

JOHN V.H. PIERCE

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EXPERIENCE

2000 to Present
WILMER CUTLER PICKERING HALE AND DORR LLP
Partner, International Arbitration Group

Mr. Pierce is the Head of the firm's International Arbitration practice in the New York office. Recognized by the *Chambers* guides as an “*outstanding*” arbitration lawyer and “*a crucial figure in the firm's global arbitration practice*,” Mr. Pierce's practice is focused on the arbitration of international disputes, often involving multi-jurisdictional elements and parallel proceedings. He has extensive experience handling arbitrations valued in the billions of dollars and involving highly-complex issues of law and fact.

Mr. Pierce represents a global client base in a wide range of industries and sectors in international arbitration matters in venues throughout the world. He has extensive experience arbitrating under both common and civil law regimes, under private and public international law, and under all major international arbitration rules. He has particular experience in arbitrations involving IP, joint-venture, post-M&A, shareholder, oil and gas, pharmaceutical, life sciences, electronics, telecommunications, transportation, financial services and agency disputes, among others. Mr. Pierce regularly sits as an arbitrator in international arbitrations, and he publishes and speaks widely on issues pertaining to international dispute resolution.

Recent significant matters include representation of:

- a leading US industrial company in an UNCITRAL arbitration, seated in Washington, D.C., concerning claims against a Caribbean government entity arising under a long-term gas supply agreement;
- a consortium of Asian and European electronics companies in an ICDR arbitration, seated in New York, involving FRAND-related and other claims arising from royalty rates charged on high-value technology;
- a major Latin American airline in an ICDR arbitration, under Brazilian and New York law, seated in Dublin, concerning claims arising under a settlement agreement related to an airplane accident;
- a leading Chinese conglomerate in a post-M&A arbitration seated in Hong Kong, under the ICC Rules, concerning claims for over \$1 billion in damages arising from breaches of a share purchase agreement and fraud;
- a major American consumer products company in a post-M&A arbitration, seated in Hong Kong, under the ICC Rules, against leading Chinese confectionery company involving claims of breach of a share purchase agreement;

- a major European telecommunications company in three related arbitrations sited in Vienna under the Vienna Rules, with Polish and Austrian law applying, as well as parallel litigation proceedings in U.S. district court and the Ninth Circuit Court of Appeals (amount in dispute over \$3 billion);
- a leading European manufacturing company in an ICC arbitration sited in London, with English and Japanese law applying, involving claims related to a share purchase agreement with a major Japanese industrial concern (amount in dispute over \$2 billion);
- a leading U.S. pharmaceutical company in an ICC arbitration sited in Paris, France against a leading French pharmaceutical company (amount in dispute over \$500 million);
- a leading international transportation company in an ICC arbitration sited in Mexico City, with Mexican and New York law applying, against a leading Mexican railroad (amount in dispute over \$500 million);
- a leading Swiss jewelry and watch manufacturer in an ICC arbitration sited in New York, with New York law applying, against a Middle Eastern distributor.
- a leading international logistics company in an ad hoc arbitration under the UNCITRAL Rules sited in London with English law applying;
- a leading U.S. manufacturer in an ICC arbitration sited in Seoul, Korea, with Korean law applying, involving the sale of automobile parts to a Korean manufacturer;
- a major international chemicals company in an ICC arbitration sited in Geneva, with Swiss law applying, against a group of related French corporations concerning claims of trade secret misappropriation;
- a major international capital goods manufacturer in related ICC arbitrations sited in New York involving the sale of aircraft equipment to two Latin American airlines;
- a leading international banking institution in an ICC arbitration sited in Miami, with New York law applying, against a consortium of Latin American investors;
- a major Latin American company in an ICDR arbitration sited in New York, with New York law applying, against a Luxembourg-based international hotel and resort operator.

In addition to his arbitration practice, Mr. Pierce represents clients in complex international civil litigation matters in U.S. courts, including efforts to enforce, or resist enforcement of, international arbitral awards. For example, Mr. Pierce successfully represented a European company in a RICO action in federal court in Seattle, Washington involving claims in excess of \$7 billion brought in connection with parallel arbitration proceedings pending in Europe. Mr. Pierce achieved the dismissal of that action on grounds of *forum non conveniens* and then successfully argued for affirmation of the District Court's judgment in the United States Court of Appeals for the Ninth Circuit.

1995, 1996-1998
 SIMPSON THACHER & BARTLETT LLP
Summer Associate and Associate, Litigation Department

CLERKSHIP

1998-1999 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
Law Clerk, Honorable M. Margaret McKeown

EDUCATION

1993-1996 GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC
J.D., with honors; Associate Editor, *Georgetown Journal of International Law*

1992-1993 ÉCOLE POLYTECHNIQUE, Palaiseau, France
Jean Monnet Fellow (ranked first in fellowship class)

1988-1992 GEORGETOWN UNIVERSITY, SCHOOL OF FOREIGN SERVICE, Washington, DC
BSFS, *magna cum laude*; Major: International Politics

1990-1991 INSTITUT D'ÉTUDES POLITIQUES, Paris, France
Certificat d'Études Politiques (with honors)

PROFESSIONAL ACTIVITIES

2020-Present AMERICAN LAW INSTITUTE
Member

2012-Present NEW YORK INTERNATIONAL ARBITRATION CENTER
Executive Committee Member

2012-Present COUNCIL ON FOREIGN RELATIONS
Member

2010-Present INTERNATIONAL ARBITRATION CLUB OF NEW YORK
Founding Member

2003-2011; 2016-2019 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
INTERNATIONAL DISPUTE RESOLUTION COMMITTEE
Member

2016 IBA ARBITRATION GUIDELINES AND RULES SUBCOMMITTEE
Member

2009-2010 AMERICAN COUNCIL ON GERMANY, YOUNG LEADERS PROGRAM
Young Leader

2005-2009 COUNCIL ON FOREIGN RELATIONS
Term Member

2000-2003 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
COMMITTEE ON INTERNATIONAL SECURITY AFFAIRS,
Member

RECOGNITION

Mr. Pierce is widely recognized by clients and competitors as a leading authority in the field of international arbitration and dispute resolution. This recognition is reflected in Mr. Pierce's rankings in *Chambers Global: The World's Leading Lawyers*, *Chambers USA: America's Leading Lawyers for Business*, *Euromoney's Guide to the World's Leading Experts in Commercial Arbitration*, *The Legal 500 United States*, *Legal Media Group's The Best of the Best for International Arbitration*, *Best Lawyers in America*, and *New York SuperLawyers*.

Mr. Pierce is also recognized as a Thought Leader in the field of international arbitration by Who's Who Legal, and is described by peers and clients in GAR's *International Who's Who of Commercial Arbitration* as a "versatile" lawyer who "performs brilliantly" in venues throughout the world." In various editions of the *Chambers USA and Global* guides, Mr. Pierce has been described as:

- "outstanding"
- a "crucial figure in the firm's global arbitration practice" with "experience of a raft of high-profile proceedings"
- a "talented, smart and persuasive advocate, both in writing and in the arbitration chamber"
- a "top-notch" and "very knowledgeable" practitioner with "a great ability to understand and execute complex business objectives" and who produces "very effective and on-point written advocacy"
- a "New York practice leader" who continues "to act on a range of often complex ICC arbitrations"
- a "very practical" attorney "in terms of advice" who "takes into consideration a wider set of risks that may be applicable, such as long-term costs"
- a "model of calm even under excruciating pressure"

In 2020, Mr. Pierce was named the recipient of the International Law Office (ILO) 2020 Client Choice Award for Arbitration in the United States. According to Client Choice's research, clients praised Mr. Pierce as "an outstanding lawyer" and a "practical and strategic thinker," "who is adept at legal writing and leading a large team." Clients specifically praised Mr. Pierce's "excellent advocacy skills before tribunals" and noted that his "professional preparation of each submission and the hearing itself are phenomenal." Mr. Pierce was previously recognized as a winner of the Client Choice Award in 2016.

In December 2020, Mr. Pierce was elected to the membership of the American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law.

In 2016, Mr. Pierce was also honored for his transatlantic arbitration work by The American Lawyer in its Transatlantic Legal Awards contest.

Mr. Pierce is also committed to pro bono representation and public service. As Chair of the Public and Community Service Committee in the firm's New York office, Mr. Pierce was the recipient of the firm's 2011 Volunteer Award for public service.

PUBLICATIONS

- *Global Arbitration Review's Guide to IP Arbitration*, a comprehensive guide to international IP arbitration (co-editor) (forthcoming in Q1 2021)
- *Predicting the Future: International Arbitration in the Wake of COVID-19*, in New York Dispute Resolution Lawyer, a publication of the Dispute Resolution Section, New York State Bar Association, Summer 2020

- *US Supreme Court Rejects "Wholly Groundless" Exception to Rule That Arbitrators Must Decide Arbitrability When Contract Delegates That Question to Arbitrators*, WilmerHale Client Alert, January 8, 2019.
- *NY Appellate Division Confirms Narrow Scope of the Manifest Disregard Doctrine*, WilmerHale Client Alert, October 23, 2018
- *International Commercial Arbitration in New York* (2d ed. Oxford Press 2016) (co-author).
- *Have Class Arbitrations Found New Life?*, New York Law Journal, November 16, 2015 (co-author)
- *Investment Protection in Southern Africa*, Corporate Dispute Resolution, May-June 2015 edition (co-author)
- *2014 IBA Guidelines on Conflicts of Interest in International Commercial Arbitration*, New York Law Journal, November 17, 2014.
- Comment: *BG Group plc v. Republic of Argentina*, United States Supreme Court, No. 12-138, 5 March 2014, 572 U.S. ___ (2014), *The Journal of World Investment & Trade* 15 (2014) 1051-1059
- *Legal Business and In-House Lawyer Magazines*, Discussion with Richard Naimark, Senior Vice President, ICDR, regarding revisions to the ICDR Rules, September 2014
- *Revision to French Arbitration Law Arrives*, New York Law Journal, May 16, 2011 (co-author)
- *International Commercial Arbitration in New York* (Oxford Press 2010) (co-author)
- *New York Convention Awards in the Second Circuit*, New York Law Journal, April 12, 2010 (co-author)
- *Trade Finance Fraud: Understanding the Threats and Reducing the Risk*, ICC Commercial Crime Services, April 2002 (co-author)
- "The Haitian Crisis and the Future of Collective Enforcement of Democratic Governance," 27 Law and Policy in International Business 477 (1996).

SELECTED SPEAKING ENGAGEMENTS AND LECTURES

- The 8th Annual GAR Live New York, Co-Chair, New York, USA October 2, 2019
- IBA Annual Conference, Panel on Issues in Post-M&A Arbitration, Seoul, Korean, September 25, 2019
- Centre for Advanced Research in Dispute Resolution: Tour de Arbitration, Paris, France February 2, 2019
- The 7th Annual GAR Live New York, "The GAR Live Inquisition - This house believes that all awards tainted by corruption should be unenforceable," New York, USA September 26, 2018

- Practising Law Institute: International Arbitration 2017, June 5, 2017.
- Dublin International Arbitration Day, Choice of Law – Are There Limits?, Dublin, Ireland, November 18, 2016
- The 6th Annual GAR Live New York, The Year in Review - Arbitration in the Age of Trump, New York, USA September 12, 2017
- “Q&A With WilmerHale’s John Pierce,” International Arbitration Law360, April 7, 2016
- The 5th Annual GAR Live New York, Debate on Impact of Brexit, New York, NY, 13 September 2016
- 10th Latin American Arbitration Conference, Lima, Peru, April 28, 2016
- The 2015 Duff & Phelps IP Value Summit: IP Disputes in International Arbitration, Half Moon Bay, CA, 3 December 2015
- Restatement of the US Law of International Arbitration Commercial Arbitration: A Bench-Bar Dialogue, New York, NY, 20 October 2015
- The 4th Annual GAR Live New York, Debate on the Length of Arbitrations, New York, NY, 24 September 2015
- Practising Law Institute: International Arbitration 2015, New York USA June 10, 2015
- The New York International Arbitration Center: The Grand Central Forum, New York, NY, 16 April 2015
- Columbia Arbitration Day: Mock Argument on Umbrella Clauses in Investment Treaties, Columbia University, 6 March 2015
- The 13th Annual WilmerHale Intellectual Property Conference: Examining the Latest Developments in Intellectual Property Law, Boston, MA, 21 November 2013
- Institute for Transnational Arbitration’s 2nd Annual ITA Winter Forum, Miami, FL, 24-25 January 2013
- ICSID/AAA/ICC Joint Colloquium, Debate on the Impact of Dissenting Opinions in International Arbitration, Washington, DC, 2 November 2012
- First Annual GAR Live New York, Debate on the “Americanization” of International Arbitration, New York, NY, 19 September 2012
- ABA/AIJA Conference on Trends, Challenges and Keys to Success for the Commercial Real Estate Sector, “Drafting the Perfect Arbitration Clause in Real Estate Disputes,” Milan, Italy, 6 May 2011
- New York University Law School/WilmerHale Conference on the New French Law on International Arbitration, New York, NY, 2 May 2011
- Client In-House Legal Conference on International Dispute Resolution, Santiago, Chile, March 2, 2011

- Düsseldorf International Arbitration School, Bridging the Gap Between Common Law and Civil Law in International Arbitration, Düsseldorf, Germany, 20-24 September 2010
- ICC/AIJA Seminar on Written Evidence in International Arbitration – Where Are We Heading?, Charleston, South Carolina, 24 August 2010
- The NYU International Law Society and International Arbitration Association, International Careers in Private Practice and International Arbitration, New York University, New York, New York, 20 April 2010
- Practising Law Institute: International Arbitration, New York, New York, 23 March 2010
- Harvard Law School International Arbitration Conference, Cambridge, Massachusetts, 4 April 2009
- ICC Meeting for Young Arbitrators, International Commercial Arbitration in Latin America – the ICC Perspective, Miami, Florida, 9 November 2008
- Practising Law Institute: International Arbitration, New York, New York, 13 March 2008
- LCIA – Young International Arbitration Group Symposium, New York, New York, 31 January 2008
- Practising Law Institute: International Arbitration, New York, New York, 27 March 2007
- ICC International Commercial Dispute Resolution, Maximizing the Benefits of the ICC System, Charlottesville, Virginia, 5-7 June 2005
- DC Bar International Dispute Resolution Committee, Conference on International Commercial Arbitration, 3 May 2004

LANGUAGES

- French (fluent)