

Professor Stavros L Brekoulakis

Attorney-at-law

Professor in International Arbitration and Commercial Law
Queen Mary University of London

GENERAL PROFILE

Stavros Brekoulakis is a Professor in International Arbitration and Commercial Law, Queen Mary University of London, as well as an attorney-at-law. He teaches courses in International Commercial Arbitration, International Construction Contracts and Arbitration, International Commercial Litigation and Conflict of Laws, International Commercial Law. His academic work includes the leading monograph on *Third Parties in International Commercial Arbitration* (OUP 2010), the book *Arbitrability: International and Comparative Perspectives* (Kluwer 2009) and numerous publications in leading legal journals and reviews.

He has practiced commercial law, arbitration and litigation as an in-house counsel and private practitioner in Greece, and he has been involved in international arbitration for more than 14 years as counsel, expert and arbitrator. He has been appointed in arbitrations under the rules of the London Court of International Arbitration, the International Chamber of Commerce, the Danish Institute of Arbitration, as well as in *ad hoc* arbitrations under the UNCITRAL Arbitration Rules. His professional expertise focuses on arbitrations in the context of international business and trade transactions, including construction projects, sales of goods and distribution agreements, IP contracts, shipping and insurance contracts, financial transactions.

He holds an *LL.B.* degree (*summa cum laude*) from the National University of Athens (1997), an *LL.M.* degree (*summa cum laude*) in International Business Law from King's College London (2003) and a *Ph.D.* degree in Arbitration and Conflict of Laws from Queen Mary, University of London (2007).

CURRICULUM VITAE

PROFESSOR STAVROS L BREKOULAKIS

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EMPLOYEMENT HISTORY

2005- Present Queen Mary, University of London*Professor in International Arbitration and Commercial Law*

- Teaches LL.M. courses in International Commercial Arbitration, Construction Contracts and Arbitration, International Commercial Litigation and Conflict of Laws, and Commercial Law
- Publishes extensively in the fields of international arbitration, private international law and commercial law
- Appears regularly at international conferences and events
- Director of Research of the Centre of Commercial Law Studies

1999- 2004 Karydakis and Partners Law Offices, Piraeus, Associate

- Appeared as counsel before Greek courts in numerous commercial cases
- Appeared as counsel in ICC, LMAA, and *ad hoc* arbitration cases

1997-1999 New Wave Shipping, Piraeus, Legal counsel

- Responsible for a variety of commercial and maritime transactions
- Worked in LMAA and *ad hoc* arbitration cases

ACADEMIC BACKGROUND

2004- 2007 Queen Mary, University of London

Doctoral (PhD) Degree with honourable mention and no corrections

2002- 2003 King's College London

LL.M. in International Business Law with Merit (*Magna Cum Laude*)

1992- 1997 National University of Athens, School of Law

LLB (*Ptychion*), with Distinction (*Summa Cum Laude*): graduated first in his year

TEACHING

Has taught in the last five years:

- *International Commercial Litigation and Conflict of Laws*
- *International and Comparative Commercial Arbitration*
- *International Construction Contracts and Arbitration*
- *International Commercial Law*
- *Insurance Risk in the Construction Industry*

Evidence of teaching excellence

- Student evaluations have been consistently excellent and have been nominated by QMUL students and staff for the Drapers' Award for Excellence in Teaching twice: in the Academic Years 2008-09, and 2010-11. For the current academic

year 2012-13, the evaluation scores *were the highest in the School*: in the question of *Whether the module was well taught*, 91.4% of the students “definitely agreed” and 8.6% of the students “agreed” (see accompanied copy or evaluation results).

PUBLICATIONS

Books

- **(REF submission) Monograph**, *Third Parties in International Commercial Arbitration* (Oxford University Press, 2011) The book (**336 pages**, ISBN: 978-0-19-957208-3) is the first treatise on the subject, has already sold more than 700 copies, and has received enthusiastic reviews as being “deeply researched” and “talented, innovative and far researching” (further reviews are available at: <http://ukcatalogue.oup.com/product/9780199572083.do>). Further, the book has been cited in the highly prestigious (Draft) Restatement of US Law on Arbitration (approved at the 2012 annual meeting of the American Law Institute). Restatements are a set of treatises produced by the American Law Institute that seek to inform judges and scholars; they are considered of exceptional academic importance and esteem, and they rarely include references to non-US scholars.
- **Edited Book**, *Arbitrability: International and Comparative Perspectives* (co-editor with L. Mistelis in equal contribution, Kluwer 2009) 401 pages. This is the first complete study in English of this complicated subject. It has been very positively reviewed by journals in English (among which the *International Council of Commercial Arbitration* and the *International Arbitration* journal) Spanish and Japanese

Articles in Referred Journals

- **(REF submission) Sole author**, *International Arbitration Scholarship and the Concept of Arbitration Law*, 36 FORDHAM INTERNATIONAL LAW JOURNAL, Vol.36 (2013) pp. 745-787. This is the leading article of Volume 36 of one of the leading international law journals worldwide. The article is about the concept of arbitration law and its relationship with international arbitration scholarship. It draws on legal theory and jurisprudence to revisit the concept of arbitration law and advance the thesis that arbitration community has the normative potency to generate procedural practices and standards guiding arbitration practice.
- **(REF submission) Sole author**, *Systemic Bias and the Institution of International Arbitration: A new Approach to Arbitral Decision-Making*, JOURNAL OF INTERNATIONAL DISPUTE SETTLEMENT, 4(3) 553-585 (2013). The article examines arbitral decision-making and puts forward three main propositions. First, that the legal concept of bias needs revisiting. For arbitration law and practice to effectively respond to criticism about the integrity of arbitration, the focus of our inquiry should include not only apparent bias associated with individual arbitrators, but also implicit and systemic bias. Second, the article provides a critical assessment of the existing empirical studies on arbitral decision-making. Although empirical studies have provided useful insight in arbitral judicial behaviour, they all depart from the same behavioural assumption that arbitral decision-making is driven almost exclusively by extra-legal factors, such as the personal traits, policy preferences or financial incentives of individual arbitrators. The article discusses the theoretical and methodological limitations of such a behavioural approach, and it, finally, offers an alternative model for the analysis of arbitral decision-making, which takes into account the influence of the broader institutional context within which arbitrators are embedded. Drawing on institutional theories, the article compares the procedural design of international arbitration with that of national and international judiciaries, and provides a description of the institutional structures of international arbitration and how they can affect the way that arbitrators decide.

- **Sole author**, *2012 International Arbitration Survey: Current and Preferred Practices in the Arbitral Process*, AMERICAN REVIEW OF INTERNATIONAL ARBITRATION (forthcoming, 2013). This is a detailed analysis of the findings of a major empirical survey on arbitral process.
- **Sole author**, “Observations on the Limits and Possibilities of Uniform Law,” 64 *Revue Hellénique de Droit International* (2011) **pp.804-839**. This is a doctrinal study on the development of uniform law in the form of trade usages, general principles of law, general principles of contract, transnational law and *lex mercatoria*
- **Sole author**, “The Relevance of the Interests of the Non-Signatories In Arbitration: Taking a Closer Look at the Elephant in the Room”, 113 *Pennsylvania State Law Review*, (Summer 2009) **pp.1165-1187**. The paper examines the role and interests of non-signatories and for the first time attempts to lay down the theoretical premises of their participation in the arbitration process
- **(REF Submission) Sole author**, “The Negative Effect of Compétence-Compétence: the Verdict has to be Negative”, 2 *Austrian Arbitration Review* (2009), **pp.237-258**. The paper explores issues relating to the conflict of jurisdiction between national courts and international arbitral tribunals. It critically assesses the overgrowing principle of Compétence-Compétence in arbitration, arguing that it has now developed to a legal paradox, threatening to undermine the delicate jurisdictional balance between national courts and arbitral tribunals. Has been cited extensively with approval.
- **Sole author**, “Enforcement of Foreign Arbitral Awards: Observations on the Efficiency of the Current System and the Gradual Development of Alternative Means of Enforcement”, 19 (3-4) *American Review of International Arbitration* (2008), **pp.415-446**. The paper, published in a major journal of arbitration theory, provides a qualitative analysis of the findings of empirical survey conducted by the School of International Arbitration on the Enforcement of foreign arbitral awards. The paper puts forward the radical suggestion that the current legal system of enforcement of arbitral awards is waning, while commercial practice gradually develops a more effective and private means of enforcement
- **Sole author**, “The Notion of Superiority of Arbitration Agreements over Jurisdiction Agreements: Time to Abandon It”, 24(4), *Journal of International Arbitration*, (2007) **pp.341-363**. The paper, included in the QMUL RAE 2008, undertakes a comparative analysis between jurisdiction and arbitration agreements. It shows that arbitration agreements are unwarrantedly afforded a preferential treatment over jurisdiction agreements, which, as the paper argues, threatens to overthrow the principle of procedural party autonomy. Cited in various sources, most notably in the leading textbook G.Born, *International Commercial Arbitration*
- **Sole author**, “The Effect of an Arbitral Award and Third Parties in International Arbitration: *Res Judicata* Revisited”, 16(1), *American Review of International Arbitration*, (2006) **pp.177-209**. This is one of the first comprehensive studies of the binding effect of international arbitral awards. It was included in the QMUL RAE 2008, and it has already been established as one of the main references on the topic, and is cited in several research works and reports, most notably in the Final Report of the International Law Association on “*Res Judicata* of Arbitral Awards”; also cited with approval by the US Court of Southern District of New York in the *American Express Bank v Banco Espanol De Credito* (2009); several times in the leading textbook G.Born, *International Commercial Arbitration*

Chapters in Edited Collections of Essays and Books

- **Sole author**, “Commentary on CISG Article 10” in S Kröll, L Mistelis and M del P Perales Viscasillas (eds), *The United Nations Convention on Contracts for the International Sale of Goods* (Beck/Hart/Nomos 2011) **pp.171-181**. Commentary

work on one of the most successful and widely applicable International Treaties on international contracts of sales of goods

- **Sole author**, “Conflict of Jurisdictions in Arbitration: the (diminishing) Relevance of the *Lex Loci Arbitri*”, in F. Ferrari and S. Kroell (eds), *Conflict of Laws and Arbitration*, (Sellier 2010) **pp.117-136**. The paper focuses on issues of conflict of laws in arbitration, and the importance of the law of the seat of arbitration
- **Sole author**, “The Impact of Uniform Law on Greek National Law” essay in collection edited by the International Academy of Comparative Law, *The Impact of Uniform Law on National Law* (2010) **pp.82-108**. This is the publication of a major study on the development of uniform standards of law in Greece. The study was presented, as a national report, in the Congress of the International Academy of Comparative Law in November 2008, Mexico City
- **Co-author** (with Dr L. Shore- 50% contribution) “The UNCITRAL Model Law on International Commercial Arbitration”, in *Concise Commentary on International Arbitration -Conventions, Laws and Rules* (Kluwer 2010), **pp.101-177**. Commentary work with practical focus on one of the most influential work of UNCITRAL, namely the Model Law on International Commercial Arbitration. The Chapter aim to become a useful reference source for law practitioners and arbitrators
- **Sole author**, “On Arbitrability: Persisting Misconceptions and New Areas of Concern” essay in the edited collection, *Arbitrability: International and Comparative Perspectives*, (Kluwer 2009) **pp.19-45**. This is a scholar study on the material scope of arbitration, focusing on the rationale behind “inarbitrability” and the role of public policy in particular. The paper has received very positive reviews and has been a basic reference paper on the subject
- **Sole author**, “Law Applicable to Arbitrability: Revisiting the Revisited *lex fori*”, essay in the edited collection, *Arbitrability: International and Comparative Perspectives*, (Kluwer 2009) **pp.101-121**. The aim of the paper is to revisit the scope of the application of *lex fori* to arbitrability, under new theories in arbitration. It has been cited in various sources, and it has attracted the interest of the organisers of the Verona Conference that asked for the paper to be presented there
- **Sole author**, “International Arbitration: Basic Principles and Characteristics”, in the QFINANCE Ultimate Resource (Bloomsbury 2009) **pp.44-55**. Basic commentary work on arbitration with practical focus in a major reference source
- **Sole author**, “Multiparty and Multi-contract Arbitration”, in The QFINANCE Ultimate Resource (Bloomsbury 2009) **pp.107- 111** Commentary work on arbitration in a major reference source. The Chapter focuses on practical issues arising out of multiparty and multi-contract arbitrations

Work in progress

- **Monograph**, *Public Policy and International Arbitration*. Have contract with OUP to deliver manuscript by the end of 2015

Funded Research

- Empirical Survey “Actual and Best Practices in the Arbitral Process” funded by the US law firm White & Case

ADMINISTRATIVE WORK (DEPARTMENT AND COLLEGE)

- **CCLS Director of Research** (since September 2010) – duties include: developing and implementing a REF strategy on research outputs, research grants and environment; research impact and public engagement, consulting with the Centre’s Director on the new appointments

- **CCLS Director of Graduate Studies** (from September 2010 to September 2012) – duties include: PhD admissions, chairing Graduate Board meetings, drafting Postgraduate Studentship proposals, managing research progress of CCLS's big cohort of PhD's
- **Director of the Post Graduate Diploma** in International Arbitration by Distance Learning (since 2007) – duties include, being responsible for marketing and development of the programme, students' admission, academic content.
- Member of the **CCLS Management Board** (since September 2011). The Management Board has an important consulting role to the Director in a wide range of strategic matters, including finances, programme development, public engagement, research and teaching

CONFERENCES

- Speaker at a conference on Law and State Reform organised by Humboldt University and Athens Law School, 30-31 May 2013, Athens
- Speaker at a conference on Arbitration and Psychology organised by Brunel University, 22-24 May 2013, London
- Speaker at a seminar organised by the Portugal branch of the International Chamber of Commerce, 16 May 2013, Lisbon
- Speaker of a seminar on Sports Law and Arbitration, 12 March 2013, London
- Key-note speaker at a conference organised by the School of Law of Warsaw University, 13 February 2013, Warsaw
- Speaker at seminar organised by the International Chamber of Commerce, 22 February 2013, Munich
- Speaker at a conference organised by City University, 17 December 2012, London
- Chair of a session in a conference organised by the Milan Chamber of Commerce, 16 November 2012, Milan
- Speaker at a conference on the UK Supreme Court, 12 October 2012, London
- Speaker at a conference organised by the Vienna International Arbitration Centre, 22 September 2012, Vienna
- Speaker at the International Bar Association Conference, 1 October 2012, Dublin
- Speaker at the an arbitration conference organised by the British Institute of International Comparative Law, 19 June 2012, London
- Speaker at a major arbitration conference organised by the School of Law of Vienna University and the Vienna Arbitration Centre, 18-19 February 2012
- Speaker at an arbitration conference organised by the Cyprus Eurasia Arbitration Centre, 18 November 2011, Nicosia
- Speaker at an arbitration conference organised by the Swiss Arbitration Association, 21 October 2011, Zurich
- Speaker at an arbitration conference organised by the International Chamber of Commerce, 10 October 2011, Athens
- Speaker at an arbitration seminar organised by the Vienna Bar Association and the international Chamber of Commerce, Vienna, 16 April 2011
- Speaker at a two-days arbitration conference, organised by School of Law University of Belgrade, 8-9 April 2011, Belgrade
- Speaker at a major arbitration conference organised by Columbia Law School, 25 March 2011, New York City
- Speaker at an arbitration event organised by the British Institute of International and Comparative Law, 24 November 2010, London
- Speaker a major private international law conference organised by NYU Laws School and the University of Verona, 18-20 March 2010, Verona
- Speaker at the annual arbitration conference of the International Chamber of Commerce, 25 November 2009, London

- Speaker at a two-days conference on “Alternative Dispute Resolutions in IP Disputes”, organised by the University of Istanbul, 15-17 October 2009, Istanbul
- Member of a Roundtable discussion with the European Commissioner of Justice and Home Affairs, 01 July 2009, Brussels
- Speaker at a two-days arbitration conference, organised by School of Law University of Belgrade, 27-28 March 2009, Belgrade

ARBITRATION WORK

As Arbitrator:

- Sole Arbitrator under the Rules of the London Court of International Arbitration concerning a dispute arising out of a sales of goods contract between a Swiss party and a US party (seat in London, English applicable law)
- Co-arbitrator under the Rules of the London Court of International Arbitration concerning a dispute arising out of an carbon credit project development between an Australian Bank and three respondents, a German, a Chinese and a Swiss company (seat in London, English applicable law)
- Co-arbitrator under the Rules of the International Chamber of Commerce concerning a construction dispute between a Greek construction company and the Greek State (seat in Athens, Greek applicable law)
- Co-arbitrator under the UNCITRAL Arbitration concerning a dispute between an Irish and a Singaporean party arising out of a commodities transaction (seat in London, English applicable law)
- Co-arbitrator in *ad hoc* proceedings concerning a construction dispute between a Greek construction company and the Greek State (seat in Athens, Greek applicable law)
- Co-arbitrator under the Rules of Danish Institute of Arbitration concerning a dispute between a Danish and a Greek party arising out of an exclusive distribution agreement (seat in Copenhagen, Danish applicable law)

As Counsel: as corporate counsel and associate in law firm has dealt with numerous ICC, *ad hoc*, LMAA arbitration proceedings in relation to disputes on sales of goods, construction of vessels, charter-party agreements, shareholder agreements and construction projects

As Expert: Has provided legal expert opinion in relation to the following matters:

- Validity and interpretation of an arbitration clause under Swiss Rules (in a dispute between a Turkish and a Swiss party)
- *Res judicata* effects of an ICC award (in a dispute between an Israeli and a Dutch party)
- Whether a non-signatory party is bound by an arbitration clause in *ad hoc* arbitration proceedings (dispute between an English and a Cypriot party)

BAR ADMISSIONS / QUALIFICATIONS

- Athens Bar Association (1999)
- Member of the Chartered Institute of Arbitrators, London (2010)
- Member of the LCIA (2010)
- Member of the ICC Task Force on the IP Roadmap (2011)

LANGUAGES

- Greek (native speaker)
- English (fluent)
- French (working knowledge)