

# SULLIVAN & CROMWELL LLP

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## Lawyers



### Joseph E. Neuhaus

Partner

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Joe Neuhaus joined Sullivan & Cromwell LLP in 1987 and became a partner in 1992. His practice is focused on international commercial litigation in both arbitral and court settings, with particular emphasis on Latin American matters. He is coordinator of Sullivan & Cromwell LLP's arbitration practice and has served as counsel and arbitrator in numerous arbitral proceedings, including ad hoc proceedings, arbitrations administered by the International Chamber of Commerce and the American Arbitration Association and arbitrations involving sovereign entities. He also has served as counsel in a variety of arbitration-related disputes in court, as well as other commercial litigation and regulatory investigations.

#### **Biographical Information**

- Sullivan & Cromwell LLP, New York, N.Y., 1987-present (partner since 1992; Arbitration Practice Coordinator).
- Covington & Burling, Washington, D.C., 1986-1987.
- 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.
- Law Clerk to Howard M. Holtzmann, Iran-United States Claims Tribunal, 1984-1985.
- 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. Dartmouth College, 1979.
- Languages: reading knowledge of Spanish, some Russian.

#### **Recent Recognitions**

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#### PRACTICES & CAPABILITIES

**Litigation**

**Antitrust**

**Appellate**

**Arbitration**

**Intellectual Property & Technology Litigation**

**Africa**

**Project Development & Finance**

**Latin America**

**Natural Resources**

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#### EDUCATION

**1982, Columbia Law School, J.D.**

**1979, Dartmouth College, A.B.**

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#### BAR ADMISSIONS

**New York**

**District of Columbia (inactive)**

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#### CLERKSHIPS

**The Honorable Howard M. Holtzmann, Iran - United States Claims Tribunal, 1984-1985**

**The Honorable Lewis F. Powell, Jr., United States Supreme Court, 1983-1984**

**The Honorable Carl McGowan, United States Court of Appeals, District of Columbia Circuit, 1982-1983**

- In September 2015, *The American Lawyer* recognized Mr. Neuhaus as “Litigator of the Week” 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.
- 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*, 2001-2005, 2007-2017, and *Chambers USA: America’s Leading Lawyers for Business*, 2004-2017, and *Chambers Latin America*, 2013-2016, published by Chambers & Partners.
- Recognized as a star in litigation (New York) and international arbitration (National) in *Benchmark: America’s Leading Litigation Firms and Attorneys*, 2008-2017 (Euromoney).
- Recognized by *The Legal 500 United States* as a recommended lawyer for international arbitration, 2007-2017, including as a top-ranked “Leading Lawyer” in 2011, 2012, 2013, 2014, 2015, 2016 and 2017, for appellate, 2016 and 2017, and international litigation, 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 a leading lawyer for international arbitration, 2006-2017.

#### **Arbitration-Related Professional Activities**

- 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.
- Board of Directors, CPR Institute for Conflict Prevention and Resolution, 2016-present.
- Board of Directors, 2012-2016, Council, 2016-present, American Arbitration Association.
- Executive Committee, New York International Arbitration Center, 2012-present.
- 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-present.

- 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.
- Member of UNCITRAL Arbitration Expert Group, 2001.
- Institute for Transnational Arbitration of the Southwestern Legal Foundation.
  - Program Co-Chair, 2000-2005, Vice Chair, 2005-present.
  - Workshop Co-Chair, 2000.
- Speaker on arbitration-related topics, including:
  - Various AAA, ICC, ICSID, ACCA programs.
  - 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***

- 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**

- 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).

### **SELECTED REPRESENTATIONS**

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

- 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).

**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 Inc. in connection with UNCITRAL Rules arbitration in Sweden of disputes with the Kyrgyz Republic over a gold mining concession (2011-present).
- 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 Banco Popular, the largest bank in Puerto Rico, in \$300 million disputes in AAA arbitration with the US FDIC arising out of purchase of loan assets from the FDIC as receiver of a failed bank (2013-2017).
- 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).
- 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 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).
- 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).
- Counsel to a European oil company in connection with potential ICSID arbitration arising out of oil concession in Latin America (2005-2007).
- 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 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 Alumbrera 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).