

# DR. RÉMY GERBAY

## HUGHES HUBBARD & REED

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### BACKGROUND:

Rémy Gerbay (*LL.M., Ph.D.*) is an experienced attorney whose practice focuses on cross-border business disputes, including arbitration and litigation. Rémy is also an academic at the School of International Arbitration at Queen Mary University of London, where he is the co-director of an LL.M. program (permanent post equivalent to a tenured appointment).

Rémy has intervened as counsel or arbitrator in ICC, LCIA, AAA, ICDR, ICSID, UNCITRAL, DIAC, Swiss Chambers, and KIAC arbitrations. Rémy has also been appointed as arbitrator in over 20 international arbitrations with seats in New York, Washington, D.C., Paris, London, Geneva, Dubai, and Kigali. He has also acted as emergency arbitrator.

Rémy has been listed in various legal directories (Legal 500, Who's Who Legal, Law Dragon), where he is described as:

- *"outstanding both on a technical and practical level; really sharp and on the money"*
- *"not only technically and legally excellent but [] uncompromising in the quality of service he aims at providing"*
- *"a high-quality practitioner with a brilliant mind and thorough knowledge of both procedural and substantive matters"*
- *"impresses peers with his strong understanding of business and his perfect grasp of both civil and common laws".*

Prior to joining Hughes Hubbard & Reed, Rémy practiced with leading litigation and arbitration law firms in the U.S. and U.K. (2006-2009 and 2013-2021). Between 2009 and 2013, Rémy worked at the secretariats of the London Court of International Arbitration (LCIA) and DIFC-LCIA, where he held, successively, the posts of *Counsel*, *Senior Counsel*, *Deputy Registrar* and *Acting Registrar*. In these capacities, he oversaw hundreds of international arbitrations, adjudications, and mediations in a wide range of industry sectors. Rémy started his legal career at a United Nations agency in Geneva (2002-2004).

Rémy is a co-Chair of the American Society of International Law's dispute resolution group, and a former co-Chair of the LCIA's Young International Arbitration Group. He is a member of the Editorial Board of the *Journal of International Arbitration*.

### BAR ADMISSIONS:

New York (2005)  
England and Wales (2008)  
District of Columbia (2018)

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## CASES AS COUNSEL (REPRESENTATIVE)

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- Pursuing a Bilateral Investment Treaty claim against the Dominican Republic arising out of a French national's investment in the waste management sector (UNCITRAL)
- Pursuing a Bilateral Investment Treaty claim against the Republic of Azerbaijan concerning the treatment received by a Turkish national's investments in the public works sector (ICSID)
- Representing a Middle Eastern pharmaceutical company in a multi-million-dollar arbitration against a global drug manufacturer arising out of a licensing agreement (ICC)
- Representing the Republic of Equatorial Guinea in award-enforcement court proceedings in the United States (D.C. Circuit)
- Advising AO Moldovagaz, the national gas utility of Moldova, with respect to award-enforcement court proceedings in the United States (D.C. Circuit)
- Representing a Russian-owned BVI company in an international arbitration arising out of a failed investment in a fast-growing private tech company (ICDR)
- Advising a tech company's former CEO with respect to a dispute under an indemnification agreement (AAA Comm. Rules)
- Advising a project sponsor in relation to a suite of legal issues (including both arbitration and litigation) concerning a \$1 billion renewable energy project (pre-arbitration/restructuring)
- Acting for a South Asian construction group against a U.S. company in two arbitrations relating to the construction of a \$500 million highway in Africa (LCIA)
- Representing a high-profile Ukrainian industrial group and its ultra-high-net-worth founder in an arbitration arising out of the acquisition of stake in a bank valued at over €130 million (LCIA)
- Representing a Latin American bank in two sets of parallel proceedings arising out of a \$17 million commodities transaction in Sub-Saharan Africa (LCIA)
- Acting for a Spanish solar energy contractor in relation to applications for urgent interim relief relating to calls made under three performance bonds (LCIA)
- Advising a Peruvian oil company in relation to contesting a world-wide freezing injunction in the English courts and claiming damages caused by it
- Advising a large Eurasian coal company on arbitration law issues in the context of LCIA proceedings initiated against it by banks in connection with the restructuring of credit facility agreements (LCIA)
- Engaged to draft Rwanda's new arbitration and mediation law

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## CASES AS ARBITRATOR (REPRESENTATIVE)

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- Sole arbitrator in arbitration proceedings under the ICC rules between Australian and UAE companies arising out of a licensing agreement (D.C. law and seat)
- Sole Arbitrator in Expedited Arbitration proceedings under the ICC rules between Hong Kong and a Brazilian commodities traders (New York law and seat)
- Emergency Arbitrator in an ICC Emergency Arbitration between U.S. and U.K. companies relating to the construction of an e-waste recycling facility (New York law; Paris seat)
- Chairman of a three-member tribunal in a multi-million dollar KIAC arbitration between an East African State entity and an Asian trading company (Rwandan law and seat)
- Chairman of a three-member tribunal in a multi-million dollar *ad hoc* arbitration between a Jersey company and a German insurer arising out of on aircraft insurance policy (French law; Paris seat)
- Sole arbitrator in a Swiss Chambers arbitration between two Russian-owned companies arising out of a share purchase agreement (English law; Geneva seat)
- Sole Arbitrator in an ad hoc UNCITRAL-rules arbitration between Russian and Saint Kitts and Nevis companies arising out of a contract for turn-key consultancy services with regard to the implementation of

SAP software (English law; London seat)

- Sole arbitrator in an LCIA arbitration between an English consultancy company and an Irish construction company arising out of a professional services consultancy agreement (English law; London seat)
- Co-arbitrator in a DIAC arbitration between two UAE entities arising out of an equipment rental agreement (UAE law; Dubai seat)
- Co-arbitrator in an ICC arbitration between French and Chinese companies arising out of an agreement for the supply of a hydro-electric power plant (English law; London seat)
- Co-arbitrator in a LCIA arbitration between a Swiss bank and a Chinese ultra-high-net-worth individual concerning the financing of an aircraft (English law; London seat)

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## EDUCATION

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**UNIVERSITY OF LONDON** (School of International Arbitration, Queen Mary) 2014

*PhD in International Arbitration Law*

- Doctoral thesis achieved the highest possible outcome (“pass, no correction”)
- Thesis published as “The Functions of Arbitral Institutions” (Kluwer 2016)

**GEORGETOWN UNIVERSITY LAW CENTER** 2005

*LLM*

- Fulbright Scholar
- Dean’s Honors List
- Nomination for a Student Public Service Award

**UNIVERSITY OF GENEVA** (Graduate Institute of International Studies/IUHEI) 2003

*Master’s in Public International Law*

**UNIVERSITY OF LYON** (Jean Moulin) 2001

*French Law Degree*

- High Honors (top 5% of graduating class)
- Visiting student at Boston University School of Law

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## PUBLICATIONS (NON-EXHAUSTIVE)

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- BOOK (as co-author): RESOLVING CROSS-BORDER DISPUTES IN SAUDI ARABIA, Brill (expected 2023)
- BOOK (as co-author): ARBITRATING UNDER THE 2020 LCIA RULES: A USER’S GUIDE, Kluwer (2021)
- BOOK (as co-editor and co-author): THE ICSID CONVENTION, RULES AND REGULATIONS: A PRACTICAL COMMENTARY, Elgar Publishing (2020)
- BOOK (as co-author): ANNULMENT AND ENFORCEMENT OF ARBITRAL AWARDS FROM A COMPARATIVE LAW PERSPECTIVE, Kluwer (2018)
- BOOK: THE FUNCTIONS OF ARBITRAL INSTITUTIONS, Kluwer (2016)
- BOOK (as co-author): ARBITRATING UNDER THE 2014 LCIA RULES: A USER’S GUIDE, Kluwer (2015)
- ARTICLE (as co-author): “Prospect Theory and due process paranoia: what behavioural models say about arbitrators’ assessment of risk and uncertainty”, Arbitration International, Oxford University Press (June 2020)
- CHAPTER (as co-author): “The London Court of International Arbitration”, in Max Planck Encyclopedia of International Procedural Law, Professor H el ene Ruiz Fabri (ed.), Oxford University Press (2019)