

PATRICK W. PEARSALL, Partner

Patrick W. Pearsall is the chair of the firm's Public International Law Practice and a member of the International Arbitration, the Government Controversies and Public Policy Litigation, and the Energy Practices. He has extensive experience representing sovereigns and investors in multi-billion dollar international disputes. Mr. Pearsall was in the Office of the Legal Adviser at the US State Department from 2009-2017 and served as the Chief of Investment Arbitration from 2015-2017. He litigated claims on behalf of the United States when disputes were brought under treaties and free trade agreements, such as bilateral investment treaties and FTAs (including the NAFTA and the CAFTA-DR). In addition to his representations as counsel, he has led the negotiations of several bilateral and multilateral treaties and has significant experience on international environmental law and matters related to cross-border infrastructure and energy projects.

Mr. Pearsall received several awards while in government service and was listed in the inaugural Who's Who Legal: Arbitration 2017 a peer selected guide featuring the foremost arbitration practitioners in the world. He served as the United States representative to the International Court of Arbitration's (ICC) Task Force on Arbitration with States or State-Owned Entities and served on its Special Drafting Committee for revisions of the 2012 ICC Rules. He has published and spoken widely commercial and investor-state arbitration and is in the leadership of several international arbitration organizations.

He has worked for both the ICC and for the Hon. Sonia Sotomayor on the United States Court of Appeals. Mr. Pearsall has taught at Columbia Law School, Harvard Law School and Yale Law School and currently is an adjunct professor at the Georgetown Law Center.

Mr. Pearsall's select representations include the following:

Counsel for the United States (Party)

- *TransCanada Pipelines Ltd. et al. v. United States of America*, ICSID Case No. ARB/16/21
- *The Islamic Republic of Iran v. United States of America* (ICJ)
- *Apotex, Inc. v. United States of America* (UNCITRAL) ("Apotex III")
- *Ecuador v. United States of America* (UNCITRAL)
- *Apotex Holdings, Inc. v. United States of America* (UNCITRAL) ("Apotex I & II")
- *Grand River Enterprises v. United States of America* (UNCITRAL)
- *Stanford Ponzi Scheme Victims v. United States of America* (UNCITRAL)
- *Camara Nacional del Autotransporte de Carga v. United States of America* (UNCITRAL)



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PRACTICE GROUPS

Energy
Government Controversies and Public Policy Litigation
International Arbitration
Public International Law

EDUCATION

Columbia University School of Law, J.D., 2005; Harlan Fiske Stone Scholar; Dorsey & Whitney Prize (best international law note); Parker School of Foreign and Comparative Law Award; teaching assistant, Professor Samuel Issacharoff; head articles editor, *Columbia Journal of Transnational Law*, senior editor, *American Review of International Arbitration*

Columbia College, B.A., 2002; *magnum cum laude*; The Robert Lincoln Carey Commencement Prize (highest academic achievement); Phi Beta Kappa; Highest Departmental Honors: English and political science

ADMISSIONS

District of Columbia, 2009

New York, 2006

JUDICIAL CLERKSHIP

International Court of Arbitration (ICC), Paris, France 2005 (Clerkship)

- *The Islamic Republic of Iran v. United States of America* (UNCITRAL) (“A:15 IIA”)
- *The Islamic Republic of Iran v. United States of America* (UNCITRAL) (“B1”)

Counsel for the United States (Non-Party)

- *Australia v. Japan* (ICJ) (“Antarctic Whaling”)
- *Resolute Forest Products Inc. v. Government of Canada*, PCA Case No. 2016-13
- *Eli Lilly and Company v. Government of Canada*, NAFTA/UNCITRAL Case No. UNCT/14/2
- *Windstream Energy, LLC, Inc. v. Government of Canada*, PCA Case No. 2013-22
- *Mercer International Inc. v. Government of Canada*, NAFTA/ICSID Case No. ARB(AF)/12/3
- *Mesa Power Group, LLC v. Government of Canada*, PCA Case No. 202-17
- *Bilcon of Delaware et al. v. Government of Canada*, PCA Case No. 2009-04
- *St. Marys VCNA, LLC v. Government of Canada*, NAFTA/UNCITRAL
- *Mobil Investments Canada Inc. and Murphy Oil Corp. v. Canada*, NAFTA/ICSID Case No. ARB(AF)/07/4
- *Tele Fácil México S.A de C.V. v United Mexican States*, NAFTA/ICSID Case No. ARB(AF)
- *Lion Mexico Consolidated L.P. v. United Mexican States*, NAFTA/ICSID Case No. ARB(AF)/15/2
- *B-Mex, LLC et al. v. United Mexican States*, ICSID Case No. ARB(AF)/16/3
- *Dominion Minerals Corp. v. Republic of Panama*, ICSID Case No. ARB/16/13
- *IBT Group LLC et al. v. Republic of Panama*, ICSID Case No. ARB/14/33
- *Gramercy Funds Management LLC v. Republic of Peru*, ICSID Case No. ARB/03/28
- *Renco Group, Inc. v. Republic of Peru*, ICSID Case No. UNCT/13/1
- *Railroad Development Corporation v. Republic of Guatemala*, CAFTA-DR/ICSID Case No. ARB/07/23
- *TECO Guatemala Holdings, LLC v. Republic of Guatemala*, CAFTA-DR/ICSID Case No. ARB/10/23
- *Pac Rim Cayman, LLC v. Republic of El Salvador*, CAFTA-DR/ICSID Case No. ARB/09/12
- *Commerce Group Corp. v. Republic of El Salvador*, CAFTA-DR/ICSID Case No. ARB/09/17
- *Corona Materials, LLC v. Dominican Republic*, ICSID Case No. ARB(AF)/14/3
- *David Aven et al. v. Republic of Costa Rica*, ICSID Case No. UNCT/15/3
- *Spence International Investments et al. v. Republic of Costa Rica*, ICSID Case No. UNCT/13/2
- *Zbigniew Piotr Grot et al. v. Republic of Moldova*, ICSID Case No. ARB/16/8
- *Ampal-American Israel Corp. et al. v. Arab Republic of Egypt*, ICSID Case No. ARB/12/11
- *Champion Holding Company et al. v. Arab Republic of Egypt*, ICSID Case No. ARB/16/2

- *Adel A. Hamadi Al Tamimi v. Sultanate of Oman*, ICSID Case No. ARB/11/33
- *Bolivarian Republic of Venezuela v. Helmerich & Payne International* (U.S. Supreme Court, 2016)
- *Corporacion Mexicana de Maternimiento Integral v. Pemex-Exploracion y Produccion* (2d Cir. 2016)
- *Mobil Cerro Negro, Ltd. v. Bolivarian Republic of Venezuela* (2d Cir. 2016)
- *BG Group PLC v. Republic of Argentina* (U.S. Supreme Court, 2014)
- *Leidos, Inc. v. Hellenic Republic*, No. 13-cv-1070 (GK) (D.D.C. 2013)
- *Belize Soc. Dev. Ltd. v. Gov't of Belize*, 5 F. Supp. 3d 25 (D.D.C. 2013), *aff'd*, 794 F.3d 99 (D.C. Cir. 2015)

Counsel on Additional Matters (Select)

- *Abaclat et al. v. Argentine Republic*, ICSID Case No. ARB/07/5, on behalf of Argentine Republic
- *Cruz et al. v. United States of America et al.* (“Braceros Class Action”) (N.D. Cal. 2008), on behalf of the United Mexican States
- Billion-Dollar Arbitration on behalf of Major Financial Institution, ICC Rules, hearings in Paris (2007)
- Billion-Dollar Arbitration on behalf of Brazilian entity, ICC Rules, hearings in Paris (2006 – 2007)
- Billion-Dollar Arbitration on behalf of Telecommunications entity, ICC Rules, London (2005 – 2007)
- *Chaul et al. v. Fresh Del Monte Produce, Inc. et al.*, successful jury trial verdict in Florida State Court, Case No. 02-31670 (2005 – 2007); successful appeal, Fla. 3d Dist. Ct. of Appeal (2008)

Awards

- *Who's Who Legal: Arbitration Leaders 2017* (Peer Selected)
- National LGBT Bar Association
“Best LGBT Lawyers Under 40,” 2017
- Superior Honor Award (U.S. State Department)
- Awards for Meritorious Service

Service to the Bar

- International Bar Association (Investor-State Arbitration and Arb40 Subcommittees)
- ICDR Y&I Board Member
- American Society of International Law
- ICCA-ASIL Damages Task Force Member

Select Treaties And Rules Committees

- Trans-Pacific Partnership
- United States-China Bilateral Investment Treaty

- Transatlantic Trade and Investment Partnership
- Mauritius Convention
- UNCITRAL Working Group II and Multilateral Court on Investment
- I.C.C. Task Force on States and State Entities (Special Drafting Committee)
- North Pacific Fisheries Convention (Head of Delegation)
- South Pacific Tuna Treaty (Head of Delegation)
- International Convention for the Conservation of Atlantic Tuna
- Inter-American Convention on Conservation of Tropical Tuna
- North Atlantic Fisheries Organization
- International Whaling Commission
- Keystone XL Cross-Border Permit Application (2012-2016)

Publications

- “Commentary on ICSID Articles 71 and 72,” *The ICSID Convention, Rules and Regulations: A Commentary*, Elgar Publishing, forthcoming (2018)
- *Non-Disputing Party Submissions by the United States*, forthcoming (2018)
- “The Emerging Role of International Investment Agreements in the Asia-Pacific Region,” *Investment Treaty Arbitration and International Law*, Juris Publishing (ed. Laird), 2011
- Editor-in-Chief, *ABA International Litigation: Year in Review*, 2009
- Co-Author, *Attorney Liability for Aiding and Abetting Breach of Fiduciary Duty*, 2008
- Co-Author, *Realizing the Benefits of International Arbitration through an Appropriate Arbitration Clause*, 2006
- “Means/Ends Reciprocity in the Act of State Doctrine,” 43 *Colum. J. Transnat’l L* 999, 2004

Speaking Engagements

- Moderator, “Corruption and International Investment Law,” GAR BITs Live, Washington, D.C., May 2017
- Chair, “The Changing Political Landscape in Latin America and its Impact on Investment and Commercial Arbitration,” Annual ICC Miami Conference, November 2016
- Speaker, “China’s Three-Prong Investment Strategy: Bilateral, Regional, and Global Tracks,” Asia FDI Forum II, Hong Kong, November 2016
- Lecture, “The Future of the International Investment System and the Role of the State,” Richmond Law School, October 2016
- Panelist, “Interim Relief and Emergency Measures,” IBA Arb40 Symposium, Washington, D.C., September 2016
- Instructor, “Executive Training for Government Officials: Representing States in International Disputes,” Columbia Center for Sustainable Investment, New York, August 2016

- Keynote Speaker, “Representing States in International Arbitration,” Koç University, Istanbul, Turkey, June 2016
- Speaker, “Standing Court or Permanent Appeals Mechanism,” GAR BITs Live, Washington, D.C., April 2016
- Speaker, “How a State Exercises Control of Treaty Interpretation in an International Dispute,” NYIAC, New York, April 2016
- “Defending States under International Investment Law,” Seminar, Yale Law School, March 2016
- Lecture, “Defending States and Encouraging FDI,” U. Penn Law School, March 2016
- Speaker, “Beyond TPP and TTIP,” McGeorge Law School Symposium, Sacramento, February 2016
- Speaker, “Investment Arbitration and Corporate Restructuring,” Harvard Law School, February 2016
- Moderator, “Investment Arbitration and Nationality: Latin American Perspectives,” IBA Regional Meeting, Miami, February 2016
- Lecturer and Instructor, “Defending States under TPP and Beyond: The Pacific Perspective,” APEC Annual Meeting, Lima, Peru, February 2016
- Moderator, “Arbitrability in International Arbitration: The Sky is Not the Limit”, ICSID, Washington, D.C., October 2015
- Speaker, “Harmonization of Bilateral Investment Treaties,” GAR BITs Live, Washington, D.C., April 2015
- Moderator, “Advanced Topics in International Arbitration,” YIAG, IBA, Washington, D.C., February 2015
- Speaker, “Developments in Asia-Pacific Arbitration,” AFIA, Washington, D.C., February 2015
- Keynote Speaker, “The State as Respondent,” CFA-40, Paris, France, November 2014
- Speaker, “The Clawback of Investor Rights”, GAR Live, Frankfurt, Germany, June 2014
- Speaker, “Investment v. Commercial Arbitration?” IBA North America, Toronto, Canada, May 2014
- Lecture, “Advanced Topics on Investment Arbitration,” Columbia Law School, November 2013
- Speaker, “Transparency and the State Party in Investor-State Arbitration,” ICC-YAF, Frankfurt, Germany, May 2012
- Speaker, “International Law: Investor-State Arbitration in the Americas: Update on CAFTA and NAFTA,” Joint Canadian Bar Association, ABA Program, Toronto and Washington, D.C., October 2011
- Lecture, “United States Investment Policy and Investment Disputes,” Foreign Service Institute, Washington, D.C., July 2011
- Lecture, “Investment Treaties and FDI,” Vanderbilt Law School, November 2010
- Lecture, “Investment Disputes,” Foreign Service Institute, Washington, D.C., July 2010
- Speaker, “The Future of Investor-State Arbitration,” Eighth Annual ICCA-YAP Congress, Rio de Janeiro, Brazil, May 2010
- “The Role of Investment Treaties in the Asia-Pacific Region,” Fourth Annual Investment Treaty Arbitration Conference, Washington, D.C., April 2010
- Lecture, “Investment Treaties and the U.S. State Department,” Cornell Business School, March 2010