

ROBERT H. SMIT

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NEW YORK, NY 10024
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PROFESSIONAL EXPERIENCE

Independent International Arbitrator

Partner and Chair, International Arbitration Practice, Simpson Thacher & Bartlett LLP (1989-2016, retired)

TEACHING

Adjunct Professor of Law, International Arbitration and Transnational Litigation, Columbia Law School (2010-present)

Maitre de Conference Associé (visiting Associate Professor) of U.S. Commercial Law, Universite de Paris I – Sorbonne (1987-1988)

APPOINTMENTS

Co-Editor-in-Chief American Review of International Arbitration (2012-present)

Adviser, ALI Restatement (Third) of U.S. International Arbitration Law (2010-present)

Founding Member, The International Arbitration Club of New York (2010-present)

Chair, International Dispute Resolution Committee, The Association of the Bar of the City of New York (2007-2010)

U.S. Member of the Court, ICC International Court of Arbitration (2003-2009)

Member, ICC Commission on Arbitration (2003-present)

Co-Chair, ICC Task Force on Production of Electronic Documents in Arbitration (2009-2011)

Chair, CPR Arbitration Committee (2004-2007)

Vice Chair, IBA Committee on International Arbitration (2000-2002)

REPRESENTATIVE ENGAGEMENTS

(as Arbitrator and Counsel)

Presiding, Sole and Party-Appointed Arbitrator in over 100 ICC, ICDR, LCIA, UNCITRAL, PCA and ICSID commercial and investment treaty arbitrations in investment, power project, pharmaceutical, construction, telecommunications, financial services/M&A, insurance, intellectual property and other disputes. *Chambers USA 2024 Band 1 Ranking for Arbitrators Nationwide.*

Counsel to Daiichi Sankyo in ICC arbitration in Singapore arising out of sale of a pharmaceutical company in India

Counsel to French nutrition company in UNCITRAL arbitration in Singapore arising out of baby food contamination in Asia Pacific

Counsel to MatlinPatterson in U.S. federal court action to enforce ICC award rendered in Brazil in connection with the sale of Varig airlines

Counsel to Hanwha and ORIX Corporation in ICC arbitration in New York arising out of sale of Korea Life Insurance Company in Korea

Counsel to General Electric and Bechtel in investment treaty arbitration arising out of the expropriation of the Dabhol Power Project in Maharashtra, India

Counsel to Swiss Re in U.S. federal court action concerning insurance coverage for the September 11, 2001 attack on the World Trade Center

Counsel to Andersen Consulting (now Accenture) in ICC arbitration in Switzerland resulting in Andersen Consulting's "alimony-free divorce" from the global Andersen organization

Counsel to DHL in ICC arbitration in Paris arising out of Shareholders Agreement dispute following the death of DHL founder Larry Hillborn

Counsel to Moody's Investors Service in various transnational lawsuits filed by investors in Latin America, Asia and Europe

SELECT PUBLICATIONS

"Questionable Arbitrator Habits," 34(3) *American Review of International Arbitration* 451 (2023)

"Why pro-arbitration?" published in *Reflections on International Arbitration: Essays in Honour of Professor George Bermann*, Chapter 44 (Juris 2022)

"The History of 28 U.S.C.1782," published in *Obtaining Evidence for Use in International Tribunals Under Section 28 U.S.C. 1782*, 1-22 (Juris 2020)

"Cross-Examination in International Arbitration: A Clash Among Common Law Traditions," 29(2) *American Review of International Arbitration* 105 (2018)

"The Future of Science and Technology In International Arbitration: The Next Thirty Years", published in *The Evolution and Future of International Arbitration*, 365 (Kluwer 2016)

"Courts and the Constitution of the Arbitral Tribunal: A Comparative Analysis of Standards of Arbitrator Independence and Impartiality," in *Forum Shopping in the International Commercial Arbitration Context*, 235 (Sellier European Law Publishers 2013)

"Thoughts on Arbitrator Selection: Why My Father Was (Usually) a Good Choice," 23(3-4) *American Review of International Arbitration* 575 (2012)

"E-Disclosure Under the Revised IBA Rules on the Taking of Evidence in International Arbitration," 13(5) *International Arbitration Law Review* 200 (2010)

"Cross Examining Witnesses Before Civil Law Arbitrators," in *Take the Witness: Cross-Examination in International Arbitration*, 243 (Juris 2010)

“Cost Awards in International Commercial Arbitration: Proposed Guidelines for Promoting Time and Cost Efficiency,” 20(3) American Review of International Arbitration 267 (2010)

“E-Disclosure in International Arbitration,” 24(1) Arbitration International 105 (2008)

“Towards Greater Efficiency in Document Production Before Arbitral Tribunals-A North American Viewpoint,” in *Document Production in International Arbitration*, Special Supplement ICC International Court of Arbitration Bulletin (2006)

“Mandatory ICC Arbitration Rules,” in *International Law, Commerce and Dispute Resolution*, 845 (2005)

“Separability and Kompetenz-Kompetenz in International Arbitration: *Ex Nihilo Nihil Fit?* Can Something Indeed Come From Nothing?,” 13 American Review of International Arbitration 19 (2002)

“The Newly Revised CPR Rules for Non-Administered Arbitration of International Disputes”, 18(1) Journal of International Arbitration 59 (2001)

“Andersen v. Andersen: The Claimants’ Perspective,” 10(4) American Review of International Arbitration 443 (1999)

A Comparison of International Commercial Arbitration Rules (Juris Publishing 1998)

“An Inside View of the ICC Court,” 10 Arbitration International 53 (No. 1, 1994)

LEGAL EDUCATION

Columbia Law School, J.D., 1986

Universite de Paris I – Sorbonne, D.E.A., 1988

Diplome d’Etudes Approfondies in Private International Law and International Commercial Arbitration

CLERKSHIP

Law Clerk to Judge Charles M. Metzner, United States District Court for the Southern District of New York, 1986-1987

BAR ADMISSION

New York

LANGUAGES

English, French, Dutch