

Joseph E. Neuhaus, FCIArb

Independent Arbitrator
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Overview

Joe Neuhaus is an independent arbitrator and has served as chair, co-arbitrator, and sole arbitrator in more than 35 arbitrations since his first appointment in 2001. He is regularly ranked in “league tables” of leading arbitrators, and is now listed in Band 2 of the Chambers Global ranking of international arbitration arbitrators in the United States. Joe was a partner in the litigation group of Sullivan & Cromwell LLP for 30 years, from 1992 through 2021, and served as head of the firm’s arbitration group.

Joe is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and has had leadership roles in numerous arbitral institutions and organizations, including the Institute for Transnational Arbitration, the IBA Arbitration Committee, the American Arbitration Association, the CPR Institute for Conflict Prevention and Resolution, the New York International Arbitration Center, and the New York City Bar Association’s International Commercial Disputes Committee.

Biographical Information

- Sullivan & Cromwell LLP, New York, N.Y., 1987-2024 (Of Counsel 2022-2024; Partner 1992-2021, Arbitration Practice Coordinator; Associate 1987-1991).
- Covington & Burling, Washington, D.C., 1986-1987.
- Law Clerk to Howard M. Holtzmann, Iran-United States Claims Tribunal, 1984-1985.
- Law Clerk to Hon. Lewis F. Powell, Jr., United States Supreme Court, 1983-1984.
- Law Clerk to Hon. Carl McGowan, United States Court of Appeals for the District of Columbia Circuit, 1982-1983.
- J.D. Columbia Law School, 1982.
- Editor-in-Chief, Columbia Law Review.
- Parker Program in International and Foreign Law, Certificate of Achievement with Honors, 1982.
- B.A. *cum laude*, Dartmouth College, 1979.
- Languages: reading knowledge of Spanish, some Russian.

Recent Recognitions

- Ranked by [Chambers International Arbitration](#) for 22 years. Currently ranked in Band 2 for Arbitrators.
 - Selected as a leading practitioner in international arbitration by The Global Guide to the Legal Profession, 1999-2000, Chambers Global: The World’s Leading Lawyers for Business, 2001-2022; Chambers USA: America’s Leading Lawyers for Business, 2004-2024; and Chambers Latin America, 2013-2019, published by Chambers & Partners.
 - Selected as a leading arbitrator by Chambers USA: America’s Leading Lawyers for Business, 2019-2024, and Chambers Global: The World’s Leading Lawyers for Business, 2020-2022.
- Recognized as a National Practice Area Star (2019-2022) for International Arbitration, a National Litigation Star (2008-2018) and Local Litigation Star (2008-2022) in Benchmark Litigation.

- Recognized by Who's Who Legal as a Thought Leader for Arbitration (2022-2023).
- Recognized by Lawdragon 500 as a "Leading Global Litigator" in International Arbitration & Disputes (2023-2024).
- Recognized by The Legal 500 United States as a recommended lawyer for international arbitration, 2007-2018, including as a top-ranked "Leading Lawyer" in 2011-2018, for appellate, 2016 and 2017, and international litigation, 2017. Named to the "Hall of Fame" (2017).
- Recognized by The Legal 500 Latin America as a recommended lawyer for international arbitration, 2012-2016.
- Recognized by The Best Lawyers in America as the 2018 "Lawyer of the Year" in International Arbitration - Governmental and as a leading lawyer for international arbitration, 2006-2024.
- Recognized as a Client Service All-Star by BTI (2018).
- Named "Litigator of the Week" by the American Lawyer in September 2015 for obtaining dismissal for the Central Bank of Argentina on appeal of claims by creditors of the Republic of Argentina to recover from the Central Bank for the Republic's defaulted bonds. It was Mr. Neuhaus's third appellate victory for the Bank in the long-running litigation.

Arbitrator Appointments

Arbitrator in international commercial matters and investor-state relations, including:

- ICC dispute arising out of agreement for Mexica-Canada sale of interests in Mexican power plants (party-appointed).
- ICDR dispute arising out of US-Canada agreements for operation and maintenance of wind farms (chair).
- Ad hoc (CPR Rules) dispute related to provision of accounting and tax services to hospital group (co-arbitrator).
- NAI dispute arising out of U.S.-China trademark license in publishing industry (party-appointed).
- AAA dispute arising out of beverage distributorship agreement (party-appointed).
- ICC dispute arising out of Japan-U.S. aircraft part manufacturing agreement (chair).
- ICC dispute arising out of chemical manufacturing production sharing agreement (party-appointed).
- AAA dispute arising out of beverage distributorship agreement (party-appointed).
- CC dispute arising out of Israel-Canada technology purchase (sole arbitrator).
- ICC dispute between Portuguese and U.S. companies in solar power industry (chair).
- ICDR dispute among U.S., German and Dutch companies in chemicals industry (chair).
- ICDR dispute arising out of an aircraft purchase-sale contract (selected by ICDR).
- ICDR dispute between a Brazilian-based construction company and a former chief executive (sole arbitrator).
- ICDR U.S.-India dispute over alleged breach of outsourcing agreement (chair).

- LCIA England-U.S. dispute over alleged breach of nondisclosure agreement in tech sector (selected by LCIA).
- ICDR dispute between an international law firm and a former partner (sole arbitrator).
- ICDR Mexico-U.S. dispute over alleged breach of agreements involving renewable energy (chair).
- ICC Canada-Israel dispute over alleged nonpayment under an engineering contract (sole arbitrator).
- Ad hoc U.S.-Sweden dispute over interpretation of earn-out clause in M&A transaction (party-appointed).
- Ad hoc dispute between U.S. law firm and foreign law expert on fees (sole arbitrator).
- ICC Mexico-Switzerland dispute involving sale and installation of electric-power-generating equipment (chair).
- Ad hoc (UNCITRAL Rules) investor-state arbitration involving former Soviet state alleging expropriation of a commercial enterprise (party-appointed).
- AAA U.S.-U.S. involving proceeds of expropriated Romanian property (selected by ICDR).
- AAA Panama-Switzerland cosmetic distribution agreement (selected by ICDR).
- AAA U.S.-U.S., Russian telecommunications agreement (chair).
- ICC Mexico-U.S., fraud, contract claims, paper industry (party-appointed).
- AAA Mexico-The Netherlands, contract dispute, retail goods (party-appointed).
- AAA Germany-Canada-U.S., contract dispute, publishing (party-appointed).

Selected Representations

Counsel in United States and transnational arbitration and litigation involving contract disputes, construction disputes, international trade, antitrust law, and patents and other intellectual property. The following is a sample of cases handled:

- Representing Centerra Gold and subsidiaries in ad hoc arbitration with Kyrgyz Republic concerning Kumtor gold mine (2021-2022).
- Representing the owner of an LNG regasification terminal in Latin America in \$800 million ICC arbitration with customer (2020-2022).
- Representing Argentina in S.D.N.Y. dispute over nationalization of YPF (2019-2022).
- Representing Argentina in English and N.Y. cases arising out of GDP warrants issued by the Republic (2019-2022).
- Representing the Guaidó government of Venezuela in various arbitral award enforcement and bond cases (2019-2022).
- Representing Centerra Gold Inc. in connection with UNCITRAL Rules arbitration in Sweden of disputes with the Kyrgyz Republic over a gold mining concession (2011-2022).
- Representing seller of LNG in connection with price review negotiations and potential arbitration under long-term SPAs with Asian LNG buyers (2009-2017).

- Representing Japanese buyers of a Mexican pharmaceutical firm in bringing claims in an ICC arbitration arising from breaches of representation and warranties in sales agreements (2013-2016).
- Representing the Central Bank of Argentina in ground-breaking litigation on central bank immunity under the Foreign Sovereign Immunities Act. In July 2011, ruling on issues of first impression, the United States Court of Appeals for the Second Circuit vacated attachments of the Central Bank's reserves (2006-2016).
- Representing Banco Popular, the largest bank in Puerto Rico, in \$300 million disputes in AAA arbitration with the U.S. FDIC arising out of purchase of loan assets from the FDIC as receiver of a failed bank (2013-2017).
- Represented a European-headquartered bank in ICDR arbitrations of claims by Latin American investors arising out of the \$60 billion Madoff Ponzi scheme (2009-2015).
- Representing Popular, Inc. in complex securities class action, shareholder derivative action and ERISA class action litigation arising out of alleged overstatements of deferred tax assets (2009-2013).
- Representing The Bank of Nova Scotia in litigation brought in New York state court by former shareholders of Grupo Financiero Inverlat, S.A. de C.V. ("GFI"), a Mexican bank holding company, in connection with the provision of emergency liquidity to a GFI subsidiary during the mid-1990s Mexican peso crisis (2009-2011).
- Counsel to a project company in a \$4+ billion mining project in an African country, in connection with "creeping expropriatory" measures taken by the sovereign (2009-2010).
- Advising a foreign-owned private pension fund manager in connection with Argentina's nationalization in December 2008 of approximately \$30 billion in pension fund assets (2008-2010).
- Representing a U.S. law firm in arbitration of claims against a former European partner of the firm over fees received after the partner's withdrawal from the firm for work done as a partner of the firm (2008-2009).
- Counsel to a European oil company in connection with potential ICSID arbitration arising out of oil concession in Latin America (2005-2007).
- Advising a U.S. owner of significant mining assets in Venezuela in connection with actions by the Venezuelan government inconsistent with Venezuela's grant of the mining concession, including with respect to arbitration claims against Venezuela and potential political-risk insurance claims (2008-2009).
- Representing Bancolombia, the largest commercial bank in Colombia, in a long-running dispute arising out of the merger in 1997 with Banco de Colombia. In June 2008, ruling in favor of S&C's client, the United States Court of Appeals for the Second Circuit summarily affirmed the dismissal of the complaint (1999-2008).
- Representing Microsoft Corporation in the defense of numerous class action cases alleging monopolization of the operating system and spreadsheet software markets (2000-2009).
- Counsel for a foreign-local joint venture in power transmission field in ad hoc arbitration against a Latin American government (2004-2005).
- Counsel for Telefonica in New York Supreme Court case arising out of purchase of Argentina telecommunications and media properties (2002-2003).

- Counsel for Minera Alumbreira Limited in the U.S. District Court, Southern District of New York, on claims arising out of construction of mine in Argentina (1998-1999).
- ICC arbitrations in contract dispute involving transfer of technology between Argentine and Mexican parties (1997-1998).
- AAA arbitration in contract dispute involving asset purchase between Argentine and Chilean parties (1998).
- ICC arbitration in contract dispute involving French and American parties (1994-1995).

Arbitration-Related Professional Activities

- Fellow, Chartered Institute of Arbitrators.
- International Bar Association Arbitration Guidelines and Rules Subcommittee.
 - Co-Chair, 2020-2022 (responsible for revision of IBA Rules on the Taking of Evidence in International Arbitration).
- Private Sector Adviser on the United States Delegation to the United Nations Commission on International Trade Law (UNCITRAL) Working Group on Arbitration, Vienna 2000, New York 2001, 2002 and 2006, Vienna 2010, New York and Vienna 2012-2016, New York 2018.
- Institute for Transnational Arbitration.
 - Executive Committee member – current
 - Chair, June 2018-June 2021
 - Vice Chair, 2005-2018
 - Program Co-Chair, 2000-2005
 - Workshop Co-Chair, 2000.
- Board of Directors, CPR Institute for Conflict Prevention and Resolution, 2016-2023.
- Board of Directors, 2012-2016, Council, 2016-2023, American Arbitration Association.
- Executive Committee, New York International Arbitration Center, 2012-2019.
- Chair, International Commercial Dispute Committee of the New York City Bar Association, 2013-2016; Member, 2012-2013, 2016-present.
- Counsellor, American Society of International Law, 2016-2022.
- Executive Committee, New York International Arbitration Center, 2012-2019.
- Chair, International Commercial Dispute Committee of the New York City Bar Association, 2013-2016; Member, 2012-2013, 2016-present.
- Member of UNCITRAL Arbitration Expert Group, 2001.
- Member of the United States Delegation to UNCITRAL at its Eighteenth Session in Vienna at which the Model Law on International Commercial Arbitration was adopted, 1985.

Speaker on arbitration-related topics, including:

- Atlanta International Arbitration Society, October 2024.

- Columbia Law School-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration, 2019-2024.
- GAR Live New York, September 2023.
- NYSBA/Fordham Law School Arbitration and Mediation, June 2023.
- NYSBA Panel, March 2023.
- Chartered Institute of Arbitrators, NY Branch panel, June 2022.
- Stanford Law School guest lecturer, February 2022.
- GAR Lexology Webinar, December 2021.
- Columbia Arbitration Day panel, March 2020.
- Houston International Arbitration Club, January 2020.
- Penn Law International Arbitration Conference, April 2018.
- NYSBA International Section Meeting, Sao Paolo 2015.
- ABA Section of International Law Meeting, Buenos Aires 2014.
- D.C. Bar Continuing Education Panel, March 2014.
- Penn State Arbitration Day, April 2015.
- Columbia Law School Arbitration Day, March 2011.
- 18th Cong. of the International Council for Commercial Arbitration (ICCA), June 2006.
- 57th Annual Conf. on Oil and Gas Law, Institute for Energy Law, February 2006.
- New York State Bar Ass'n Int'l Law and Practice Section Meetings, Lima, Peru, September 2007 and Santiago, Chile, November 2004.
- Symposium on International Arbitration, Univ. of Miami Inter-American Law Review, April 2004.
- 20th AAA, ICC, ICSID Joint Colloquium of International Arbitration, November 2003.
- Section Meeting, ABA Section of International Law and Practice, May 2002.
- CAMCA-AAA-Mexican Chamber of Commerce Seminar on International Arbitration, February 2001.
- Institute for Transnational Arbitration, Arbitration Workshop, 1996, 1998, 1999, 2000, 2008.
- International Law Weekend, sponsored by the American Branch of the IBA, 1999, 2000.

Other Professional Activities

- Adjunct Professor of Law, NYU Law School (teaching Professional Responsibility), January 2018-present.
- Chair, Committee on Standards of Attorney Conduct (COSAC) of the New York State Bar Association, 2010-2014; Member, 2009-2010, 2014-present.
- Chair, Committee on Professional Ethics of the New York State Bar Association, 2005-2008; Member, 2001-2005, 2008-present

- Member, Committee on Professional and Judicial Ethics of the New York City Bar Association, 1996-1999, 2004-2007, 2009-2011.
- Member of the American Bar Association and American Society of International Law.
- Member, Columbia Law School Board of Visitors, 2013-present.
- Member, American Law Institute, 2011-present.

Publications

- “Awards of Costs in International Arbitration in New York: Current Approaches and Best Practices,” Report of New York City Bar Association Committee on International Commercial Disputes, June 2024 (Co-Chair)
- “Procedures for Asserting and Evaluating Privilege Claims in International Arbitration,” Report of New York City Bar Association Committee on International Commercial Disputes, October 2023 (Chair and Principal Drafter)
- “Presumptive Confidentiality in Arbitration Rules” *in* “Pro-Arbitration” Revisited (2023)
- “The Virtues of Episodic Justice” *in* Reflections on International Arbitration: Essays in Honour of Professor George Bermann (2022)
- Co-Editor, GAR Guide to Evidence in International Arbitration (2021, 2023)
- Co-Author, “The 2020 IBA Rules on the Taking of Evidence in International Arbitration: A History and Discussion of the 2020 Revisions,” *in* GAR Guide to Evidence in International Arbitration (2021)
- “The Enforceability of Legislative Stabilization Clauses,” *in* Practising Virtue: Inside International Arbitration (Charles N. Brower Festschrift) (2015)
- Co-Author with Howard M. Holtzmann, Edda Kristjansdottir & Thomas W. Walsh, A Guide to the 2006 Amendments to the UNCITRAL Model Law on International Commercial Arbitration: Legislative History and Commentary (2015)
- “U.S. Developments in Class Action Arbitration: What Comes Next?” *in* The Arbitration Review of the Americas (2011)
- “Arbitration Under Expedited Discovery Procedures: What Are the Sacrifices?” *in* The Arbitration Review of the Americas (2010)
- “Non-party Discovery in the United States,” *in* The Arbitration Review of the Americas (2009)
- “The Autonomy of the Arbitration Agreement: Some Thoughts on the U.S. Experience,” *in* ICCA Yearbook (2006)
- “Current Issues in the Enforcement of International Arbitration Awards,” 34 University of Miami Inter-American Law Review 23 (2004)
- “Settlement and Release,” *in* Commercial Contracts: Strategies for Drafting and Negotiating (2001, 2014)
- Co-Author with Howard M. Holtzmann, A Guide to the UNCITRAL Model Law on International Commercial Arbitration: Legislative History and Commentary (1989)