



**Judith Levine**  
**Senior Legal Counsel**  
**Permanent Court of Arbitration**

**Judith Levine** is Senior Legal Counsel at the Permanent Court of Arbitration (PCA) in The Hague, an intergovernmental organization established by treaty in 1899 which provides services for the resolution of disputes involving various combinations of states, state entities, intergovernmental organizations and private parties. The PCA's current caseload encompasses 120 diverse disputes involving territorial, maritime, treaty and environmental disputes between states as well as mixed arbitrations under investment treaties and commercial contracts. Judith has served as the Registrar in the South China Sea arbitration (Philippines/China), the Atlanto-Scandian herring arbitration (Denmark/EU), and the Abyei arbitration (Sudan/Sudanese People's Liberation Movement/Army). She has assisted over 30 tribunals in some of the world's largest investor-state and commercial cases, including Energy Charter Treaty arbitrations brought by former shareholders of Yukos against the Russian Federation. She is tribunal secretary in the Bangladesh Accord arbitrations, the first business and human rights cases at the PCA. Judith also assists the PCA Secretary-General in appointing arbitrators, and frequently writes and presents on issues of public international law and dispute resolution. From 2011 to 2012, Judith served as the PCA Representative in Mauritius. She has been appointed to the list of arbitrators of the Court of Arbitration for Sport, to the Disciplinary Board of the UN Special Tribunal for Lebanon, and as sole arbitrator in commercial disputes under the ICC Rules. She was recognized in the inaugural 2017 and 2018 editions of *Who's Who Legal: Arbitration – Future Leaders*. Judith has been a visiting lecturer on international dispute settlement and climate change related arbitration at King's College London, and in 2018 will be a visiting fellow at Sydney University Centre for International Law.

Prior to joining the PCA in 2008, Judith practised in New York for five years as an attorney in the arbitration group of global law firm White & Case where she represented private and sovereign clients in disputes relating to gas, electricity, aerospace, telecommunications, banking, construction and pharmaceuticals under the ICSID, ICC, UNCITRAL, and AAA Rules. Judith also advised on drafting arbitration clauses for contracts and public international law issues relating to boundary delimitations and oil concessions. She had an active *pro bono* practice before U.S. courts in asylum, torture convention and domestic violence cases.

In 2002-2003 Judith served as law clerk to three judges at the International Court of Justice. Her prior experience in Australia includes work as an adviser to Australia's Attorney-General, judge's associate at the High Court of Australia, and lecturer in contract law at the University of New South Wales (UNSW). Judith was a member of Australia's delegation to the UNCITRAL Working Group on International Arbitration from 2006 to 2008. Since 2007 she has served as a director of the Australian Centre for International Commercial Arbitration (ACICA). Judith has a BA (French Major)/LL.B (with University Medal) from UNSW and an LL.M from New York University School of Law where she studied on a Hauser Global Scholarship and Fulbright Award. She is admitted to practice law in New York and in New South Wales, Australia.

## JUDITH LEVINE

Peace Palace, Carnegieplein 2, 2517 KJ, The Hague, The Netherlands ♦ Tel: +31 70 302 4261 ♦ Email: [jlevine@pca-cpa.org](mailto:jlevine@pca-cpa.org)

### QUALIFICATIONS

**Admitted to Practice:** NSW, Australia (2000); New York (2003), SDNY/EDNY (2004), US Ct of Appeals, 2<sup>nd</sup> Cir (2006)

#### **New York University School of Law, New York, USA**

LL.M. degree (focus on international law and dispute resolution), May 2000

- Fulbright Award and Hauser Global Scholarship (full tuition awarded for merit to 12 candidates globally)
- Arthur T. Vanderbilt Medal for outstanding contributions to NYU Law School

#### **University of New South Wales, Sydney, Australia**

LL.B. degree, May 1999; B.A. degree (French major), May 1999

- University Medal in Law, ranked first of 280 students
- Michael Pandelis Award for greatest contribution to the life of the law school
- UNSW Law Journal, editor 1998, editorial board 1996-98
- Prizes for first place in litigation, trial process, legal theory and constitutional law (LLB) and French (BA)
- President of UNSW Law Society and Councillor for the Australasian Law Students' Association
- Semi-finals, Willem C. Vis International Commercial Arbitration Moot, Vienna 1999

### PROFESSIONAL EXPERIENCE

#### **Permanent Court of Arbitration, The Hague, The Netherlands, [www.pca-cpa.org](http://www.pca-cpa.org)**

Senior Legal Counsel, May 2013 – present, Legal Counsel, May 2008 – May 2013

Take primary responsibility for provision of PCA legal and administrative services in the largest and most complex interstate, investor-State and commercial disputes administered by the PCA including registry and appointing authority matters; supervise teams of Legal Counsel, Assistant Legal Counsel, Fellows, Case Managers, and Interns; represent the PCA at public speaking engagements and in negotiations with states and other entities; attract and guide new dispute resolution proceedings to the PCA; and develop initiatives to promote and improve PCA services. Recently:

- served as Registrar in South China Sea Arbitration (Philippines v. China) (UN Convention on Law of the Sea, Annex VII)
- served as Registrar in Kingdom of Denmark (in respect of Faroe Islands) v. European Union (UNCLOS, Annex VII)
- served as Registrar in the Abyei Arbitration (Government of Sudan / Sudan People's Liberation Movement/Army)
- serve as tribunal secretary in 20+ investment disputes submitted under BITs, national laws and Energy Charter Treaty, including the \$50 billion arbitrations brought by former majority shareholders of Yukos Oil Company against Russia
- serve as tribunal secretary in 10+ contract disputes, in matters re: energy, environment, business & human rights, corruption
- assist Secretary-General with 25+ appointment requests and challenges submitted to the PCA under UNCITRAL Rules
- give presentations and lectures and write on the PCA and matters of public international law and arbitral procedure
- represent PCA at multilateral negotiations, including on UN Framework Convention on Climate Change, and on a variety of projects with representatives of Member States, international organizations, and professional bodies

As PCA Representative in Mauritius from June 2011 to May 2012:

- promoted PCA services in African region and Mauritius as a venue for international arbitration
- organized judicial seminar with 40+ senior African judges, on New York Convention, in cooperation with ICCA
- lectured at the University of Mauritius and started a PCA Mauritius internship program
- advised Government as a member of Prime Minister's Arbitration Taskforce; including on successful ICCA 2016 bid
- conducted outreach trips to meet government officials and legal practitioners in Botswana, South Africa and Tanzania
- dealt with first request for PCA Secretary-General to act pursuant to International Arbitration Act 2008

#### **White & Case LLP, New York, New York, [www.whitecase.com](http://www.whitecase.com)**

Senior Associate, International Arbitration Group, October 2003 – February 2008

Represented sovereign and private clients in international arbitration and litigation before a variety of fora. Responsibilities included case management; legal research and analysis; drafting memorials, procedural submissions and correspondence; staffing and supervision of junior associates; liaison with clients and arbitral institutions; coordinating filings under tight deadlines; document review; hearing preparation; and examination of witnesses. Our team won the Chambers USA award for "International Arbitration Team of the Year." Representations included, for example:

- Public International Law/Investor-State: the Republic of Indonesia in a cement privatisation dispute, first ICSID case under 1987 ASEAN investment treaty; the Republic of Bulgaria in provisional measures and merits phases of ICSID Energy Charter Treaty dispute; a sovereign client in advice relating to a maritime boundary; an oil company in respect of a land boundary; a sugar company against an Eastern European sovereign state in an ICSID case.
- International Commercial Arbitration: a global bank in fraud claims over the sale of a duty free business in Latin America, ICC, New York; a Caribbean utilities company against a Japanese contractor in a construction dispute, ICC, New York; a Latin American construction company in a pipeline construction dispute, ICC, Geneva; a Japanese manufacturer in a U.S. power plant construction dispute, ICDR, New York; US satellite manufacturer in contractual dispute, ICC, Paris (Japanese law), and related insurance dispute, ICDR, New York (Maryland law), plus frequent advice on dispute resolution clauses.
- Litigation: an Eastern European pharmaceutical company in \$1BN antitrust/patent suit before a US federal court; several *pro bono* asylum and torture cases; 4-month externship in 2006 appearing in 20+ domestic violence before NY courts.

**International Court of Justice, The Hague, The Netherlands, [www.icj-cij.org](http://www.icj-cij.org)**

Law Clerk, October 2002 – July 2003

Law clerk for Judges Higgins (UK), Buergenthal (USA) and Vereshchetin (Russia). Assisted with research and preparation of opinions, committees, speeches, articles. Cases on use of force, treaties, borders, consular rights, genocide.

**Attorney-General, The Hon. Daryl Williams AM QC MP, Canberra, Australia**

Assistant Adviser, February 2002 – October 2002

The Attorney-General is First Law Officer of Australia, a Member of Cabinet and the Parliament, and responsible for Attorney-General's Department. As a member of his personal team, provided strategic policy and legal advice in diverse portfolio areas including litigation, constitutional law, judiciary and native title. Provided briefings for Cabinet and "Question Time." Assisted with legislation on national security, counter-terrorism, espionage, stem-cell research fisheries, and film classification. Position required "top secret" clearance, liaison with agencies, committees and lobbyists.

**High Court of Australia, Canberra and Sydney, Australia, [www.hcourt.gov.au](http://www.hcourt.gov.au)**

Associate to the Hon. Justice Michael McHugh AC, February 2001 – February 2002

Duties included writing memoranda evaluating which cases attract a grant of special leave, preparing matters for hearings and extensive research and analysis for appeals and constitutional cases. (US equivalent is Supreme Court law clerk)

**Hague Conference on Private International Law, The Hague, The Netherlands, [www.hcch.net](http://www.hcch.net)**

Recording Secretary, January 2001

Prepared daily reports in French and English summarising proceedings at a meeting of experts from 43 countries and industry bodies for a project on the law applicable to the disposition of indirectly held securities.

**University of New South Wales, Sydney, Australia**

Lecturer, Contract Law, August 2000 – December 2000

Taught contract law to first and second year law students at prestigious law school. This involved the presentation of materials for teaching two classes of 40 students in interactive mode, grading papers, class participation and exams.

**Federal Court of Australia, Sydney, Australia**

Research Assistant, January 1999 – June 1999

Assisted a senior judge (Beaumont J) in corporate, tax, immigration, bankruptcy and tort matters in trials and appeals.

**Kingsford Legal Centre (KLC), Sydney, Australia**

Student Intern – Community Legal Centre, November 1997 – July 1998

**Minter Ellison, Sydney, Australia**

Summer Clerk: Litigation, Corporate Law and Industrial Relations, December 1997 – March 1998

**Mallesons Stephen Jaques [now King & Wood Mallesons], Sydney, Australia**

Summer Clerk &amp; Paralegal: Banking, Finance and E-Commerce, December 1996 – December 1997

**Peter Bodor QC, Forbes Chambers, Sydney, Australia**

Personal Assistant to senior barrister in criminal trial and appellate practice, February 1995 – July 1996

**APPOINTMENTS TO TRIBUNALS, BOARDS AND COMMITTEES**

2018-	Visiting Fellow, Sydney University Centre for International Law
2017-	Appointed sole arbitrator in confidential commercial dispute under English law, Paris seat, ICC Rules
2017-	Appointed sole arbitrator in confidential commercial dispute under Singaporean law and seat, ICC Rules
2017-	Appointed to Disciplinary Board of the UN Special Tribunal for Lebanon, The Hague
2016-	Appointed to list of arbitrators of the Court of Arbitration for Sport
2016-	Visiting Lecturer, King's College London, LLM International Dispute Resolution / Climate Change
2013-	ACICA Appointments Committee
2009-	Australia Representative, International Law Association (ILA) Committee on Int'l Commercial Arbitration
2007-	Member of Board of Directors of Australian Centre for International Commercial Arbitration (ACICA)
2006-8	Member of Australian delegation to UNCITRAL Working Group on International Arbitration (Vienna/NYC)
2006	Appointed sole arbitrator in confidential commercial dispute under New York law and seat, ICC Rules
2005-6	New York representative on ICCA Montreal 2006 Organising Committee
2004-7	International Law Committee of New York City Bar Association

**ADDITIONAL INFORMATION**

<b>Citizenship</b>	Dual Australian and Irish citizen
<b>Languages</b>	English (native), French (working knowledge), Spanish and Dutch (intermediate beginner)
<b>Member</b>	ICCA, ICC Australia, ILA, ASIL, Women in Sports Law, Mentor for Young ICCA, ASIL, Arbitral Women
<b>Other</b>	Selected for inclusion in 2017 and 2018 <i>Who's Who Legal</i> "Future Leaders, International Arbitration" External PhD Candidate, Leiden University, since 2017.

## SELECT LEGAL PUBLICATIONS

- “Business and Human Rights: A ‘New Frontier’ for International Arbitration?” (with K. Wahid), *The ACICA Review* – December 2017, Vol 5:2, p. 35
- “Navigating Uncharted Procedural Waters in a Rising Sea of Cases at the Permanent Court of Arbitration”, (with G. Schofield), in Stephen Minas (ed.) *Stress Testing the Law of the Sea: Dispute Resolution, Disasters, New Challenges* (Brill, forthcoming)
- “Procedural Issues and Innovations in Environment-Related Investor-State Disputes” (with Nicola Peart) in K. Miles (ed.), *Research Handbook on Investment Law and the Environment* (Edward Elgar, forthcoming)
- Chapter on the PCA (with B. Daly), *Encyclopaedia of International Economic Law* (Edward Elgar, 2017)
- “Adopting and Adapting Arbitration for Climate Change-Related Disputes”, in Wendy Miles (ed.) *Dispute Resolution and Climate Change: The Paris Agreement and Beyond* (ICC 2017) Ch. 3.
- “Faster, Stronger, Fairer: CAS Arbitration and the Rio 2016 Olympic Games” (with D. Cucinotta), *The ACICA Review* – December 2016, Vol 4:2, p. 24
- “Climate Change Disputes: the Paris Agreement, the PCA and Prospects for Future Arbitrations” *The ACICA Review* – June 2016, Vol 4:1, p. 35
- “Late-in-the-Day Arbitrator Challenges and Resignations: Anecdotes and Antidotes,” in C. Giorgetti (ed.), *Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals* (Brill 2016)
- Reports for ICC Commission on Arbitration Taskforces on Costs (2016) and on Arbitration and Financial Institutions (2017), contributions on PCA experience
- “Can Arbitrators Choose Who to Call as Witnesses (And What Can Be Done If They Don’t Show Up)?” in A.J. van den Berg, ed., *Legitimacy: Myths, Realities, Challenges*, ICCA Congress Series no. 18 (Kluwer 2015) pp. 315-356
- “Investment Arbitration and the Rights of Indigenous People,” in F. Baetens (ed.) *Investment Law in International Law: Integrationist Perspectives* (Cambridge University Press, 2013)
- *Flaws & Presumptions: Rethinking Arbitration Law & Practice in a New Arbitral Seat* (Mauritius Government Press, 2012) (Editor)
- “Navigating the Parallel Universe of Investor-State disputes under the UNCITRAL Rules” in C. Brown & K. Miles (eds.), *Evolution in Investment Treaty Law and Arbitration* (Cambridge University Press, 2011)
- “The View from Arbitration: the PCA’s Experience with Finance, Witnesses and Unrepresented Parties,” 36:3 *Commonwealth Law Bulletin* 539 (2010).
- “Recognition and Enforcement of Annulled Awards: from *Chromalloy* to *Comity*, The U.S. Story so far” (*Mealey’s International Arbitration Report*, 50<sup>th</sup> Anniversary NY Convention) (2008) (with P. Friedland)
- “Current Trends in International Arbitral Practice as Reflected in the Revision of the UNCITRAL Arbitration Rules,” (2008) 14 *University of New South Wales Law Journal*
- “Dealing with Arbitrator Issue Conflicts in International Arbitration” *Dispute Resolution Journal*, p. 60, February – April 2006; re-published in *Transnational-Dispute-Management*, Vol 3:5 (2006); AAA (2013)
- “Amendments to the ICSID Arbitration Rules and Regulations” *TDM*, Vol 3:5 (2006)
- “World Court Dismisses Serbia & Montenegro’s Complaints Against 8 NATO Members” *ASIL Insights 2004* (with P. Bekker and F. Weinacht)
- *Indigenous Law Bulletin* (Australia, UNSW 2000) (Editorial assistant)
- “Electronic Commerce and the Law: Legal Issues for the Information Age” (1998) 21 *UNSW Law Journal* (Editor)
- “Does Equity Treat as Done that which Ought to be Done? – The Consequences Flowing from the Timing of the Imposition of a Constructive Trust” (1997) 5 *Australian Property Law Journal* 74
- “Judicial Conflict of Interest and Disqualification for Bias” (1996, UNSW)

## SELECT ACADEMIC ENGAGEMENTS

- Visiting Fellow, Sydney University Centre for International Law (January to April 2018)
- Visiting Lecturer at King's College London for Global Climate Law LLM course and guest lecturer in LLB international dispute resolution course (since 2016)
- PhD Candidate, Leiden University, the Netherlands, Grotius Centre for International Legal Studies (since 2017)
- Guest lecturer, University of Mauritius (2011-2012)
- Various guest lectures for the PCA on international dispute settlement to students from London School of Economics, King's College London, University of Amsterdam, Erasmus University, University of Geneva
- Lecturer, Chartered Institute of Arbitrators/UNSW Diploma in Arbitration, Sydney 2008/Kuala Lumpur 2011
- Lecturer, contract law, UNSW law school (2000)

## SPORTS LAW ASSOCIATIONS, CONFERENCES AND SEMINARS

- Participant at various Asser Institute Sports Law Centre seminars, including ISLJ Annual International Sports Law Conference in The Hague (October 2017) and sports law 'lunch and learn' seminars (2016) in 2016.
- Participant at International Bar Association, Sports Law Committee panels, Sydney (October 2017)
- Member, Women in Sports Law (since 2017)
- Participant at 6th CAS/Swiss Bar Association Seminar in Lausanne (September 2016)

## SELECT PRESENTATIONS, SEMINARS AND MEDIA

- "Hot Topics" International Council of Commercial Arbitration, Biannual Congress, Sydney, April 2018
- "A rising tide of cases: what role for arbitration and conciliation in the climate change context?" PCA/IBA/ICC, COP23, Bonn, November 2017
- "Is today's investment disputes framework obsolete?" IBA Annual Conference, Sydney, October 2017
- "The evolving role of the PCA in the resolution of transboundary fresh water disputes" at Max Planck Institute Conference "Bridge over Troubled Waters", Luxembourg, September 2017
- "International boundary disputes & energy related natural resources" GAR Live Energy, London, June 2017
- "Difficult Issues in Commercial, Investor-State and State-State Dispute Resolution: Differences and Commonalities", British Institute of International and Comparative Law, London, June 2017
- "Recent Procedural Challenges" Stress Testing the Law of the Sea, King's College London, September 2016
- "Adapting and Adopting Arbitration for Climate Change Related Disputes", PCA/IBA/ICC, Paris, Dec 2015
- IBA, Space & Telecommunications Disputes, Vienna, October 2015 (Moderator/Rapporteur)
- "Adapting Arbitration for the Next 100 Years" Chartered Institute of Arbitrators Centenary, London, July 2015
- "Confidentiality; Inherent Powers," [www.ilawreporter.org.au](http://www.ilawreporter.org.au), 27 May 2015, *ACICA Review*, June 2015
- "Investor-State Arbitration," seminar held by Hong Kong Ministry of Justice, Hong Kong, March 2015
- "The PCA and International Water Disputes" (with Judge Kenneth Keith) UPeace, The Hague 2014
- Podcast interview on International Dispute Settlement in The Hague, [www.gcclaw.nl](http://www.gcclaw.nl), The Hague 2014
- "Dispute Settlement Options for Environmental Disputes relating to Energy Projects," Copenhagen 2014
- "Late-in-the-Game Arbitrator Challenges and Resignations," ASIL Annual Meeting, Washington DC 2014
- "Can Arbitrators Choose Who to Call as Witnesses?" ICCA Biannual Congress, Miami 2014
- "Transparency in Investor-State Arbitration in the Asia-Pacific" IBA/LCA/ACICA Conference, Sydney 2013
- "Hearing Preparations in International Arbitration," Young ICCA Workshop, Sydney, 2013
- "Old Stage, New Actors: Evolution of the PCA," Canadian Council of Int'l Law meeting, Ottawa 2013
- "Mixed Arbitrations and the PCA," PCA Peace Palace Centenary Conference, The Hague 2013
- "Arbitrator Challenges," Inaugural Dutch Arbitration Association Conference, The Hague 2013
- "The Renaissance of State-to-State Arbitration" Commonwealth Lawyers' Association, Sydney 2012
- "Renaissance of a 19th Century Institution & its Adaptation to 21st Century Disputes," AFIA, Sydney 2012
- "Ad Hoc vs. Administered Arbitration (& the spectrum of options in between)," CIArb, Cambridge 2010
- "The PCA in the Modern World" Chartered Institute of Arbitrators, European Branch, The Hague, 2008
- "How Foreign Investment Arbitration is Reshaping Public International Law," ANZSIL, Canberra 2007
- "Rise of International Investment Arbitration: An Overview for Australian Lawyers" LCA, Sydney 2007