution, Association for Conflict Resolution-Greater New York Chapter, State Bar of California, Michigan Bar Association International Law Section, Minnesota State Bar Association, Connecticut Bar Association Section of International Law, University of Texas Advanced International Law Institute, Columbia Law School, Georgetown University Law

Center, University of Virginia Sokol Colloquium; Yale Law School;
Greater Cleveland International Lawyers Group and the Florida Bar
Continuing Legal Education Committee

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