



Andrew de Lotbinière McDougall

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Bars and Courts

Solicitor Advocate, England and Wales, 1999

Barrister and Solicitor, Ontario, 1997

Avocat, Québec, 1997

Paris Bar

Education

Fox Scholarship, The Harold G. Fox Education Fund, Middle Temple, London, 1997

LLL (Civil Law), University of Ottawa, 1995

LLB (Common Law), University of Ottawa, Nelligan Power Prize for Highest Standing in Trial Advocacy (A+), 1994

BA (Political Science & Economics), Université Laval, Québec City, 1991

Languages

English

French

Citizenship

Canada

France

Practice Experience

Andrew de Lotbinière McDougall is a partner in the International Arbitration Practice and serves as chair of the Firm's EMEA Operations Council and head of the Firm's EMEA Disputes Section for International Arbitration and Construction. He has substantial oral advocacy experience in English and French and acts as counsel and arbitrator in cross-border disputes involving among other things international joint ventures, oil & gas, power, construction, mergers & acquisitions, intellectual property, defence, mining, and other natural resources. He is trained and qualified in common law and civil law and has worked with the laws of numerous jurisdictions, representing clients from around the world in disputes of up to several billion dollars.

Andrew is described as "an extremely talented and experienced arbitration partner [with] international prowess [and] understanding of the dynamics of arbitration proceedings" (Chambers Global, 2017). He is "extremely skilful at extracting the essential points in real time in the courtroom" (Legal 500, 2017) and draws widespread praise from sources who call him "charismatic and persuasive", "a truly excellent counsel", and "particularly commended for his work in the construction sector, where he is regarded as a top-class expert" (Who's Who Legal, 2018). He is "excellent"; "really, really good!"; "a superb advocate whose broad expertise in commercial arbitration covers energy and natural resources and cross-border M&A and joint ventures" (Who's Who Legal, 2017). Andrew is known for his "exceptional advocacy skills" and his "considered approach to proceedings", "impresses with his comprehensive 'strategic mind-set' and 'outstanding powers of persuasion'," and is "famed for his 'fantastic advocacy skills', as well as his 'ability to digest and manipulate large amounts of technically complex information'" (Who's Who Legal, 2016). Andrew was ranked among Global Arbitration Review's 45 Under 45 in 2011 as one of the leading international arbitration lawyers in the world and was selected as one of Lexpert's 2009 Rising Stars: Leading Lawyers Under 40.

Andrew is a member of the International Chamber of Commerce's Institute of World Business Law, Commission on Arbitration and ADR, and Canadian and French National Committees. He is also on the Roster of Arbitrators of the International Centre for Dispute Resolution and the Court of Arbitration for Sport. A frequent speaker, lecturer, and writer, Andrew has taught international arbitration courses at Université Paris 1 Panthéon-Sorbonne, University of Ottawa, and the European Studies Institute of the Moscow State Institute of Foreign Relations. He has 15 years of experience in international arbitration advocacy training and is Chair of the Foundation for International Arbitration Advocacy's Executive Committee.

Andrew is also Special Counsel to Canadian law firm Perley-Robertson, Hill & McDougall (White & Case LLP and Perley-Robertson, Hill &

McDougall LLP/s.r.l. are not associated firms).

Representative Cases

Andrew has represented clients in disputes including:

- Multi-billion dollar ICC arbitration in the nuclear industry, including dispute adjudications, court litigation, restructuring, EU law proceedings, and mediation
- Multi-billion dollar LCIA arbitration in London governed by English law over a merger, including US bankruptcy litigation;
- Billion dollar ICC arbitration in Geneva governed by an Eastern European law in the nuclear industry;
- Billion dollar ICC arbitration in Paris governed by a Middle Eastern law over a construction project, including jurisdictional issues and US litigation;
- US\$700 million UNCITRAL arbitration in Brussels governed by English law over an option agreement in the oil and gas sector, including litigation in Jersey, Gibraltar, and Cyprus relating to interim relief and actions against third parties;
- US\$650 million ICC arbitration in The Hague governed by English law over a shareholder agreement in the telecommunications industry in Africa;
- US\$600 million UNCITRAL arbitration in Brussels governed by English law over a share sale and purchase agreement in the oil and gas sector, including litigation in Cyprus;
- US\$300 million UNCITRAL arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector, including fraud and corruption issues and litigation in Switzerland, Slovakia, and Austria relating to challenge of a final award, enforcement, and bankruptcy;
- US\$250 million ICC arbitration in Zurich governed by a Middle Eastern law over construction of public road works and infrastructure;
- US\$250 million LCIA arbitration in London governed by English law over shareholder agreements;
- US\$200 million ICC arbitration in Geneva governed by a North African law over construction of a gas plant in North Africa;
- US\$200 million pre-arbitral ICSID and ICC disputes over a

natural resources project in South America;

- US\$170 million UNCITRAL and Vienna Rules arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector, including fraud and corruption issues and litigation in Austria relating to challenges of interim and final awards;
- US\$150 million pre-arbitral ICSID and ICC disputes over an energy project in Asia;
- US\$130 million Saudi Rules arbitration in Saudi Arabia governed by a Middle Eastern law over construction of a gas plant in the Middle East;
- US\$100 million ad hoc arbitration in North America governed by a North American law over a contract in the aerospace and defence industries;
- US\$100 million ICC arbitration in Paris governed by French law over a contract in the telecommunications sector;
- US\$100 million LCIA arbitration in Paris governed by Greek law over construction of an airport;
- €80 million pre-arbitral ICC dispute governed by a European law over a joint venture in the commercial real estate industry;
- US\$80 million pre-arbitral Chinese Arbitration Association dispute governed by an Asian law over construction of a high-speed railway;
- US\$75 million pre-arbitral ICC dispute governed by French law over an acquisition of companies in several European countries, including fraud and corruption issues;
- US\$70 million ICC arbitration in Paris governed by an African law over construction of a dam;
- US\$60 million ICC arbitration in Paris governed by a European law over a joint venture in the Middle East;
- US\$40 million pre-arbitral ICC dispute governed by a Scandinavian law over a joint venture in the defence industry;
- €30 million Franco-German Chamber of Commerce and Industry arbitration governed by French law over a supply agreement in the consumer products industry;

- €30 million pre-arbitral ICC dispute governed by German law over a joint venture in the aerospace industry;
- US\$25 million ICC arbitration in Prague governed by Czech law over a joint venture in the power sector;
- £20 million ICC arbitration in Paris governed by English law over a licensing agreement in the beauty products industry;
- US\$20 million UNCITRAL arbitration in Vienna governed by Russian law over a joint venture in the oil and gas sector;
- US\$13 million fast-track ICC arbitration in Paris governed by a Middle Eastern law over a land remediation;
- €10 million ad hoc arbitration in Zurich governed by Swiss and New York law over the supply of technology and equipment;
- US\$10 million ICDR arbitration in New York governed by New York law over a non-compete agreement in Mexico; and
- US\$10 million ICC arbitration in London governed by English law over a real estate project in China, including litigation in China, England, and the Caribbean relating to interim relief, challenge of a final award, enforcement, and liquidation.

Andrew has acted as arbitrator in disputes including:

- Arbitration in Istanbul between Turkish parties governed by Turkish law over a construction contract;
- Emergency arbitrator proceedings in Paris between European companies over a sale of goods;
- Arbitration in Paris among US and Middle Eastern parties governed by US law over a services agreement in the health sector;
- Arbitration in Paris between African entities governed by French law over a real estate project in the hospitality industry;
- Arbitration in London between a European sports company and a Middle Eastern property developer governed by English law over a licence agreement for intellectual property in the sports industry;
- Arbitration in Montréal between an international airline and an international trade organization governed by Canadian law over

a services agreement;

- Arbitration in London between Spanish parties governed by English law over a services agreement in the oil and gas industry;
- Arbitration in Ottawa between an international software company and a national transportation company governed by Canadian law over a software licence and technical services agreement;
- Arbitration in Santiago among US and South American parties governed by US law over a franchise agreement;
- Arbitration in Toronto among Caribbean and Central American parties governed by Canadian law over a natural resources project in South America;
- Arbitration in Miami between US and Caribbean parties governed by a Caribbean law over a real estate project in the Caribbean;
- Arbitration in Paris between Scandinavian and Western European parties governed by English law over a sale of goods;
- Arbitration in Zurich between New Zealand and Swiss parties governed by Swiss law over a licence agreement;
- Arbitration between a sports executive and an international sports organization over an ethics violation appeal;
- Arbitration between an athlete and an international sports organization over a doping appeal;
- Arbitration among an athlete, the Canadian Council for Ethics in Sport, national and international sports organizations, and the World Anti-Doping Agency over jurisdiction of the Sport Dispute Resolution Centre of Canada in a doping appeal;
- Arbitration between an athlete and a national sports organization over jurisdiction of the Sport Dispute Resolution Centre of Canada in a team selection dispute; and
- Arbitration among athletes and a national sports organization over team selection for the junior worlds.

Publications

"Recent Trends in International Arbitration", 80 year anniversary book of

the Board of Business Practice of the Finnish Chamber of Commerce, October 2017 (with Tuuli Timonen and Nika Larkimo)

["Mandatory time limit for rendering awards under Indian law: how good intentions can lead to bad outcomes"](#), the *Indian Journal of Arbitration Law (IJAL)*, vol. 5, issue 2, pp.188-195, January 2017 (with Dipen Sabharwal and Manu Thadikaran)

"The international aspect of arbitration: 10 thoughts of a practitioner" ("L'aspect international de l'arbitrage: 10 réflexions de praticien"), *Interdisciplinary Handbook of Dispute Resolution (Manuel interdisciplinaire des modes amiables de résolution des conflits)*, pp. 1129-1148, 2015 (with Paul Giraud)

["ConocoPhillips Petrozuata, ConocoPhillips Hamaca B.V. and ConocoPhillips Gulf of Paria B.V. v. Bolivarian Republic of Venezuela,"](#) *Brill Nijhoff - The Journal of World Investment and Trade* 15, pp. 1062-1069, 2014 (with Samy Markbaoui)

["L'influence de la culture sur la pratique de l'arbitrage international : une perspective personnelle"](#) ("The influence of culture on the practice of international arbitration: a personal perspective"), *McGill Journal of Dispute Resolution (MJDR)*, volume 1, issue 1, 2014

["International Arbitration Supports a Country's Competitiveness and the Rule of Law,"](#) *Revue Droit & Affaires, La Compétitivité de la Règle de Droit*, Edition 11, 2013 (with Heather Clark)

"Refusing to Recognize and Enforce an Arbitral Award for the Wrong Reasons – When the Cry for the Right to be Heard is Too Loud," *Cahiers de l'arbitrage*, n°4, p. 1041, 1 October 2013

"The "Business Case" For and Against International Arbitration," *International Energy and Minerals Arbitration*, Paper 11, Rocky Mt. Min. L. Fdn., September 2013 (with Kirsten Odynski)

["Res judicata in International Arbitration: Case Studies and Principles,"](#) *TDM* 3, 2012

["Canada and Investment Treaty Arbitration: Three Prominent Issues - ICSID Ratification, Constituent Subdivisions, and Health and Environmental Regulation,"](#) 8 *South Carolina Journal of International Law and Business* 63, 2011 (with Barry Leon and John Siwiec)

["A Holistic Approach to Arbitration,"](#) *The Lawyers Weekly*, Vol. 31, No. 30, December 2011 (with Barry Leon and John Siwiec)

["Ontario Court of Appeal Clarifies Standard of Review for Arbitral Awards and Confirms NAFTA Tribunal's Award of Upstream Losses,"](#)

North American Free Trade & Investment Report, Vol. 21, No. 19, October 2011 (with Barry Leon and Daniel Taylor)

"Why Statutory Claims Remain Arbitral," *The Lawyers Weekly*, Vol. 31, No. 18, September 2011 (with Barry Leon and Daniel Taylor)

["Nine Supreme Court Judges Endorse Arbitration,"](#) *Global Arbitration Review*, Vol. 6, Issue 2, April 2011 (with Barry Leon and Daniel Taylor)

"NAFTA Countries Seeking to Set Aside 'Upstream Losses' Award: When Should Courts Intervene?," *North American Free Trade & Investment Report*, Vol. 21, No. 4, February 2011 (with Barry Leon and Daniel Taylor)

["Left Holding the Bill: Can the NAFTA Countries Recover From Their Constituent Territories,"](#) *North American Free Trade & Investment Report*, Vol. 21, No. 1, January 2011 (with Barry Leon)

"Panorama of World Case Law: Canada," *The Paris Journal of International Arbitration*, 2010-3 (with Barry Leon)

["Is The System Working: What Lessons Can Be Learned From A Canadian Trilogy Of Investor Claims \(Abitibiwater, Chemtura, First Quantum Minerals\)?"](#), *Kluwer Arbitration Blog*, www.kluwerarbitrationblog.com, September 15, 2010

["To Specialize or Not: How Should National Courts Handle International Commercial Arbitration Cases?"](#), *Kluwer Arbitration Blog*, www.kluwerarbitrationblog.com, September 2, 2010 (with Barry Leon)

["Why Has Canada Not Ratified the ICSID Convention?"](#), *Kluwer Arbitration Blog*, www.kluwerarbitrationblog.com, August 24, 2010 (with Barry Leon)

"Why Canada Leads as the Model Law Turns 25," *Kluwer Arbitration Blog*, www.kluwerarbitrationblog.com, August 10, 2010 (with Barry Leon)

"The CEDR Rules for the Facilitation of Settlement in International Arbitration: An Important Advance in International Arbitration," *ADR Institute of Ontario*, Spring 2010 (with Barry Leon and Daniel Taylor).

["Confidentiality When Arbitration Goes to Court: A Recent Canadian Court Decision Supports Confidentiality,"](#) *The Institute for Transnational Arbitration*, Vol. 24, No. 1-2, Winter / Spring 2010 (with Barry Leon)

["Keeping Courts' Hands Off Arbitration: Bahrain's Innovation,"](#) *The Lawyers Weekly*, Vol. 29, No. 49, June 2010 (with Barry Leon)

"Delaware Court Enters the Arbitration Business," *The Lawyers Weekly*, Vol. 29, No. 44, April 2010 (with Barry Leon)

["Upcoming G20 Meeting in Canada Presents an Opportunity for Canada to Join ICSID,"](#) *North American Free Trade & Investment Report*, Vol. 20, No. 6, March 2010 (with Barry Leon)

["What Renders an Arbitration Agreement 'Inoperative': Clarification May Be Coming From the Supreme Court of Canada,"](#) *International Bar Association - Arbitration News*, Vol. 15, No. 1, March 2010 (with Barry Leon)

"Litigating and Arbitrating in Ontario After the New Rules: Lessons from the International Arbitration Evidence Rules of the IBA," *The Advocates' Society E-Brief*, Vol. 21, No. 2, Winter 2010 (with Barry Leon and Owen Bourns)

"Adding Value to Your International Business," *Ottawa Business Journal*, www.ottawabusinessjournal.com, April 13, 2009

"LCIA Arbitration," *Revue Droit & Affaires: Le choix d'un règlement d'arbitrage*, 6th ed., 2008

"The New York Convention and the Coming of Age of International Commercial Arbitration in Canada," *Mealey's Executive Summary - The New York Convention: 50 Years of Experience*, pp. 74-89, October 2008 (with Luisa H. Cetina)

"How International Arbitral Tribunals Establish the Facts of a Case Through Documentary Evidence," *International Business Law Journal*, no. 4, pp. 509-522, 2008 (with Nicolas Bouchardie)

"New EU Mediation Directive," *IBA Mediation Committee Newsletter*, pp. 17-18, September 2008

"Supreme Court of Canada Renders Landmark Decision Encouraging the Arbitration of Commercial Disputes," *Bloomberg law reports - Litigation*, Vol. 01, No. 05, November 26, 2007

"ICSID Tribunals Apply New Rules on Amicus Curiae," *Mealey's International Arbitration Report*, February 2007 (with Ank Santens)

"Combating the Corruption of Arbitrators: Update on the Additional Protocol to the Criminal Law Convention on Corruption," *Mealey's International Arbitration Report*, December 2006

"ICSID Amends Its Arbitration Rules," *International Arbitration Law*

Review, 119, 2006 (with Ank Santens)

"Separability Saved: US Supreme Court Eliminates Threat to International Arbitration," *Mealey's International Arbitration Report*, March 2006 (with Leon Ioannou)

"International Arbitration and Money Laundering," 20, *American University International Law Review*, 1021, 2005

["A Case Study in Litigation in Support of Arbitration: China, England, and the Turks and Caicos Islands,"](#) *Mealey's International Arbitration Report*, September 2005

"Affirmation of French Courts' International Jurisdiction on International Arbitration and the Right to the Constitution of an Arbitral Tribunal," *International Bar Association Committee D News*, Vol. 10, No. 2, 22, September 2005 (with Guillaume Borg)

["Canadian Courts Uphold NAFTA Awards - Part II,"](#) *North American Free Trade & Investment Report*, Vol. 15, No. 2, 10, January 31, 2005 (with Mark A. Luz)

"Canadian Courts Uphold NAFTA Awards," *North American Free Trade & Investment Report*, Vol. 14, No. 5, 7, March 15, 2004 (with Mark A. Luz)

"Court of Cassation Decision Enforces a Conciliation Clause," *International Bar Association Committee D News*, Vol. 8, No. 2, 9, September 2003 (with Guillaume Borg)

"On-Line Arbitration Services," *Stockholm Arbitration Report*, 2002:1, 221

Speaking Engagements

"M&A arbitration disputes involving publicly listed companies— Perspective of in-house counsel" and "What happens when one of the parties in a several hundred million dollar arbitration over an option agreement does a public listing relying on the disputed asset?", May 2017: Dispute Resolution in M&A Transactions Conference (Court of Arbitration at the Confederation of Lewiatan), Warsaw

"Selected Jurisprudence from Other Sport Tribunals", May 2017: Sport Dispute Resolution Centre of Canada's (SDRCC) Mediator and Arbitrator Conference, Quebec City

"Advocacy in different international fora: Innovation through cross-fertilization?", January 2017: FIAA-MIDS Tenth Anniversary Conference, Geneva

"Arbitration & Alternative Dispute Resolution", December 2015: FIDIC International Contract Users' Conference (IBC Legal), London

"Non-signatories", November 2015: GAR Live Paris

"Oral Advocacy in International Arbitration", October 2015: YCAP/Young ICCA Fall Symposium - International Arbitration Advocacy Workshop, Vancouver

"Mock emergency arbitration", May 2015: 1st Annual ICC Asia Regional Conference on International Arbitration, Singapore

"Arbitrator Immunity", May 2015: Masterclass for Arbitrators, ICC Institute of World Business Law, Paris

"Preliminary and Urgent Matters", March 2015: ICC YAF Conference, Paris

"Practical aspects of Emergency Arbitrator proceedings", September 2014: ICC UK Symposium on "The Arbitral Award", London

"Emergency Arbitrator and provisional measure: recent experience", May 2014: ICC Brazilian Arbitration Day, Sao Paulo

"Choices in International Commercial Arbitration", April 2014: Faculty of Law of the Moscow State University (MGU), Moscow

"The Process of International Arbitration: Are Procedural Practices still divergent or are they converging?", March 2014: Germany as Seat of Arbitration Conference (AFSIA / DAV), Frankfurt

Professional Associations

ICC Canadian National Committee

ICC French National Committee

ICC Commission on Arbitration and ADR

ICC Institute of World Business Law

ICDR, Roster of Arbitrators

Court of Arbitration for Sport, List of Arbitrators

Foundation for International Arbitration Advocacy, Executive Committee (Chair)

International Bar Association, Arbitration Committee

Institute for Transnational Arbitration, Advisory Board

Young Canadian Arbitration Practitioners, Advisory Board

Journal of Arbitration and Mediation, Editorial Board

International Council for Commercial Arbitration

International Arbitration Institute

London Court of International Arbitration

CPR International Institute for Conflict Prevention & Resolution, Arbitration Committee

The Chartered Institute of Arbitrators, MCI Arb

WHITE & CASE

ADR Institute of Canada
Canadian Bar Association, International Law Section Business Dispute
Resolution Committee
Solicitors' Association of Higher Court Advocates
Cercle international Rouge et Or de l'Université Laval, Founding
Member
The Harold G. Fox Education Fund, Canadian Trustee
Goodenough College, Alumnus