

Jonathan J. Gass

Admitted to practice in New York 1997. Called to Bar of England and Wales 2015 (non-practising).

CURRENT ACTIVITIES (JUNE 2015-PRESENT)

Independent lawyer representing clients and sitting as arbitrator in investor-state and commercial disputes and appellate court proceedings. Cases in this period have included:

- Acting as sole arbitrator or member of an arbitral tribunal in ten commercial cases, including five as presiding member of the tribunal and four as sole arbitrator.
- Representing both claimants and states in treaty cases; and
- Representing parties in commercial arbitrations, particularly in the energy, mining, and construction sectors and in disputes either seated in the Middle East or governed by the laws of Arab states

EXPERIENCE

Quadrant Chambers, London

Pupil, February-June 2018

Alongside my own continuing work as an independent advocate and arbitrator and writing commentaries for legal publications, assisted senior barristers with their cases in English Court of Appeal and Commercial Court.

Freshfields Bruckhaus Deringer LLP

International Arbitration Group

Amsterdam (2004-2010), Paris (2010-2012), and London (2012-2015)

As counsel: Represented sovereign states and private parties in private- and public-law international arbitrations. Specialized in investment treaty arbitration, energy disputes, and Africa-related cases, including:

- Representing the Republic of South Africa in defending the post-apartheid revision of its mining law, including Broad-Based Black Economic Empowerment (BBBEE) provisions, under bilateral investment treaties with three European states;
- Representing the United Republic of Tanzania in a case under a treaty with the UK arising from the termination of the private management of the Dar es Salaam water system as part of a World Bank-funded project;
- Representing investors with claims against Venezuela; and
- Representing the governments of Grenada and St. Lucia in three investor-state arbitrations involving offshore oil exploration and demarcation of the states' maritime boundaries.

Other roles:

- lectured at a number of institutions, including the Asser Institute (The Hague), University of St. Gallen (Switzerland), Erasmus University Rotterdam, and the Geneva Masters in International Dispute Settlement (MIDS) program;
- spoke at professional and academic conferences in London, Johannesburg, Basel, and elsewhere; and
- authored and co-authored articles and book chapters.

Brennan Center for Justice at NYU School of Law, New York.

Associate Counsel (Democracy Program), January 2003-July 2004.

Responsible for litigation, public education, legislative advocacy, and scholarship in the fields of judicial independence and selection, campaign finance reform, election law, and “new federalism” jurisprudence, including:

- writing briefs and arguing before state and federal appellate courts;
- testifying before legislatures, government commissions, and bar organizations;
- organizing and speaking at seminars and conferences; and
- counseling public interest groups in drafting and defending legislation.

Cleary, Gottlieb, Steen & Hamilton, New York.

Associate, October 1996-December 2002.

Conducted discovery, drafted motions and briefs, and argued in trial and appellate courts on various matters, including:

- arguing in two federal circuit courts in cases challenging or arising from the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (*American Immig. Lawyers’ Ass’n v. Reno*, 199 F.3d 1135 (D.C. Cir. 2000); *Liu v. INS*, 293 F.3d 36 (2d Cir. 2002));
- briefing and arguing an appeal on behalf of a criminal defendant in the New York Appellate Division; and
- representing clients in litigation in a variety of federal courts, including drafting appellate briefs (e.g., *In re Olympic Natural Gas Co.*, 294 F.3d 737 (5th Cir. 2002); *Karaha Bodas Co., L.L.C. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (“Pertamina”)*, 313 F.3d 70 (2d Cir. 2002)).

Hon. Judith W. Rogers, United States Court of Appeals for the D.C. Circuit.

Law Clerk, September 1995-August 1996.

Working for a judge at the appellate level, conducted research and assisted in drafting of opinions in cases raising issues of administrative, constitutional, criminal, and labor law, arising from appeals of lower-court decisions or petitions for review of federal government agency decisions.

Hon. Gary L. Taylor, United States District Court for the Central District of California.

Law Clerk, September 1994-August 1995.

Working for a judge at the trial level, conducted research and assisted in drafting of orders and opinions in cases raising issues of banking, copyright, criminal, employment discrimination, and patent law, as well as procedural issues and the assessment of evidence.

EDUCATION

University of California, Berkeley, School of Law, J.D., 1994.

- Order of the Coif (graduated second in class);
- Steven Finney Jameson Award for outstanding scholarship and advocacy;
- Winner, McBaine Moot Court Competition (finals judged by Hon. Ruth Bader Ginsburg, U.S. Supreme Court, Hon. Joyce Kennard, California Supreme Court, and Hon. Cynthia Holcomb Hall, U.S. Court of Appeals for the Ninth Circuit);
- Prizes for best or second-best examinations in ten courses, including International Law, Modern Chinese Law, Comparative Legal History, and Civil Procedure;
- Member, Jessup International Law Moot Court Competition team;
- Director, Homeless Outreach Project;
- Associate Editor, *Berkeley Women’s Law Journal*.

University of California, Berkeley, M.A. in Political Science, 1989.

Thesis topic: The significance of Wittgenstein’s *Philosophical Investigations* for political philosophy.

Harvard University, B.A. magna cum laude in Social Studies, 1988.

Thesis title: “Science, International Theory, and the Ethics of Intervention” (concerning the nature of international relations as a field of social science and the moral aspects of military intervention in foreign countries).

PUBLICATIONS AND CONFERENCES

“International Dispute Resolution Procedures” and “Balancing a Diversity of Interests,” in *Encyclopedia of International Economic Law* (Prof. Thomas Cottier et al., eds.) (2017). Chapters on procedural aspects of public international law arbitration and balancing free trade and investor protection against other public interests in international economic law.

University of Basel – “Regulating International Transfers of Data” (2016). Spoke on a panel entitled “International Economic Law Roundtable: Data, WTO Law, and Investment Law”.

“Thoughts from an expert” in *International Investment Law: Text, Cases and Materials* (Prof. Krista Nadakavukaren Schefer) (2013). Observations on non-expropriation standards of host-state conduct.

“Rule 41(5): A Counsel’s-Eye View,” in *The Future of ICSID and the Place of Investment Treaties in International Law* (N. Jansen Calamita et al., eds.) (2013). Chapter on the practical and strategic aspects of ICSID’s procedure for summary dismissal of unmeritorious claims.

Worshipful Company of Arbitrators symposium – “How to Develop an Arbitration Practice”(2013). Spoke on panel concerning arbitrator selection.

“Arbitration, insurance, investment, corruption, and poverty,” in *Poverty and the International Economic Legal System* (Prof. Krista Nadakavukaren Schefer, ed.) (2013). Chapter providing overview of papers on international commercial arbitration, investor-state arbitration, corruption, financing of arbitrations involving states, and state investment-guarantee insurance.

British Institute of International and Comparative Law, Investment Treaty Forum Conference – “Why Still ICSID? Summary Procedures, Annulment Proceedings and the Future of ICSID Arbitration” (Nov 2011). Spoke on a panel concerning summary procedures at ICSID.

University of Basel Conference – “Poverty and International Economic Law: Duties to the World’s Poor” (Oct 2011). Chaired panel on investment and arbitration and will author introduction to those subjects in published conference proceedings.

“Observations on *Hall Street Associates, L.L.C. v. Mattel, Inc.*” in *International Arbitration Court Decisions, 3d ed.* (Stephen Bond and Frédéric Bachand, eds.) (2011). Chapter on the implications for international arbitration of a recent U.S. Supreme Court decision holding that parties cannot expand the grounds for setting aside arbitral awards established by the Federal Arbitration Act. Revised from an article published in 8:1 *Stockholm International Arbitration Review* 79 (2008).

Netherlands chapter in *Comparative Legal Guide to International Arbitration 2009* (Gary Born, ed.) (with Alexandra Schluep). Guidance on Netherlands Arbitration Act and other aspects of international arbitration in the Netherlands for a non-specialist audience.

British Institute of International and Comparative Law – Energy Charter Treaty Conference (Jan 2008). Spoke on a panel concerning arbitration under the investment chapter of the Energy Charter Treaty.

“No ‘Convincing Explanation’: Setting Aside Poorly Reasoned Awards In The Netherlands.” *Mealey’s International Arbitration Report* (May 2006). Article discussing the Dutch Supreme Court’s holding that awards should be set aside when they do not provide a “convincing explanation” for the outcome, accompanied by my unofficial translation of the Court’s decision prepared in consultation with Dutch colleagues.

A New Birth of Freedom: The Forgotten History of the 13th, 14th and 15th Amendments (2004) (with Nathan Newman). Monograph discussing the history of the post-Civil War amendments to the U.S. Constitution, including pre-Civil War and Reconstruction-era court decisions, and criticizing current Supreme Court jurisprudence as contradicting the original meaning of those amendments.

“Federalism Jujitsu.” *National Civic Review*, vol. 93, no. 2 (summer 2004). Article summarizing “new federalism” doctrines and case law and advocating that political reformers and activists focus more attention on state and local governments.

Defending and Amending the Canons After White (2004). Monograph on proliferating constitutional challenges to the canons of judicial conduct, intended for judges, judicial conduct commissions, good-government groups, and journalists.

LANGUAGES

Native English speaker. Can readily read court decisions in Dutch and French, although speaking ability is limited to conversational level. Can also speak rudimentary Japanese.