



JOSE W. FERNANDEZ

241 West 108th Street  
Apt. 5B  
New York, New York 10025  
(212) 678-1973

Baker & McKenzie  
805 Third Avenue  
New York, New York 10022  
(212) 751-5700

EXPERIENCE

LEGAL:

December 1984-Present                      BAKER & MCKENZIE                      New York, New York

Involved principally in foreign investments in the U.S. and U.S. investments in Latin America and Western Europe, including corporate mergers and acquisitions and private debt restructurings; international licensing and technical assistance agreements; loan agreements, and project and aircraft finance; joint ventures; agency, distributorship and sales contracts; limited partnership agreements and private placement memoranda; bank regulatory issues and organization of New York State chartered consumer banks, including drafting and filing New York State, Federal Reserve Board membership and Bank Holding Company applications.

Have also prepared legal opinions and affidavits on the laws of various Latin American jurisdictions and Spain; participated extensively in arbitration proceedings before the International Chamber of Commerce.

September 1981-                      CURTIS, MALLET-PREVOST,                      New York, New York  
December 1984                      COLT & MOSLE

General corporate work, including drafting agency and distributorship agreements; mining concession contracts; international construction agreements; loan agreements; domestic and international joint venture contracts; also drafted briefs and participated in oral arguments in commercial litigation and arbitration proceedings both in English and Spanish.

September 1980-                      URIA & MENENDEZ                      Madrid, Spain  
August 1981

Drafted Eurodollar loan agreements; agency and distributorship contracts; general banking work for international clients; wrote opinion letters on Spanish law, chiefly involving commercial law, foreign investments and tax regulations.

TEACHING:

September 1984-                      NEW YORK LAW SCHOOL                      New York, New York  
December 1987

Adjunct Instructor of Law -- Legal Writing and Research

EDUCATION

LEGAL:

Columbia University School of Law  
New York, New York 10027  
J.D., May 1980

Grades: VG-G average  
Honors: Charles Evans Hughes Prize, Parker School Certificate of  
Achievement with Honors in International and Foreign Law

UNDERGRADUATE:

Dartmouth College  
Hanover, New Hampshire 03755  
B.A. June 1977

G.P.A.: 3.5 on a 4.0 scale

Major: History

Awards: Magna Cum Laude, High Honors in History, Latin American History  
Prize for 1976, Special Citations in Russian and Latin American  
history courses.

OTHER:

Summer, 1977 Universite de Paris, France

GENERAL

BAR ADMISSIONS:

New York State; Southern District of New York;  
New Jersey State; District Court of New Jersey.

PROFESSIONAL MEMBERSHIPS:

American Bar Association, Co-Chairman of Inter-American Law Committee of the  
International Law Section, Director of ABA Goal VIII Program in Central  
America, Member of ABA President's Commission on Latin America; Association of  
the Bar of the City of New York, Committee on Foreign and Comparative Law;  
American Foreign Law Association; Secretary, U.S.-Spain Chamber of Commerce;  
American Arbitration Association, Arbitrator; Who's Who in American Law (5th  
Edition).

LANGUAGES:

Fluent in Spanish and Portuguese, able to read and write French well.

PUBLICATIONS AND SPEECHES:

Publications:

Streamlining Litigation: Recent Amendments to the Spanish Civil Procedure Code, 19 The International Lawyer 981 (Summer 1985)

The Spanish Constitution of 1978: Legislative Competence of the Autonomous Communities in Civil Law Matters, 15 Vand. J. Trans. L. 47 (Winter 1982) [with Juan Cadarso Palau]

Arroyo, I., The One-Man Company in Spanish Law, The Journal of Business Law (September 1981) [Translation into English]

Agency and Distributorship Agreements in Latin America, [in preparation]

Various articles on travel and current affairs

Speeches:

"Judicial Review in the United States," to the Supreme Court of El Salvador, in July 1986 in San Salvador, El Salvador

"Countertrade in Latin America," Chairman of Workshop sponsored by the American Bar Association Section of International Law on April 23, 1987 in Washington, D.C.

"Agency and Distributorship Agreements in Latin America," at the First and Second Annual Florida Conference on Doing Business in Latin America, in February 1988 and 1989 in Miami, Florida

PERSONAL:

Born: September 19, 1955

Birthplace: Cuba

Marital Status: Married

Arthur W. Rovine  
Baker & McKenzie  
805 Third Avenue  
New York, New York 10022

DOB: April 29, 1937  
Married; two children

Education:

Ph.D.	Columbia University	1966
LL.B.	Harvard University	1961
A.B.	University of Pennsylvania	1958

Positions:

Baker & McKenzie

Partner Of Counsel	1985- 1983-1985
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Department of State

Agent of the U.S. Government to the Iran-U.S. Claims Tribunal	1972-1983 1981-1983
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Office of the Legal Adviser Assistant Legal Adviser (International Treaties and Agreements)	1975-1981
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Georgetown University Law School

Adjunct Professor of Law (International Law)	1977-1981
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Cornell University 1966-1972

Assistant Professor of Government (International Law)	
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Curtis, Mallet-Prevost, Colt & Mosle  
Attorney

1963-1966

**Professional Memberships:**

American Arbitration Association - Panel of Arbitrators	1985-
American Bar Association - Chairman of the International Law Section	1985-1986
- Delegate to the House of Delegates	1988-1990
American Society of International Law - Member of the Board of Editors of the <u>American Journal of International Law</u>	1977-1987
Center for Public Resources - Panel on Settlement of Transnational Business Disputes	1986-
- New York CPR Panel	1989-
Council on Foreign Relations	1987-
Council on International Educational Exchange - Chairman of Law Subcommittee of International Advisory Council on Professional Education	1988-
United States Council for International Business - Arbitration Committee	1987-
Member of the Bar, New York and District of Columbia	

### American Bar Association

- Delegate to the House of Delegates 1988-1990
- Chairman of the International Law Section 1985-1986
- Chairman-Elect of the International Law Section 1984-1985
- Vice Chairman of the International Law Section 1983-1984
- Council of the International Law Section 1980-1982; 1986-1990
- Vice-Chairman of the Committee on Executive-Congressional Relations 1979-1982
- Liaison with the Legal Adviser's Office, Department of State 1975-1981
- Committee on Arms Control and Disarmament 1972-1974
- Committee on United Nations Activities 1972-1974
- Committee of Experts on Expanding the Jurisdiction of the International Court of Justice 1972-1974

### American Society of International Law

- Board of Editors of the American Journal of International Law 1977-1987
- Executive Council 1972-1975
- Co-Chairman, Committee on State Responsibility 1983-1985
- Panel on the International Court of Justice 1971-1974
- Working Group on South-West Africa; adviser to the Society and to the Department of State 1970-1971
- Committee on Membership 1970-1971
- Committee on the Library 1973-1979
- Committee on United Nations Relations 1986-

**Primary Responsibilities as Agent of the U.S. Government  
to the Iran-United States Claims Tribunal  
1981-1983**

1. Presentation to the Tribunal, or Tribunal Chamber, by oral or written argument, of the U.S. Government position on legal, procedural, jurisdiction, and administrative issues in which the U.S. Government had an interest.
2. Consultation with American attorneys whose clients had cases before the Tribunal in order to advise on Tribunal jurisdiction, procedures and practices, and UNCITRAL rules (not on the merits of their cases).
3. Negotiation with the Iran Agent to the Tribunal and with the Tribunal members and staff on general procedural and administrative matters.
4. Negotiation with officials of the Netherlands Ministries of Foreign Affairs and Justice, and the Netherlands Central Bank, on Tribunal matters, such as the application of Dutch law, privileges and immunities, payment mechanisms, etc.
5. Reporting to the Department of State on all significant developments at the Tribunal, with analyses of issues and problems, recommended solutions, options, responses, etc.

**Primary Responsibilities as Assistant Legal Adviser,  
Department of State, 1975-1981**

1. Planning for China recognition and international agreements; termination of Mutual Defense Treaty with Taiwan; briefs in Goldwater v. Carter lawsuit concerning termination of Mutual Defense Treaty; President's constitutional powers
2. Panama Canal treaties - U.S. constitutional law and international law issues; U.S. Senate proceedings
3. SALT II Treaty - U.S. Senate proceedings
4. Algiers Accords ending Iran Hostage Crisis - U.S. constitutional law and powers of the President
5. Human rights treaties; U.S. position; testimony for Senate Foreign Relations Committee
6. Succession of states in respect of treaties; U.S. delegate to Vienna Conference
7. Legislation on international agreements; Clark Resolution, Morgan-Zablocki bills; constitutional law issues concerning attempts to limit President's powers; legislative veto
8. Congressional-Executive relations on international agreements
9. Legislation and regulations on consultation by all U.S. Government Departments and Agencies with Department of State prior to conclusion of international agreements
10. Procedures for Congressional consultation regarding forms of international agreements
11. Management of 16 person office of Treaty Affairs
12. Liaison between Office of the Legal Adviser and American Bar Association



## **Major Litigation And Arbitration**

### **Federal Courts**

- Goldwater v. Carter, 1979 (D.C. Dist. Ct., Ct. of Appeals, Supreme Court)
- Tampa Chamber of Commerce v. Adams (D.C. Dist. Ct. 1978)
- E. Boselli v. Boselli Industrie Tessili (S.D.N.Y. 1984)
- Exchange National Bank of Chicago v. Empresa Minera de la Centro del Peru, S.A. (S.D.N.Y. 1984)
- Gerling Global Reinsurance v. Commissioner of Insurance of Montana (S.D.N.Y. 1985)
- Rosseel Corp. v. Oriental Commercial Shipping (S.D.N.Y. 1985-1988)
- NL Chem Canada v. John Brown Engineers & Constructors, Inc. (S.D.N.Y. 1987- )
- Lucky Goldstar v. Phibro Asia & Phibro Energy, Inc. (S.D.N.Y. 1988- )
- American Graphic Equipment Corp. v. Redaelli Tecna Offset, S.P.A. (E.D.N.Y. 1989-90)
- International Brokerage & Finance v. California Steel, et al. (C.D.C. 1990 - )

### **New York State Courts**

- Murray Hill Oil and Gas Corp. v. Grant Mannheim (1985-1986)

### **Ad Hoc Arbitration**

- Niagara Mohawk v. Nuclear Electric Insurance Limited (1986-1987)
- Northeast Utilities v. Nuclear Electric Insurance Limited (1988- )
- Touche Ross International v. Treuverkehr AG (1990- )

### **American Arbitration Association**

- Rosseel Corp. v. Oriental Commercial Shipping (1989 - )

### International Chamber of Commerce

- Kudremukh Iron Ore Company Ltd. v. Iran (1988-1989)
- PhonIran v. General Dynamics (1988- 1989)
- International Brokerage & Finance v. Seamar (1990- )
- Kalantari et al. v. Fritz Werner Industrie (1990- )

### Iran-United States Claims Tribunal

- Case A/1 (interest on Security Account; payment of settlements; bank fees; holding bank harmless) (1982)
- Case A/2 (Tribunal jurisdiction over direct claims against U.S. companies) (1981-1982)
- Case A/23 (validity under Algiers Accords of Fluor attachment of NIOC assets in Germany) (1987 - 1989)
- Choice of forum clause cases (Tribunal jurisdiction) (1982)
- E-Systems (Litigation in Iran - Tribunal jurisdiction and powers) (1983)
- Weatherford v. Iran (1984-1987)
- Borg-Warner v. Iran (1984-1985)
- Combustion Engineering v. Iran (1985-1990)
- Fluor Corp. v. Iran (1986-1989)
- Rockwell International v. Iran (1986-87)
- Watkins Johnson v. Iran (1986-88)
- Highlands Insurance Corp. v. Bimeh Melli (1989 -1990)
- Petrolane v. Iran (1990)

### Green Coffee Association of New York

- E.D. & F. Man v. Globekirk, Ltd. (1983-1984)

### International Court of Justice

- South West Africa Cases (1963-1965)
- Namibia Case, (1970-1971)

## Publications

- 1963-1965 Several portions of the briefs and oral arguments in the South West Africa Cases before the I.C.J.
- 1968 La Jurisprudence de la Cour Internationale  
The Case Law of the International Court, Vol. V (Leiden: Sijthoff, 1968)  
with Edvard Hambro
- 1969 Review essay on Richard Falk's Legal Order in a Violent World. Cornell Law Review, Vol. 54, No. 6, July 1969, pp. 970-979.
- Book review of Ernst Haas' Beyond the Nation-State. Administrative Science Quarterly, Vol. 14, No. 2, June 1969, pp. 310-313.
- 1970 The First Fifty Years: The Secretary-General in World Politics 1920-1970. (Leiden: Sijthoff, 1970, 498 pp.)
- 1971 The brief for the International League for the Rights of Man in the Namibia Case before the I.C.J. The New York University Journal of International Law and Politics, Vol. 4, No. 2, Summer 1971, pp. 335-402.
- "Le départ du secrétaire général de l'ONU," Le Monde Diplomatique (Paris), December 1971, p.5.
- 1972 The Case Law of the International Court, Vol. VI (Leiden: Sijthoff, 1972)  
with Edvard Hambro
- "The World Court Opinion on Namibia," Columbia University Journal of Transnational Law, Vol. 11, No. 2, Spring 1972, pp. 203-239.
- Book review of Frank Dawson and Ivan Head, International Law, National Tribunals and the Rights of Aliens. Cornell Law Review, Vol. 57, No. 6, July 1972, pp. 998-1001.
- "A More Powerful Secretary-General for the United Nations?" Remarks to the Annual Meeting of the American Society of International Law, American Journal of International Law, Vol. 66, No. 4 (September 1972), pp. 78-81.
- 1973 "U.S. International Law Digests -- Some History and a New Approach," Note for the American Journal of International Law. Vol. 67, No. 2, April, 1973, pp. 314-319.

- 1974 Digest of United States Practice in International Law, 1973 (Washington: Government Printing Office, 1974)
- The Case Law of the International Court, Vol. VII (Leiden: Sijthoff, 1974) with Edvard Hambro
- "The Secretary-General in World Politics: A Historical Review," The Journal of International Law and Economics, Vol. 9, No. 1, April 1974, pp. 113-148.
- "The Contemporary International Legal Attack on Terrorism," 1973 Israel Yearbook on Human Rights, May 1974, pp. 1-39.
- Commentary on paper by Thomas M. Franck and Edward Weisband, "Regional Interventionism by the Superpowers: A Study of Words and Acts as Inchoate Law Making," in International Law in the Western Hemisphere. (The Hague, Nijhoff, 1974), pp. 126-129.
- Review essay on Paxman and Boggs, eds., The United Nations: A Reassessment - Sanctions, Peacekeeping, and Humanitarian Assistance. Virginia Journal of International Law, Vol. 15, No. 1, Fall 1974, pp. 242-247.
- Book Notes in the American Journal of International Law, Vol. 68, No. 4, October 1974, pp. 781-783.
- 1975 Digest of United States Practice in International Law 1974 (Washington: Government Printing Office, 1974)
- 1976 "The National Interest and the World Court," a chapter in Gross, ed. The Future of the International Court of Justice (American Society of International Law; Oceana, 1976)
- The Case Law of the International Court. Vol. VIII (Leiden: Sijthoff, 1976) with Edvard Hambro
- 1977 "Separation of Powers and International Executive Agreements," Indiana Law Journal, Vol. 52, No. 2.
- Book review of Cordier and Foote, eds., Public Papers of the Secretaries-General of the United Nations. Vol. 4: 1958-1960, Dag Hammarskjöld. The American Political Science Review, Vol. LXXI, No. 4, December 1977, pp. 1744-1745.
- 1984 "Recent Valuation Decisions of the Iran-U.S. Claims Tribunal," Mealey's Litigation Reports - Iranian Claims, February 3, 1984, pp. 18-23.
- 1986 "U.S. Public Policy on Recognition and Enforcement of Foreign Arbitral Awards," International Arbitration Report, January, 1986, pp. 41-43.

## MAJOR LECTURES AND PRESENTATIONS

- 1966 United Nations, Carnegie Endowment Center, Geneva
- 1967 United Nations, Airlie House, Warrenton, Virginia
- 1968 International Law and South West Africa, Barnard College  
International Law, Wellesley College
- 1969 Middle East, Cornell University Convocation, Boston  
Role of International Law, American Political Science Association  
Convention, New York
- 1970 Nuclear Weapons Control, Cornell Alumni University
- 1971 South West Africa, New School for Social Research  
U.S. and Latin America; expropriation of property in international law,  
New School for Social Research  
The Secretary-General in World Politics, Fletcher School of Law and  
Diplomacy
- 1972 The South West Africa Cases, State University of New York at Purchase  
The Secretary-General, Annual Meeting of the American Society of  
International Law
- 1973 Southern Africa, Annual Meeting of the International Studies Association  
Role of the Legal Adviser's Office, American University
- 1974 Legal Practitioners and Global Law Making, Princeton University
- 1975 Treaties and Executive Agreements, Cornell Law School
- 1976 Treaties and Executive Agreements, Albany Law School, Christian Science  
Monitor, National War College, Council on Foreign Relations
- 1977 Treaties and Executive Agreements, St. Louis University, Annual Meeting  
of American Society of International Law, Conference on National Treaty  
Law and Procedure, Bellagio, University of Virginia Law School,  
University of South Carolina  
Human Rights Treaties, Annual Meeting of the American Society of  
International Law; International Commission of Jurists, Ottawa, Canada

- 1978 Human Rights, Northwestern Law School
- 1979 Human Rights, American Bar Association, Washington, and Johns Hopkins University (SAIS)  
China recognition and termination of defense treaty with Taiwan, New York University Law School
- 1980 Human Rights, Bonn, The Hague, University of South Carolina  
Congressional-Executive Relations and U.S. foreign policy, University of Virginia Law School, Cornell Law School, ABA meeting at Portland, Oregon, Vanderbilt Law School, Foreign Service Institute
- 1981-1985 Iran-U.S. Claims Tribunal - Speeches in Washington, London, Rotterdam, The Hague, New York, Cambridge, Aspen, Chicago
- 1984 Expropriation of Property and International Law - American Arbitration Association, New York
- 1985 International Arbitration, Annual Meeting of the American Society of International Law, New York  
U.S. Acceptance of I.C.J. Compulsory Jurisdiction - Annual Meeting of the American Society of International Law, New York  
Human Rights Treaties, American Bar Association Annual Meeting, London
- 1986 International Law Practice, University of Michigan Law School; NYU Law School
- 1987 Evidence and Standards of Proof in International Arbitration, Annual Meeting of the American Society of International Law, Boston  
Diplomatic Immunity, Testimony on Proposed Legislation, Senate Foreign Relations Committee, Washington, D.C.  
Diplomatic Immunity, "Crossfire" show, Washington, D.C.  
Rules of Treaty Interpretation, Senate Foreign Relations Committee, Washington, D.C.  
The Process of International Arbitration, American Corporate Counsel Association, Washington, D.C.
- 1988 The Process of International Arbitration, Tulane Law School, New Orleans, LA; International Legal Symposium, Budapest, Hungary; New York State Bar Association, New York, N.Y.
- 1989 U.S. Law and International Arbitration, Baker and McKenzie Symposia in Singapore and Paris.

Robert B. Davidson  
Baker & McKenzie  
805 Third Avenue  
New York, New York 10022  
(212) 891-3520

### Professional Employment

1972 - Present: Baker & McKenzie, Associate Attorney,  
1972-1979; Partner, 1979-Present.

1968 - 1970: United States Peace Corps Volunteer  
(Philippines).

### Education

Wharton School of Finance and Commerce, University of  
Pennsylvania, graduated 1967, B.S. in Economics,  
cum laude.

Columbia University School of Law, graduated 1972,  
J.D. degree; designated a Harlan Fiske Stone Scholar  
at Columbia, 1970-71 and 1971-72.

### Professional Affiliations

Admitted to the Bar of the State of New York in  
January of 1973; presently a member of the New York  
Bar and the Bars of the United States District Courts  
for the Southern and Eastern Districts of New York,  
the United States Tax Court, the United States Courts  
of Appeal for the Second Judicial Circuit, the Third  
Judicial Circuit, the District of Columbia Circuit,  
the Federal Circuit and the Bar of the Supreme Court  
of the United States; currently a member of the  
Association of the Bar of the City of New York and  
past member of its Committee on International Law and  
past Chair of its Committee on Arbitration and  
Alternative Dispute Resolution (1982-1985); member of  
the American Bar Association and its Section on  
International Law and Practice, the American Foreign  
Law Association, the Federal Bar Council and the  
Maritime Law Association of the United States; member  
of the panel of Commercial Arbitrators maintained by  
the American Arbitration Association; member, Advisory  
Board of The Wall Street Fund, a mutual fund; member  
of the Advisory Board of the World Arbitration  
Institute.

## Experience

Practice emphasizes international and domestic commercial arbitration as well as litigation in all state and federal courts and appellate practice; acted as arbitrator under the American Arbitration Association Commercial Rules in disputes involving post-closing adjustments due on the acquisition of a business, allegations of wrongful activity in connection with the sale of securities, and coverage issues involving political risk insurance; acted as counsel for parties in numerous arbitration proceedings involving international and other claims, including eleven cases before the Iran-U.S. Claims Tribunal and cases before the International Chamber of Commerce, the American Arbitration Association and ad hoc arbitration panels; clients included Sedco, Inc. which in July of 1987, obtained the largest contested award (over \$116 million including interest) from the Iran-U.S. Claims Tribunal. Other clients have included major U.S. oil service and industrial companies, foreign states and others including, among other clients, Sedco, Schlumberger, Reading & Bates, Brown & Williamson Tobacco Corp., Mabuchi Motors, Paccar International, Cabot Corp., Tidewater, Rolm Corp., Alco Standard, and governmental agencies or instrumentalities of the USSR, the Republic of Ireland, the Republic of Korea, Uganda and Poland; issues litigated have included contract actions, various bankruptcy adversary matters (on behalf of creditors), securities fraud and RICO actions, cases involving fraudulent and nonconforming draws on letters of credit, and various other commercial matters; issues arbitrated have included issues relating to the sale of goods, securities disputes, banking transactions, performance under long-term natural resource supply and other contracts, termination of manufacturer-distributor relationships, expropriation and valuation of stock and assets, and coverage issues relating to political risk insurance and contracts of reinsurance.

Litigated numerous cases which have resulted in approximately 20 reported opinions dealing with such topics as common law fraud (Music Research, Inc. v. Vanguard Recording Society, 547 F.2d 192 (2d Cir. 1976)); securities fraud (Ogdeninvest A.G. et al. v. Hessische Landesbank, etc., CCH Fed. Sec. L. Reprtr.



LAWRENCE WALKER NEWMAN

Address:

Baker & McKenzie  
805 Third Avenue  
New York, New York 10022  
Telephone: 212-751-5700

Educational  
Background:

Harvard Law School -- 1960  
Harvard College -- 1957

Phillips Exeter Academy - 1953

Professional  
Background:

1971 -- to present -- Partner,  
Baker & McKenzie, New York,  
New York.

1969 - 1971 -- Associate, Baker &  
McKenzie, New York, New York.

1964 - 1969 -- Assistant United States  
Attorney, Office of the U.S. Attorney,  
U.S. Department of Justice, New York,  
New York.

1961 - 1964 -- Attorney, Special Study of  
Securities Markets and member, staff of  
Special Counsel to the Commission on  
Investment Company Act Matters, U.S.  
Securities and Exchange Com-  
mission, Washington, D.C.

1960 -- Legislative Liaison Section,  
Office of the Deputy Attorney General,  
U.S. Department of Justice, Washington,  
D.C.

## Narrative Description of Professional Experience

### U.S. Department of Justice.

My first position, after graduating from law school was with the U.S. Department of Justice, involved the drafting of legislation and the presentation of the views of the Department of Justice on legislative matters. I was then recruited to join a new group being formed by the SEC to conduct the first thorough examination of the securities industry and the laws applicable to it since the Pecora hearings which, in the early 1930s, had led to the federal securities laws and the formation of the SEC.

### Securities and Exchange Commission

At the SEC I was responsible for investigation and presentation of certain projects concerning the operation of securities firms and investment companies. I drafted significant portions of what became a multi-volume report, and, toward the end of the project, served as the Editor of the report. In 1963 I joined another special project, this one to investigate the fee and related management structures of mutual funds.

### U.S. Attorney's Office

In 1964, on the recommendation of Chairman Cary and others in the SEC, I was appointed an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York. I was assigned to the Criminal Division and I spent my first year trying various criminal matters ranging from interstate theft to narcotic sales. In 1965 I was assigned to the Securities Fraud Unit, which had responsibility for the investigation and trial of complex cases involving violations of the federal securities laws. For the last three years I was in the office my caseload consisted solely of investigative and trial matters which I developed on my own, with the assistance of a full-time staff consisting of as many as three lawyers and seven investigators from the SEC.

I was responsible for an investigation into manipulation of a number of stocks listed on the American Stock Exchange, an activity which resulted in considerable publicity in the press. I tried many cases, both jury and non-jury, including jury trials lasting several weeks each. Convictions were obtained in virtually all of the cases.

Baker & McKenzie

In 1969 I joined the New York Office of Baker & McKenzie. On July 1, 1971 I became a partner. My activities in litigation have consisted of handling cases in the federal and state courts of New York and the federal courts in various parts of the country, as well as arbitration, both in the United States and abroad. These include, and are not limited to, the following:

Court Proceedings (Reported)

PACCAR International, Inc. v. Commercial Bank of Kuwait, 757 F.2d 1058 (9th Cir. 1985) -- We obtained an injunction against payment of a letter of credit in the Central District of California; the judge's decision was reversed on jurisdictional grounds after an amicus brief was filed by the California Bankers Association in support of the Kuwaiti bank.

Rockwell International Systems, Inc. v. Citibank, N.A. and Bank Tejarat -- 719 F.2d 583 (2d Cir. 1983) -- This is perhaps the leading case on injunctions against payment of letters of credit. We were successful in this appeal and in other similar cases at the district court level.

New England Merchants National Bank v. Iran Power Generation and Transmission Company, et al, 646 F.2d 779 (2nd Cir. 1981) -- I was one of the lawyers chosen to argue on behalf of some two dozen law firms in support of the U.S. government's being obliged to pay compensation for its vacating its attachments and terminating lawsuits against the government of Iran.

Music Research, Inc., et al v. Vanguard Recording Society, Inc., 547 F.2d 192 (2d Cir. 1976) -- This was a case in which we obtained a jury verdict on fraud grounds in an amount in excess of that which we sought in our complaint. The judgment was affirmed on appeal.

Compania Espanola de Petroleos, S.A. v. Nereus Shipping, S.A., 527 F.2d, 966 (2d Cir. 1975) -- I represented the plaintiff appellee Hidrocarburos y Derivados and obtained an affirmance of the order of the court below ordering, for the first time, consolidation of two arbitrations into a single, five-man arbitration.

Reading & Bates Corporation v. NIOC, 478 F.Supp. 724 (S.D.N.Y. 1979) -- In this case we obtained one of the first attachments against an Iranian government company after the Iranian revolution. The attachment was vacated because the judge believed that NIOC would never withdraw its funds from banks in New York -- ironic, in view of developments only a few months later. The client decided not to appeal.

Corporacion Venezolana de Fomento v. Vintero Sales Corporation et al, 477 F.Supp. 615 (S.D.N.Y. 1979) -- We represented two banks in this complex suit involving a default by a Venezuelan government corporation on promissory notes. We were successful in settling the matter for better than 90 cents on the dollar.

In the Matter of the Arbitration Between Hidrocarburos y Derivados, C.A. et al, 453 F. Supp. 160 (S.D.N.Y. 1977) -- This decision by Judge Haight, which was related to a major maritime arbitration, resulted in the addition of the Greek ship owner's being brought in as an individual counterclaim-respondent in the arbitration.

• Ogdeninvest A.G. et al v. Hessische Landesbank, (S.D.N.Y. 1977) -- Not officially reported. This decision, which was affirmed by the 2d Circuit, granted our motion to dismiss for lack of extraterritorial jurisdiction under the federal securities laws. It may be the only case of this type in which dismissal was obtained before any discovery.

#### Arbitrations

Danish inventor v. Danish machine manufacturer (1987-1988). Represented inventor in arbitration in Copenhagen under local Danish rules.

Taiwan Power Company v. Angel Mining, Inc. and Diversified Fuels, Inc. (1986-1988). Represented domestic producer of steam coal in dispute (involving 17 days of hearings) with government power company over "market price" of coal under contract.

ICC Industries, Inc. v. Zenith Laboratories, Inc. (1987-1988). Represented claimant in dispute regarding amounts due under contract for purchase and sale of pharmaceutical raw materials; award was in claimant's favor.



Niagara Mohawk Power Co. v. Nuclear Electric Insurance Ltd. (1986-1987). Represented mutual insurance company in defense of claim for about \$80,000,000 as a coverage of replacement power caused by damages to recirculation pipes resulting from intergranular stress corrosion cracking. Settled on eve of final evidentiary hearing on terms extremely favorable to client.

Philadelphia Electric Company v. Nuclear Electric Insurance Ltd. (1986--). Claim for damages of over \$100,000,000 for cost of replacement power used following damage to piping resulting from intergranular stress corrosion cracking. Proceeding pending.

Kernkraftwerk Graben A.G. v. Freeport Uranium Recovery Company (hearings held under Rules of AAA in New York, London and France 1982 - 1984) -- In this arbitration we were successful in presenting the argument that our client, a Swiss utility, should be excused from its obligations under a nuclear-fuel purchase contract on grounds of frustration and mutual mistake. The hearings lasted several weeks and resulted in an award terminating the contract and providing total relief to our client of a value of about one hundred million dollars. See attached article from New York Times.

Brown & Root v. Bouyques (ICC Arbitration in Geneva) (1983) -- This case involved a dispute between two contractors concerning the construction of a pipeline in the port of Singapore. We obtained a satisfactory award of damages on behalf of Brown & Root.

Secna v. Hideca (International Chamber of Commerce Arbitration, Paris, France 1978) -- We represented a Venezuelan oil trader in an arbitration brought against it by an Italian oil trader. In a difficult case which involved the application of Spanish law and documentation in Spanish, English, French and German, I was able to persuade the arbitrators to reduce the amount of damages in a difficult case from our point of view on behalf of the respondent.

Arbitration concerning the "Golden Breeze" (Society of Maritime Arbitrators, New York, New York 1977). We brought arbitration on behalf of a Hong Kong shipowner and obtained an award of virtually all of the damages (about \$1,200,000) we sought. We were able to enforce the award through attachments obtained of assets of sister companies of the defendant on an alter ego theory.

## Iran-United States Claims Tribunal

I have appeared many times before the Iran-United States Claims Tribunal in The Hague in hearings concerning claims of our clients against various entities of the government of Iran. Included in those hearings are the following awards and decisions of the Tribunal:

Benjamin Isaiah v. the Government of Iran (1984) -- This was an unusual case involving amounts not remitted by an Iranian bank after the revolution. It is the only contested award in which an Iranian arbitrator joined in the award and established a precedent for awards on the basis of unjust enrichment.

Halliburton Company v. Government of Iran (1982) -- This is one of the forum-selection clause cases argued as test cases before the full nine-man Tribunal.

Oil Field of Texas v. NIOC (1982) -- I was one of two lawyers who argued this case in a three-day hearing before the full Tribunal. We persuaded the Tribunal that NIOC was responsible for the debts of the Oil Service Company of Iran, a private company owned by the consortium oil companies in Iran.

## Publications, Speeches, Etc.

I am the co-author, with my partner, Michael Burrows, of a column published regularly in the New York Law Journal since 1982. It is entitled "International Litigation," and deals with subjects of our choosing concerned generally with international litigation.

I am the co-author of significant portions of a book entitled, International Commercial Arbitration in New York, (the World Arbitration Institute and Transnational Publishers, Inc., New York 1986).

I am also the author of a chapter entitled, "Enforcement of Judgments and Arbitral Awards Against Foreign Debtors," in Judicial Enforcement of International Debt Obligations (International Law Institute, Washington, D. C., 1987).

I have spoken on many occasions on transnational litigation and related subjects. Certain of these are set forth below:

- 1989 -- Indiana University School of Law; Bloomington, Indiana -- "Competition for Arbitration: A Practitioner's View" (in conference on International Commercial Arbitration).
- 1988-- McGeorge School of Law, Salzburg, Austria -- Ad Hoc International Arbitration.
- 1988-- Columbia University Law School -- Friedman Colloquium -- Differences between International Arbitration and International Litigation.
- 1988-- American Arbitration Association -- Corporate Counsel Committee -- The New Swiss Law on International Arbitration.
- 1987-- Society of Professionals in Dispute Resolution -- New York -- Alternative Dispute Resolution from a Practitioner's Viewpoint.
- 1986-- Westchester Fairfield Corporate Counsel Association, Greenwich, Connecticut, leader of symposium on International Protection of Trade Secrets.
- 1986-- Australian Mining and Petroleum Law Association Limited, Melbourne, Australia -- Long-Term Contracts and Price and Exchange Fluctuations.
- 1986-- International Law Institute, New York, N.Y.-- Judicial Enforcement of Foreign Debt Obligations--Enforcement of Judgments.
- 1985-- Westchester Fairfield Corporate Counsel Association, Stamford, Connecticut -- Enforceability of Long-Term Contracts.
- 1985-- Center For Public Resources -- Annual Meeting, Aspen, Colorado -- The Baker & McKenzie Survey on Dispute Resolution Around the World.
- 1984-- Conference sponsored by U.S. Department of the Treasury, Arlington, Va. -- Letter of Credit Litigation Involving Iranian Claims.
- 1984-- American Bar Association, Las Vegas, Nevada -- Attachments of Assets Outside the United States.
- 1984-- Bar Association of the City of New York -- Committees on Arbitration and International Law -- Prospects for New York as an Arbitration Center.

- 1983-- University of Virginia Law School -- Sokol Colloquium -- Letter of Credit Litigation Against the Government of Iran.
- 1983-- Bar Association of the City of New York, Committee on Banking -- Debate with Henry Harfield on Judicial Interference With Letters of Credit.
- 1983-- New York University Law School -- The Iran-United States Claims Tribunal.
- 1983-- Harvard Law School -- The Iran-United States Claims Tribunal.
- 1983-- Vanderbilt University Law School, Nashville, Tn. -- Enforcement of Judgments (appeared as a law review article in 17 Vanderbilt J. of Trans. Law 77 (1984)).
- 1982-- Rutgers University School of Business, Newark, N.J. -- Possibilities of Settlement of Iranian claims.
- 1982-- American Arbitration Association, New York, N.Y. -- Arbitrating against Iran.
- 1981, 1982 & 1983 -- Bar Association of the City of New York-- speeches on arbitration before the Iran-United States Claims Tribunal.
- 1980-- American Bar Association, Washington, D.C. -- Transnational litigation.
- 1979-- Harvard Law School -- Transnational Litigation.

Service as Arbitrator

Appointed by International Chamber of Commerce as chairman of arbitration panel in dispute between American and Indonesian greeting card companies (1984).

Appointed by American Arbitration Association as member of three-person panel in dispute involving Swiss and American oil trading companies (1986).



- Member, panel of commercial arbitrators, American Arbitration Association, 1980 to present.
- Member, panel of arbitrators, Court of Arbitration, Polish Chamber of Foreign Commerce, Warsaw, Poland.
- Member, panel of arbitrators, British Columbia International Commercial Arbitration Centre, Vancouver, British Columbia.
- Listed, roster of arbitrators, World Arbitration Reporter (to be published by Parker School of Foreign and Comparative Law of the Columbia Law School).

Positions Held, Etc.

- Member, Advisory Board, the Institute For Transnational Arbitration (Division of the Southwestern Legal Foundation), 1988 to present.
- Chairman, United States Iranian Claimants Committee, 1982 to present.
- Member of the Advisory Committee, World Arbitration Institute, 1982 to 1987.
- Member, United States Council for International Business, Arbitration Committee, 1987 to present.
- Center For Public Resources, Transnational Task Force, 1984 to present.
- Member, American Arbitration Association Corporate Counsel Committee, 1987 to present
- Member, Advisory Council Asia/Pacific Center For Resolution of International Trade Disputes, 1986 to present.
- Listed for several years in Who's Who in America, Who's Who In American Law, etc.

Personal

Born: Boston, Massachusetts, July 1, 1935.

Married: The former Cecilia Santos of Sao Paulo, Brazil:  
five children.

Languages: Reading and understanding knowledge of French,  
Spanish, Portuguese.

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April 5, 1989

## CURRICULUM VITAE

### JOSE T. MOSCOSO

Born in 1940 in Ponce, Puerto Rico.

**EDUCATION:** Phillips Exeter Academy, graduated with high honors in 1958; Harvard College, graduated cum laude in 1962; Yale Law School, graduated in 1965; Fulbright Scholar 1965-66, Faculty of Law, National University, Buenos Aires, Argentina;

Military service with Army National Guard, District of Columbia.

Member of the Bars of State of New York, District of Columbia and Commonwealth of Puerto Rico.

**EXPERIENCE:** Associate with the law firm of Arnold and Porter in Washington, D.C.; Attorney with the International Finance Corporation (World Bank Group) in Washington, D.C.; Partner, Curtis, Mallet-Prevost, Colt & Mosle, in New York City; Of Counsel, Baker & McKenzie, in New York City.

Visiting Lecturer on International Commercial Transactions at Harvard Law School; Chairman and Lecturer on Legal Aspects of Doing Business in Latin America Seminar for the Practicing Law Institute; Lecturer on Oil and Gas Joint Ventures in Latin America for the American Management Association, World Trade Center and the International Bar Association.

**PROFESSIONAL ASSOCIATIONS:** Member of American Bar Association, Association of the Bar of the City of New York, New York State Bar Association, Inter-American Bar Association and International Bar Association.

Member of various arbitration panels for the American Arbitration Association.

Member of the Yale Club of New York City, New York Athletic Club, Center for Inter-American Relations; Member of the Metropolitan Opera National Council; Trustee of the William Matheus Sullivan Musical Foundation, Boricua College and El Museo del Barrio.

## GRANT HANESSIAN

### Education

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY  
LL.M. (International Law), October 1985

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY  
J.D., June 1980

INTERNATIONAL INSTITUTE OF HUMAN RIGHTS, Strasbourg, France  
Certificat, June 1979. Blaustein Fellowship.

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA  
B.A. cum laude (English), June 1975

### Professional Experience

BAKER & MCKENZIE, New York, NY  
August 1986 to present

#### Associate, Litigation Department

Specialization in international commercial litigation and arbitration; participated in contract, construction, insurance, banking, and securities cases; experience includes drafting pleadings and briefs, deposition, motion, and trial practice before federal and state courts and domestic and international arbitration panels, including the Iran-United States Claims Tribunal, and appeals.

HON. DOMINICK L. DiCARLO, UNITED STATES COURT OF  
INTERNATIONAL TRADE, New York, NY  
August 1984 to June 1986

#### Law Clerk

Assisted judge in drafting opinions and orders and preparation for trials and conferences in actions concerning antidumping and countervailing duty laws, injury to domestic industry by imports, classification and valuation of imported merchandise, and civil penalties for violation of import laws.

INTERNATIONAL HUMAN RIGHTS LAW GROUP, Washington, DC  
May 1982 to June 1983

#### Staff Attorney - Ford Foundation Fellow

Researched and wrote briefs submitted to domestic courts and international organizations, including the United States Supreme Court; represented petitioners before organs of the United Nations and the Organization of American States.

FLORIDA RURAL LEGAL SERVICES, INC., Bartow, FL  
April 1981 to May 1982

Staff Attorney, Migrant Farm Labor Unit

Conducted federal litigation to enforce federal minimum wage, farm labor contractor registration, and civil rights laws; other practice in immigration and administrative law.

Publications

"General Principles of Law" in the Iran-United States Claims Tribunal, 27 Columbia Journal of Transnational Law 309 (1989).

Note, Inter-American Court of Human Rights, Advisory Opinion No. OC-2/82 of September 24, 1982: The Effect of Reservations on the Entry into Force of the American Convention, 77 American Journal of International Law 640 (1983).

Teaching Experience

NEW YORK LAW SCHOOL, New York, NY, Fall, 1990  
Adjunct Associate Professor of Law, Transnational Litigation

COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL AFFAIRS, New York, NY  
Teaching Assistant, International Law, 1983-84

Bar Admissions

New York (1986); Florida (1981); United States District Court for the Middle District of Florida (1982); United States District Court for the Southern and Eastern Districts of New York (1987); United States Court of Appeals for the Second Circuit (1989).