JAMES P. DUFFY IV

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EDUCATION

ST. JOHN'S UNIVERSITY, SCHOOL OF LAW, Jamaica, New York

J.D. Degree, Cum Laude, June 2001

Honors: Executive Articles Editor, AMERICAN BANKRUPTCY INSTITUTE LAW REVIEW 2000-

2001

Academic Merit Scholarship, 1999-2001

Dean's List, 1998-2001

COLGATE UNIVERSITY, Hamilton, New York B.A. Degree in English and History, May 1998

Honors: *Dean's List*, 1996-1998

LEGAL EXPERIENCE

Reed Smith LLP, New York, New York

Partner (May 2019-Present)
International Arbitration Group

Representing clients in international arbitrations and related litigation across a range of industries (focusing on life sciences, aerospace & defense, technology, energy and franchising) in international arbitrations administered under the ICC, AAA/ICDR, LCIA, SIAC, DIAC, HKIAC and ICSID rules in the U.S., Asia, Middle East and Africa (North Africa and Sub-Saharan). First chair multiple hearings on the merits. Draft pre-dispute arbitration clauses, post-dispute submission agreements, mediation agreements and settlement agreements. Handle all litigation related to arbitration, including judicial enforcement of arbitration agreements, arbitral awards and arbitral subpoenas, actions to obtain evidence pursuant to 28 U.S.C. § 1782, and actions to obtain preliminary relief in aid of arbitration, including actions pursuant to CPLR 7502(c). Routinely sit as an arbitrator in commercial disputes and regularly speak and publish on international arbitration issues.

Baker McKenzie LLP, New York, New York

Partner (June 2016-May 2019) International Arbitration Group

Represented clients in international arbitrations and related litigation in the life sciences, aerospace & defense, technology, energy and franchising sectors in international arbitrations administered under the ICC, AAA/ICDR, LCIA, SIAC, DIAC, HKIAC and ICSID rules in the U.S., Asia, Middle East and Africa (North Africa and Sub-Saharan). First chaired multiple hearings on the merits and jurisdictional hearings. Drafted pre-dispute arbitration clauses, post-dispute submission agreements, mediation agreements and settlement agreements. Handled all litigation related to arbitration, including global actions to judicially enforce of arbitration agreements, arbitral awards and arbitral subpoenas, actions to obtain evidence pursuant to 28 U.S.C. § 1782, and actions to obtain preliminary relief in aid of arbitration, including actions pursuant to CPLR 7502(c). Sat as an arbitrator in commercial disputes and issued several emergency and final awards. Regularly spoke and published on international arbitration issues around world.

K&L Gates LLP, New York, New York

Partner (July 2013-June 2016) International Arbitration Group

Built and led K&L Gate's U.S. international arbitration practice. Represented clients across a range of industries in international arbitrations administered under the ICC, AAA/ICDR, LCIA, UNCITRAL, GAFTA and ICSID rules in the U.S., Europe, Asia and Latin America. First-chaired multiple hearings and acted as counsel in multi-billion dollar ICDR arbitration to determine the scope of the obligation to license standard essential patents on a FRAND basis pursuant to undertakings imposed by a European Standards Organization. Represented clients in litigation related to arbitration, such as enforcement proceedings, proceedings to obtain prospective relief in aid of arbitration and proceedings to obtain evidence in support of foreign tribunals pursuant to 28 U.S.C. § 1782. Routinely drafted arbitration clauses and regularly spoke and published on international arbitration issues.

DLA Piper LLP (US), New York, New York & Dubai, United Arab Emirates *Litigation Associate* (February 2006-December 2010) / *Partner* (January 2011-July 2013) *International Arbitration Group*

Represented clients across a range of industries in international arbitrations administered under the ICC, AAA/ICDR, LCIA, HKIAC, UNCITRAL and ICSID rules in the U.S., Europe, Asia, Africa and Latin America. Drafted pleadings, memorials and witness statements. Cross-examined witnesses and experts and first-chaired hearings on the merits. Represented clients in related litigation before U.S. state and federal courts in pre-hearing attachment proceedings, proceedings under 28 U.S.C. § 1782 to obtain evidence in support of foreign tribunals and enforcement proceedings. Represented clients in litigations before U.S. state and federal courts in a variety of international, commercial, and civil and criminal securities matters at all pre-trial stages of disputes. Argued motions and conducted other oral advocacy.

Represented clients in actions involving regulatory bodies in Brazil, India and Dubai. Conducted internal investigations in the U.S., Brazil, Columbia, Ecuador, India, Jordan, Kuwait, Nigeria, Saudi Arabia, the United Arab Emirates and the United Kingdom. Drafted anti-corruption policies for private companies and drafted the Government of Qatar's anti-corruption law.

Represented *pro bono* clients in a variety of commercial disputes and in disciplinary proceedings before the New York City public schools. Provided *pro bono* advice to the Public International Law & Policy Group on the public international law requirements for integrating former Maoist rebels into the Nepalese armed forces and the public international law requirements for creating an amnesty program for former Ugandan rebels. Sit as an arbitrator in New York City Small Claims Court. Chaired a panel on foreign investment dispute resolution at Addis Ababa University in Ethiopia as part of DLA Piper's New Perimeter program.

Regularly speak and publish on international arbitration issues. Won 2012 Burton Award for law review article on the enforcement of international arbitral awards. Created and conducted various CLE conferences and marketing events. Conducted formal associate training events.

Hughes Hubbard & Reed LLP, New York, New York *Litigation Associate* (July 2005-February 2006)

Assisted with various commercial disputes. Supervised large team of associates and paralegals in multi-district litigation.

Clifford Chance US LLP, New York, New York Litigation Associate (October 2002-July 2005)

Participated in a range of dispute resolution matters with a specific focus on international arbitration. Assisted in international arbitrations administered under ICC and ICSID rules and an *ad hoc* arbitration conducted under the Indian Arbitration and Conciliation Act, 1996 (UNCITRAL). Drafted pleadings, memoranda, witness statements and memorials. Supervised experts in the production expert witness statements. Drafted briefs to be filled before Indian regulatory bodies and Indian courts, including the Indian Supreme Court. Traveled regularly to London and India for preliminary hearings, hearings on the merits and other related matters. Conducted witness interviews in Brazil and elsewhere. Drafted dispute resolution clauses, confidentiality agreements, retainer agreements and joint-defense agreements. Attended several depositions and advised foreign clients on obtaining prospective court relief in aid of international arbitrations. Authored articles on a variety of international arbitration issues, including the ability to vacate international arbitration awards that grant excessive damages on U.S. constitutional grounds.

Honorable Thomas C. Platt, United States District Court, E.D.N.Y., Central Islip, New York *Law Clerk* (August 2001-August 2002)

Authored draft opinions and bench memoranda in both civil and criminal matters. Drafted orders adopting Magistrate Judge reports and orders affirming and denying objections to Magistrate Judge recommendations. Observed criminal and civil trials, motions, conferences, sidebars, sealed courtroom proceedings and sentencing proceedings. Participated in sealed settlement conferences in the Lockerbie bombing case and assisted in communicating settlement positions to the parties, including Libya. Calculated sentences under the Federal Sentencing Guidelines. Researched a variety of legal issues for outstanding cases, including *qui tam* matters, securities, antitrust and general commercial issues. Guided litigants through motion practice. Hired interns and replacement clerks. Picked a jury in a civil trial involving breach of an asset acquisition agreement.

Pillsbury Winthrop Shaw Pittman, New York, New York & Washington, D.C. *Summer Associate and Law Clerk* (Summer 2000-March 2001)

Authored memoranda on securities fraud issues, Gramm-Leach-Bliley merchant banking provisions, UCITA, intellectual property licensing, SIPC, formation of financial holding companies and insurance companies. Participated in and observed contract negotiations and closings. Attended and reported on Senate sub-committee hearings on the Gramm-Leach-Bliley Act. Calculated damages for several plaintiffs in a NASD arbitration. Prepared corporate tax documents for several organizations, issued stock certificates and maintained corporate records for a German corporation. Had regular client contact.

Honorable Thomas C. Platt, United Stated District Court, E.D.N.Y., Uniondale, NY *Intern* (Summer 1999)

Researched and authored habeas corpus and social security draft opinions, motion orders, and premotion conference and advisory memoranda. Aided in preparing Judge Platt's court calendar. Researched civil and criminal matters. Observed criminal and civil trials, motions, conferences, sidebars, seared courtroom proceedings, and oral arguments. Aided law clerks in docketing papers and files.

HONORS & AWARDS

Global Arbitration Review's WWL Arbitration, Global Partner Future Leader (Under 45) – 2017, 2018, 2019, 2020, 2021 (listed as 1 of 10 "Most Highly Regarded" for The Americas)

Best Lawyers in America (International Arbitration), 2020

Legal 500 Latin American, International Arbitration

Burton Award for Excellence in Legal Writing, 2012

ARBITRATOR PANEL LISTINGS

International Center for Dispute Resolution (ICDR), AAA Commercial Roster, Saudi Commercial Center for Arbitration, Korean Commercial Arbitration Board, Singapore International Arbitration Centre (pending)

LANGUAGE SKILLS

Conversational in French and proficient in Spanish. Have lived overseas in Dubai and Monaco.

BAR ADMISSIONS

New York State, United States Supreme Court, United States Court of Appeals for the Second Circuit, United States District Courts for the Southern and Eastern Districts of New York

England & Wales

Courts of the Dubai International Financial Centre

PROFESSIONAL ORGANIZATIONS

New York International Arbitration Center

Board Member (2013-2016)

Provide board level guidance to an arbitral hearing center and body that seeks to promote New York as a seat for international arbitration.

Institute for Transnational Arbitration

Advisory Board Member (2015-2017)

Provide advisory guidance to institution that seeks to promote international arbitration as a means of dispute resolution.

ICC Commission on Arbitration and ADR

Appointee for North America (2014-2019)

Appointed by the U.S. arm of the ICC as a delegate to the rule-making body and think tank for the ICC.

International Arbitration Club of New York

Member (2013-Present)

An invitation-only organization designed to promote best practices in international arbitration as a means of settling commercial disputes.

Chartered Institute of Arbitrators

Fellow (2019)

Global organization that promotes arbitration and certifies the arbitrator capabilities of Fellows (Fellowship).

ABA, International Section; NYSBA, International Section

CIVIC & CHARITABLE

Casting for Recovery

Board Member (2011-2017), Board Chair (2012-2017)

Provide board level guidance to international breast cancer charity that focuses on quality of life issues for women impacted by breast cancer, regardless of disease state.

St. John's University School of Law Center for International & Comparative Law Advisory Board Member 2011-Present

Provide board level guidance to law school center designed to advance international and comparative law issues.

SPEAKING ENGAGEMENTS

Speaker, "The 2021 ICC Arbitration Rules," Reed Smith Arbitral Insights Podcast Series (2020)

Speaker, "The Benefits of Arbitration for Life Sciences and Healthcare Industry Disputes," Reed Smith Life Sciences Virtual CLE Week (2020)

Speaker, "NYIAC Virtual Talk Series: Spotlight on Life Sciences Disputes: Types of Experts," NY International Arbitration Center Podcast (2020)

Speaker, "How International Arbitration Helps Preserve Life Sciences Collaboration Agreements," Reed Smith Arbitral Insights Podcast Series (2020)

Speaker, "NYIAC Virtual Talk Series: Spotlight on Life Sciences Disputes: Foundational Elements," NY International Arbitration Center Webinar (2020)

Speaker, "International Arbitration's Benefits for the Life Sciences Industry," Reed Smith Arbitral Insights Podcast Series (2020)

Speaker, "Drafting Submission Agreements: Practical Considerations," New York State Bar Association Webinar (2020)

Speaker, "Emergency Arbitration and Its Benefits in a Remote Environment," New York State Bar Association Webinar (2020)

Moderator, "Third Party Funding in International Arbitration and Cross-Border Litigation: The Current State of Play," American Bar Association International Law Section Annual Meeting Webinar (2020)

Speaker, "Managing Technology Service Relationships During a Crisis," Reed Smith Webinar (2020)

Moderator, "Covid-19's Impact on the Global Pharmaceutical Supply Chain and Steps to Take Now," Reed Smith Webinar (2020)

Speaker, "Arbitration in the Era of Globalisation," Federation of Indian Chambers of Commerce, Delhi, India (2020)

Speaker, "International Arbitration for Cross-Border Disputes," Philadelphia Association of Corporate Counsel, Philadelphia, USA (2019)

Moderator, "Discovery in Aid of Arbitration Under 28 U.S.C. § 1782," GAR Live Future Leaders, Washington, DC, USA (2019)

Speaker, "Arbitrating International Life Sciences Disputes," International Centre for Dispute Resolution, Boston, Massachusetts, USA (2019)

Moderator, "Complex Issues in Life Sciences Arbitration," ICC Conference on International Arbitration and Life Sciences Disputes: Key Issues and Best Practices, Boston, Massachusetts, USA (2019)

Speaker, "Emerging Fields in International Arbitration," ABA Section of Litigation, Miami, USA (2018)

Speaker, "Access to Justice: Opening the Door to Additional Protections in Arbitration," NYSBA DR Section Fall Meeting, New York, USA (2018)

Moderator, "Diversity of Arbitral Procedures," ICC UK Annual Conference, London, UK (2018)

Speaker, "Be Careful What You Ask For: Can Recent Changes to BIT Models Satisfy ISDS Sceptics and Opponents?," Washington, DC, USA (2018)

Speaker, "International Arbitration in the Era of Globalisation," Delhi, India (2017)

Speaker, "Evidence in International Arbitration," Harvard Law School, Boston, USA (2017)

Speaker, "The Recognition and Enforcement of Arbitral Awards," St. John's University School of Law, New York, USA (2017)

Keynote, "Arbitration at a Crossroads -The Changing Face of Investor State Dispute Settlement: Is There an Ideal Model?," National Law University, Jodhpur, India (2016)

Speaker, "International Arbitration in the BRICS: Towards Establishing an International Arbitration Mechanism for the BRICS," Federation of Indian Chambers of Commerce and Industry, Delhi, India (2016)

Moderator, "Gulf Economic Update - Silicon Desert: Can Innovation and Entrepreneurship Thrive in Kuwait?," Counsel on Foreign Relations, New York, USA (2016)

Speaker, "Benefits of International Arbitration for Cross-Border Transactions," North Carolina Association of Corporate Counsel, Raleigh, USA (2015)

Speaker, "The Changing Face of Arbitration in India," Federation of Indian Chambers of Commerce and Industry, Delhi, India (2015)

Speaker, "Benefits of International Arbitration for Cross-Border Transactions & Status of International Trade In South Carolina," South Carolina Association of Corporate Counsel, Charleston, USA (2014)

Speaker, "International Arbitration in Asia," Columbia University School of Law, New York, USA (2014)

Speaker, "International Arbitration for Cross-Border Transactions & Foreign Direct Investment," Federalist Society, Columbia, South Carolina (2014)

Keynote, ICC YAF North American Regional Conference, ICC, New York, USA (2014)

Speaker, "The Role of Ethics In International Arbitration," Young Arbitration Practitioners Symposium (IBA), Boston, USA (2013)

Moderator, "Dispute Resolution and International Arbitration In India," US-India Business Council Legal Services West Coast Conference, Palo Alto, USA (2012)

Speaker, "International Arbitration and ADR In India," ABA Conference on Business In India, Mumbai, India (2012)

Faculty Member, "International Arbitration Advocacy Workshop," Foundation for International Arbitration Advocacy, Mumbai, India (2012)

Speaker, "Foreign Direct Investment and Dispute Resolution In India," DLA Piper FDI Series, New York and Palo Alto, USA (2012)

Speaker, "International Arbitration In India," US-India Business Council West Coast Legal Conference, Palo Alto, USA (2012)

Moderator, "Foreign Direct Investment and Dispute Resolution In Latin America," DLA Piper FDI Series, New York and Miami, USA (2012)

Speaker, "The Changing Face of Arbitration In India," US-India Business Council Conference, New York, USA (2012)

Speaker, "Perspectives In International Arbitration In the MENA Region: The American Party's Point of View," PwC International Arbitration Conference, Dubai, UAE (2011)

Speaker, "International Arbitration In India," American Bar Association India Conference, Mumbai, India (2011)

Speaker, "Stolt-Nielsen and Class Arbitration Waivers," Society of Maritime Arbitrators, New York, USA (2011)

Moderator, "Foreign Investment Dispute Resolution Panel, Conference On Ethiopian Law and Economic Development," Addis Ababa University, Addis Ababa, Ethiopia (2008)

Speaker, "Market Abuse, Supervision and Enforcement," Doha, Qatar (2008)

Moderator, "Best Practices for Meeting Client Needs in International Arbitration – An Associate Perspective," ICC YAF, New York, USA (2007)

MEDIA MENTIONS

"2nd Circ. Arbitration Discovery Ruling Ripe For High Court," Law360 (July 10, 2020)

"Justices Nix 11th Circ.'s 'Formalistic' View Of Arbitration Law," Law360 (June 2, 2020)

- "Experts: Impact Of HHS/Phlow Partnership On Drug Supply Chain Unclear," Inside Health Policy (May 1, 2020)
- "Lawyer Predicts Uptick In Supply Chain Arbitration Claims Amid COVID-19," Inside Health Policy (April 14, 2020)
- "U.S. Drug Makers Continue To Face Hurdles Getting Chinese, Indian APIs," Inside Health Policy (April 9, 2020)
- "Trump Leans on India to Export His Unproven Coronavirus Drug of Choice—but it's China that Determines supply," Outbreak (April 7, 2020)
- "COVID-19 Update: Coronavirus and the Pharmaceutical Supply Chain," European Pharmaceutical Review (April 1, 2020)
- "Coronavirus Disputes May Turn On Little-Known Clause," Law360 (March 27, 2020)
- "Coronavirus May Hasten Arbitration Technology Boom," Law360 (March 20, 2020)
- "3 Things GCs Should Know About Enforcing Arbitral Awards," Law360 (August 23, 2019)
- "GE Case Asks High Court to Clarify International Biz Uncertainty," Law360 (July 3, 2019)
- "Reed Smith Continues to Bulk Up International Arbitration Practice," The American Lawyer (June 28, 2019)
- "Boston Eyes Ranking Among Top International Arbitration Hubs," Law360 (June 18, 2019)
- "International Expansion for Reed Smith and FTI," Commercial Dispute Resolution (May 24, 2019)
- "Reed Smith Nabs Ex-Baker McKenzie Arbitration Pro in New York," Law360 (May 10, 2019)
- "Reed Smith Continues Hiring Streak with NY International Arbitration Pro," The American Lawyer (May 9, 2019)
- "High Court Decision Sets Arbitration, Court Power Balance," Law360 (January 9, 2019)
- "With New Law, The UAE Looks to Make Itself an Arbitral Hub," Law360 (March 20, 2018)
- "Baker & McKenzie Boldly Goes Into a New Era," CDR (June 20, 2016)
- "Baker & McKenzie Recruits in New York & Dubai," Global Arbitration Review (June 8, 2016)
- "Baker & McKenzie Nabs Ex-K&L Gates Int'l Arbitration Pro," Law360 (June 7, 2016)
- "DR-CAFTA Claims Loom Against Dominican Republic," Global Arbitration Review (August 4, 2014)

"Companies with Executive Moves: International Chamber of Commerce - J.P. Duffy" Crains's Business New York (June 17, 2014)

"K&L Gates Picked for ICC Arbitration Experience," Commercial Dispute Resolution (May 30, 2014)

"Empire State of Mind," Commercial Dispute Resolution (August 1, 2013)

"K&L Gates Hires In New York and London," Global Arbitration Review (July 31, 2013)

"Contractual Class Action Waiver Valid Despite NLRB Ruling," Inside Counsel (March 26, 2013)

"DLA Piper Promotes On Three Continents," Global Arbitration Review (April 21, 2011)

"Court Rules On Enforcement of Arbitration Agreements," Inside Counsel (August 20, 2010)

"Casino Case Illustrates Danger of Limiting Territory for Enforcement," Global Arbitration Review (September 2, 2009)

"Company Persists in US with Award Overturned in Qatar in Security Case," Global Arbitration Review (August 21, 2009)

"Lawyers Wanted: Abroad, That Is," The New York Times (November 21, 2008)

SELECT PUBLICATIONS

International Arbitration and India, Editor, Juris (expected release in 2021)

Arbitration's Benefits for the Life Sciences Industry, 75:2 Dispute Resolution Journal 17 (November 2020)

Arbitration After the Dispute Arises: Drafting Submission Agreements, New York Law Journal (2020)

The Second Circuit Reaffirms View that Section 1782 Discovery Assistance Cannot be Provided to Private International Arbitration Tribunals, Reed Smith Client Alert (2020)

U.S. Supreme Court Declines to Clarify the "Evident Partiality" Standard for Vacating Arbitral Awards, Reed Smith Client Alert (2020)

U.S. Supreme Court Allows Non-Signatories to Enforce Arbitration Clauses Subject to the New York Convention, Reed Smith Client Alert (2020)

Ethiopia Ratifies the New York Convention, Reed Smith Client Alert (2020)

India Reverses Pharmaceutical Export Restrictions Shortly After Imposing Them, Reed Smith Client Alert (2020)

India Restricts Drug Exports Over Coronavirus Fears and International Arbitration Claims Are Likely to Follow, Reed Smith Client Alert (2020)

International Arbitration for APAC Life Sciences Collaboration Agreements, International Arbitration Focus (Reed Smith 2019)

International Arbitration Guide: Life Sciences, International Arbitration Guide (Reed Smith 2019)

Dispositive Motions and the Summary Disposition of Claims in International Arbitration, International Arbitration in the United States (Kluwer 2018)

Enforcement and Satisfaction of International Arbitral Awards: The Endgame, 1 Journal of Enforcement of Arbitral Awards 103 (Juris 2018)

Getting Your Arbitral Award Paid: Twenty-Five Practical Pointers for Success, Association of Corporate Counsel (ACC 2017)

The United States, Baker McKenzie International Arbitration Yearbook (Baker McKenzie 2017)

The United States, Baker McKenzie International Arbitration Yearbook (Baker McKenzie 2016)

Employer Permitted to Litigate Claims Against Employee Subject to Arbitration Agreement, International Law Office (September 2015)

Delaware Rapid Arbitration Act – a New Avenue for Dispute Resolution, International Law Office (May 2015)

Court Grants Motion to Compel Made by Parties That Enjoined Arbitration Seated in India, International Law Office (November 2014)

US Court Refuses to Enforce Award Issued in Taiwan, International Law Office (October 2014)

Supreme Court Declines to Revisit Hall Street and Manifest Disregard, International Law Office (May 2014)

Court Seals Confirmation Proceedings Because of Confidentiality Clause, International Law Office (May 2014)

Supreme Court Clarifies Competence-Competence Principle, International Law Office (March 2014)

Parties May Not Contractually Waive Judicial Review of Arbitral Awards, International Law Office (February 2014)

AAA Issues Optional Appellate Arbitration Rules, International Law Office (January 2014)

US Court Awards Cost of Enforcement Proceedings, International Law Office (November 2013)

Revised AAA Commercial Rules Align with IBA Rules, International Law Office (November 2013)

Federal Appeals Court Allows Class Proceedings in Arbitration, International Law Office (September 2013)

Standard Chartered Bank v. AHAB: A New York Court Enforces a Judgment from the Bahrain Chamber for Dispute Resolution, Bloomberg BNA Banking Report (February 2013)

Enforcement Begins When the Arbitration Clause is Drafted, 22 American Review of International Arbitration 271 (2011) (2012 Burton Award Winner)

Focusing on Enforcement Early and Often, The National Law Journal (May 31, 2010)

Keep an Eye on the End Game: Enforcement, New York Law Journal (April 12, 2010)

Enforcing Judgments Internationally, Practical Law Company (2009)

Hall Street One Year Later: The Manifest Disregard Debate Continues, 19 American Review of International Arbitration 193 (2008)

The New Dubai International Arbitration Law, New York Law Journal, Vol. 240, No. 97 (2008)

Hall Street: The End of Manifest Disregard Challenges to International Arbitral Awards in the US?, Transnational Dispute Management (2008)

Opposing Confirmation of International Arbitration Awards: Is It Worth the Sanctions?, 17 American Review of International Arbitration 143 (2006)