

# **John Fellas**

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## **Education**

Harvard Law School, S.J.D. 1989

Harvard Law School, LL.M. 1985

University of Durham, B.A. 1983

## **Bar Admissions**

Member of New York Bar 1989

Solicitor of Supreme Court of England &  
Wales 1995

## **Biography**

John Fellas is an independent arbitrator with over three decades of experience in international dispute resolution.

Until December 2020, John was a partner and co-chair of the International Arbitration group at Hughes Hubbard & Reed LLP in New York, where he practiced for over 30 years. He has acted as counsel and has served as co-arbitrator, chair or sole arbitrator in arbitrations all over the world, under all the major arbitration rules, and across a range of sectors.

John is recognized as a leading international arbitrator by all the major legal directories including Chambers USA where he is ranked as “one of the best—his reputation is phenomenal and deserved.”

In 2019, he was recognized as the Best Lawyer in New York for International Arbitration – Commercial by Best Lawyers. In 2020, he was identified as one of the “Global Elite Thought Leaders” in Arbitration by Who’s Who Legal, which noted that the “eminent” John Fellas is “an excellent arbitrator.”

John has practiced in both the US and the UK, and, in addition to being a member of the New York Bar, he is a solicitor of the Supreme Court of England and Wales (non-practising). He received a B.A. (Hons.) in law from the University of Durham, and both an LL.M. and an S.J.D. from Harvard Law School.

John is an adjunct professor at New York University School of Law, teaching international arbitration.

# **Experience**

## **Aviation**

- Appointment as co-arbitrator in an ICDR arbitration between a US company and a UK company regarding allegations of breach of representation and warranties in relation to a share purchase agreement in the aircraft fueling industry.
- Appointed as co-arbitrator in an ICC arbitration involving, on the one hand, a US company, a Cayman Islands company, and a Bermuda company, and, on the other hand, a French company in relation to a purchase agreement and a guarantee regarding aircrafts.

## **Chemical Industry**

- Appointed as co-arbitrator in an ICC arbitration involving, on the one hand, a US company and a Luxembourg company, and, on the other hand, three French companies in relation to a joint venture agreement in the chemical industry and involving allegations of the misappropriation of trade secrets by a joint venture partner.
- Appointed as Chairman in an ICDR arbitration between a US company and a German company in relation to a distribution of chemical products in the fields of silane, silicon and metal-organics.

## **Construction**

- Appointed as Chairman in LCIA arbitration between a Brazilian company and a Trinidad and Tobago company in relation to contracts for the construction of a road in Trinidad and Tobago.
- Appointed as co-arbitrator in an ICDR arbitration between, on the one hand, a German company and a US company and, on the other hand, a German company regarding the construction of an oil pipeline in the United Arab Emirates.
- Appointed as co-arbitrator in an UNCITRAL arbitration between a Swedish company, on the one hand, and various US companies, on the other, in relation to a construction contract regarding various commercial buildings in New York City.
- Appointed as co-arbitrator in an ICC arbitration between a Spanish company and a US company regarding the construction of a power plant.
- Appointed as co-arbitrator in an ICC arbitration between a Spanish company and a Guatemalan company regarding the construction of a hydro-electric power plant in Guatemala.
- Appointed as co-arbitrator in CAM-CCBC arbitration between a US company and Brazilian company in relation to a contract for the construction of a power plant.
- Appointed as sole arbitrator in an ICDR arbitration between a US company and a Nicaraguan company in relation to construction of a geothermal plant in Nicaragua.
- Appointed as Chairman in an ICDR arbitration between, on the one hand, a US company and, on the other hand, a Cayman Islands company and a Hong Kong company in relation to the construction of a coal blending facility in China for the production of coal..

## **Energy (see also Construction)**

- Appointed as co-arbitrator in an ICDR arbitration between a US company and two Korean companies in relation to two turbine supply agreements alleging the supply of defective wind turbines.

- Appointment as co-arbitrator in an ICDR arbitration between, on the one hand, a UK company, and, on the other hand, a Barbados company and a Canadian company, in relation to a joint venture agreement regarding the production of methanol.
- Appointed as co-arbitrator in an ICC arbitration between a Cayman Islands company and a Channel Islands company in relation to a joint operating agreement regarding offshore oil exploration in Africa.
- Appointed as co-arbitrator in an UNICTRAL arbitration between a US company and a Trinidad and Tobago company in relation to the supply of liquified natural gas.
- Appointed as co-arbitrator in an UNICTRAL arbitration between a Moldovan company and a Netherlands company in relation to a joint operating agreement governing the operation of a liquified petroleum gas facility in Kazakstan.
- Appointed as co-arbitrator in an ICC arbitration between two Nigerian companies in relation to a joint operating agreement regarding offshore oil exploration in Africa.

## **Entertainment**

- Appointed as co-arbitrator in an ICDR arbitration between a US company and a Trinidad and Tobago company in connection with a joint venture dispute in connection with the supply of liquid natural gas.
- Appointed as co-arbitrator in an ICDR arbitration between, on the one hand, a US company and, on the other hand, an English individual and English company in relation to the provision of services in the music publishing industry.
- Appointed as co-arbitrator in an ICDR arbitration between, on the one hand, a US company and, on the other hand, a US individual and a Netherlands company in relation to the funding of television programming.

## **Environmental**

- Appointed as Chairman in an ICC arbitration between, on the one hand, a US company and a Brazilian company, and, on the other hand, a Brazilian company, in relation to liability for environmental liabilities under a joint venture agreement.
- Appointed as co-arbitrator in ICDR arbitration between a Japanese company and a Brazilian company in relation to a certified emission reduction sales agreement regarding the sale of carbon credits.
- Appointed as sole arbitrator in an ICDR arbitration between a US company and a Canadian company relating to a license agreement for water purification technology.

## **Financial Services**

- Appointed as chairman in an LCIA arbitration in a dispute between an Italian company and a US company arising out of a credit agreement.
- Appointed as co-arbitrator in UNCITRAL arbitration between, on the one hand, a Cyprus company and, on the other hand, a US company, a BVI company and a Russian individual in relation to a loan agreement.
- Appointed as co-arbitrator in an ICDR arbitration between an Hong Kong company and a Bahamian company in relation to a loan agreement.

## **Food and Beverage**

- Appointed as co-arbitrator in an ICDR arbitration between a US company and UK company regarding a manufacturing and supply agreement in the beverage industry.

## **Hotels**

- Appointed as co-arbitrator in an ICC arbitration between a US company and an Ethiopian company in relation to a hotel management agreement.
- Appointed as chairman in LCIA arbitration between a US company and a Moroccan company in relation to a hotel management agreement.
- Appointed as sole arbitrator in an ICDR arbitration between a US company and a Dominican Republic company in relation to a hotel management agreement.

## **Insurance and Reinsurance**

- Appointed as co-arbitrator in ad hoc arbitration between various US companies and a Bermuda company in relation to a Bermuda form policy regarding insurance coverage for environmental liability arising from a chemical spill in the US.
- Appointed as co-arbitrator in ad hoc arbitration between a Bermuda insurance company and various reinsurance companies regarding the reinsurance coverage for the costs of clean up following an oil spill.
- Appointed as co-arbitrator in ad hoc arbitration between an English company and a Bermuda company in relation to a Bermuda form policy regarding insurance coverage for products liability litigation in the US regarding pharmaceuticals.
- Appointed as co-arbitrator in ad hoc arbitration between an English company and a Bermuda company in relation to a Bermuda form policy regarding insurance coverage for products liability litigation in the US regarding medical devices.

## **Mergers and Acquisitions, Earnouts and Purchase Price Adjustments**

- Appointed as co-arbitrator in an ICC arbitration between, on the one hand, a French company and a German company, and, on the other hand, a Brazilian company regarding a purchase price adjustment dispute following an acquisition.
- Appointment as co-arbitrator in an ICDR arbitration between a US company and a UK company regarding allegations of breach of representation and warranties in relation to a share purchase agreement in the aircraft fueling industry.
- Appointed as co-arbitrator in an ICC arbitration between a US company and a UK company regarding allegations of breach of representation and warranties in connection with a share purchase agreement in the cosmetics industry.
- Appointed as co-arbitrator in an ICDR arbitration between an Italian Company and a UK company regarding allegations of breach of representations and warranties in connection with a share purchase agreement in the fashion industry.

## **Mining**

- Appointed as co-arbitrator in an ICC arbitration involving a Netherlands company and a US company in relation to a mining services contract regarding a bauxite mine in Suriname.
- Appointed as Chairman in an ICC arbitration involving a Canadian company and a Korean company in relation to an offtake agreement regarding an iron ore mine in Canada.

## **Patents and Intellectual Property**

- Appointment as chairman in an ICDR arbitration between a Japanese company and a Korean company in relation to a patent license agreement regarding light emitting diode (LED) technology.
- Appointed as co-arbitrator in ICDR arbitration between a US company and a Canadian company in relation to a patent license agreement relating to the use of 3-D technology.
- Appointed as co-arbitrator in an ICC arbitration between a Korean company and a US company in relation to alleged copyright infringement of software code.
- Appointed as co-arbitrator in an ICC arbitration between a Finnish company and a Canadian company in relation to a patent license agreement regarding cross-license of technology.
- Appointed as co-arbitrator in ICDR arbitration between a US company and a Taiwan company in relation to a patent license agreement relating to wireless communications technology.
- Appointed as co-arbitrator in ICDR arbitration between a US company and a French company in relation to breach of NDA involving review of software code during due diligence.

## **Pharmaceuticals and Medical Devices**

- Appointed as chairman in an ICDR arbitration between, on the one hand, a UK company and a US company and, on the other hand, a US company and an Italian company and an Italian company regarding the supply of blood plasma.
- Appointed as Chairman in an ICC arbitration between a French company and a US company in relation to a license agreement regarding a chemical compound to be developed and sold as a medicinal product.
- Appointed as co-arbitrator in an ICDR arbitration involving a US company and a Canadian company in relation to a cross-license agreement regarding a chemical compound to be developed and sold as a medicinal product.
- Appointed as sole arbitrator in an ICC arbitration between a US company and a Korean company regarding the manufacture of a medical device.
- Appointed as co-arbitrator in an ICC arbitration between a Japanese company and a US company in relation to a collaboration and license agreement regarding a drug for the treatment of a medical condition.

## **Shipping**

- Appointed as Chairman in an LCIA arbitration between a Italian company and five Brazilian companies relating to the shipping of petroleum coke.

## **Telecommunications**

- Appointed as co-arbitrator in an ICC arbitration involving, on the one hand, a US company and, on the other hand, two Barbados companies in relations to a share purchase agreement and a put agreement regarding a telecommunications company.

# **Recognitions**

## *Chambers USA – International Arbitration*

- 2019: Band 1, International Arbitrators: “The ‘*extremely impressive*’ John Fellas remains highly regarded for his work as counsel and an arbitrator. He has extensive experience in commercial arbitrations spanning a wide variety of industries. ‘*I think he’s brilliant,*’ comments a market insider, adding that ‘*he’s a superb advocate and he knows the field inside out.*’”
- 2018: Band 1, International Arbitrators: “John Fellas is lauded by interviewees for his ‘*great preparation, delivery and manner*’ in arbitration disputes. He also garners praise for his work as an arbitrator, where fellow practitioners note his ‘*attention to the legal issues and the complexities and nuances of the case.*’”
- 2017: Band 1, International Arbitrators: “Sources highlight John Fellas for his ‘*great strategic brain*’ and commend his deep experience in international arbitration work, noting that he can ‘*strike a real rapport with the tribunal.*’”
- 2016: Band 1, International Arbitration: “John Fellas maintains his reputation as a ‘*well respected*’ international arbitration practitioner who is recognized as ‘*an authority in this space.*’ He has a wealth of experience in acting as counsel in arbitrations arising under the terms of diverse rules and also regularly serves as arbitrator.”
- 2015: Band 1, International Arbitration: “John Fellas is a leading arbitrator and arbitration counsel with extensive experience. . . . He is praised for his astute yet personable approach and has earned recognition as a ‘*really capable and excellent arbitrator.*’”

## *Chambers Global – International Arbitration*

- 2019: “Identified as ‘*an excellent advocate,*’ John Fellas is commended for his strength in international commercial arbitration. He is recognized by one source as being ‘*really terrific,*’ and is also highly regarded for his work as an arbitrator.”
- 2018: “John Fellas is a seasoned practitioner with excellent experience acting as counsel in international arbitration under ICC and ad hoc rules.”
- 2017: “Sources describe New York-based John Fellas a ‘*very thorough, knowledgeable and experienced.*’ His dispute resolution experience includes acting as counsel and arbitrator under a variety of institutional and ad hoc rules.”

## *Who’s Who Legal: Global Elite Thought Leaders – International Arbitration*

- 2020: “The ‘*eminent*’ John Fellas is endorsed by market commentators as an ‘*excellent arbitrator*’ . . . and had deep experience acting as counsel, arbitrator and co-chair in disputes.”

## *Who’s Who Legal – International Arbitration*

### *The Legal 500 United States – International Arbitration “Hall of Fame”*

### *PLC Which Lawyer? (Dispute Resolution/International Arbitration)*

### *Euromoney Guide to the World’s Leading Experts in Commercial Arbitration*

### *Euromoney (International Arbitration) “Best of the Best USA”*

### *Best Lawyers in America (International Arbitration)*

*Best Lawyer in America: Best Lawyer in New York – Commercial Arbitration, 2019*

*Global Counsel Dispute Resolution Handbook (International Arbitration)*

*Global Arbitration Review “Identified as one of ‘45 under 45’ Leading International Arbitration Practitioners Worldwide” (February 2006)*

## **Professional Activities**

- International Arbitration Columnist for the New York Law Journal,
- Chairman of the Practising Law Institute program on International Arbitration.
- Member of the Editorial Board of Global Arbitration Review.
- Member of Consultative Group of the Restatement of the Law Third, The U.S. Law of International Commercial and Investor-State Arbitration.
- Member of the American Law Institute.
- Fellow of the College of Commercial Arbitrators.
- Fellow of the Chartered Institute of Arbitrators.
- Executive Committee of the Swedish Arbitration Association.
- Member of the International Arbitration Charity Ball Committee.
- Board of Trustees, Foundation For International Arbitration Advocacy.
- Council, American Arbitration Association.
- Arbitrator Trainer on behalf of the International Centre for Dispute Resolution (“ICDR”).
- Member of the ICDR sub-committee that revised the most recent version of the ICDR Rules.

## **Publications & Presentations**

Review of ‘International Arbitration: Law and Practice in Brazil,’ by Peter Sester (ed.), Arbitration International 36, no. 3 (2020)

“Important Books For the International Arbitration Practitioner,” New York Law Journal (June 25, 2020)

“International Arbitration in the Midst of COVID-19,” New York Law Journal (March 25, 2020)

“Restatement: International Commercial and Investment-Treaty Arbitration,” New York Law Journal (February 20, 2020)

“Arbitrators’ Questions: Can They Cross A Line,” New York Law Journal (September 24, 2019)

“‘Lamps Plus’: The Supreme Court’s Latest Limitation on Class Arbitration,” New York Law Journal (May 9, 2019)

“Who, as Between Courts and Arbitrators, Should Decide Objections to Arbitrability?” New York Law Journal (March 27, 2019)

“The Recognition of International Arbitration Awards That Have Been Vacated At the Arbitral Seat: The US Approach,” Zeitschrift fur Deutsches und Amerikanisches Recht (July 2018)

“Evident Partiality and the Party-Appointed Arbitrator,” New York Law Journal (June 28, 2018)

“Enforcing New York Convention Awards in the United States: Getting It Right,” New York Law Journal (April 6, 2018)

“Preparing Witness Statements In International Arbitration,” New York Law Journal (October 19, 2017)

“Can Arbitrators Award Third-Party Funding Costs in International Arbitration?” New York Law Journal (June 30, 2017)

“Using Section 1782 to Obtain Evidence for International Arbitration Proceedings,” New York Law Journal (March 29, 2017)

Pitfalls that Chinese Parties Should Avoid in Arbitration Against Non-Chinese Parties,” Asian Dispute Review (January 2017)

“Confirmation of Awards Vacated at the Arbitral Seat,” New York Law Journal (Oct. 14, 2016)

“Jurisdictional Obstacles and Enforcing Foreign Arbitral Awards,” New York Law Journal (April 6, 2016)

“Enforcing Arbitration Agreements: Two Lessons From Recent Cases,” New York Law Journal (Nov. 5, 2015)

“Cross-Examination In International Arbitration,” New York Law Journal (Aug. 7, 2015)

“Streamlined Procedure for Recognition Of Awards in New York Courts,” New York Law Journal (May 7, 2015)

“Enforcing Foreign Arbitral Awards: Should Jurisdictional Defenses Apply?” New York Law Journal (Feb. 6, 2015)

“International Arbitration Under the Bermuda Form,” Dispute Resolution Journal 8, no. 2 (2014)

“Review of The Idea of Arbitration” by Jan Paulsson, Arbitration International 30, no. 3 (2014)

“The Power of Arbitrators To Adapt Contracts: A United States Perspective,” in Austrian Yearbook On International Arbitration, edited by Gerold Zeiler, Vienna: MANZ’ache Verlag, March 2014

“Supreme Court and Arbitrability: The Arbitrator as Gatekeeper,” New York Law Journal (Nov. 25, 2013)

“A Fair and Efficient International Arbitration Process,” (in Mandarin, translated by Cui Qi-fan) Journal of Huzhou Vocational and Technological College 8, no. 2 (2010): 30

“Negligence in The Air: International Greenhouse Emissions Litigation,” New York Law Journal (Jan. 21, 2010)

## **Book**

International Commercial Arbitration in New York, Oxford University Press (2d Edition 2016)  
(Co-Editor)

## **Recent Presentations**

- “The Effect of the 2020 Pandemic on Commercial Contracts,” British Institute of International and Comparative Law, Virtual Video Conference, November 27, 2020
- “The Viability of Virtual Arbitration: Reviewing Trends, Sharing Experiences and Debating Best Practices,” New York Arbitration Week 2020, Virtual Video Conference, November 16, 2020
- “The Arbitrator’s Authority as to Evidence,” The European Center for Arbitration and Mediation and The International School of Arbitration and Mediation for Europe, the Mediterranean and The Middle East, Annual International Conference, Med-Mid XIV, Virtual Video Conference, October 26, 2020
- “The GAR Live Debate: This house believes that most cases don’t need an oral hearing,” GAR Interactive: Europe, Virtual Video Conference, September 10, 2020
- “Dealing with Technology and A.I.: A Look to the Future,” The ILS Global Forum on International Law (International Arbitration Track), Miami, February 28, 2020
- “The Nature, Scope and Legal Framework of International Arbitration,” University of Roma Tre, Rome, September 16, 2019
- “Class Arbitration,” Brazilian Arbitration Day, CAM-CCBC, New York, September 6, 2019
- “Third Party Funding in International Arbitration,” Costs and Damages in International Arbitration, University of Vienna, April 12, 2019
- “Cross-Examination in International Arbitration,” LUISS School of Law, Rome, February 22, 2019
- “Quality Assurance and Ethics in Arbitration and ADR,” Chartered Institute of Arbitrators, Dublin, June 29, 2018
- “How can IA remain at the forefront of international advocacy?,” Global Arbitration Review, Paris, November 28, 2018
- “Enforcement of Arbitral Awards,” Chartered Institute of Arbitrators, Lisbon, April 27, 2018
- “Understanding the Role and Power of the International Arbitrator,” International Centre for Dispute Resolution, Bogota, October 18, 2016
- “Improving International Arbitration,” Dutch Arbitration Day, Amsterdam, October 5, 2016
- “Witness Statements in International Arbitration,” Global Arbitration Review, Stockholm, April 8, 2016
- “M&A Arbitration Disputes,” Global Arbitration Review, Sao Paulo, March 19, 2015
- “Commencing an International Commercial Arbitration,” workshop, Commencing an International Commercial Arbitration: Fundamentals and Strategy, sponsored by the Institute of Transnational Arbitration, Dallas, June 17, 2010
- “Arbitral Procedure: Back to Basics,” Arbitration and Crisis, the Ninth CBAr International Arbitration Congress, sponsored by CBAr – Comitê Brasileiro de Arbitragem and CAMARB, Belo Horizonte, Brazil, Oct. 20, 2009
- “Canada and the United States: A Comparison of Trends in Arbitration Practice North and South of the 49th,” Managing International Risk in Commercial and Treaty Arbitration, sponsored by the ICC, Toronto, Oct. 16, 2009
- “Terms of Reference and its Importance in Drafting ICC Arbitral Awards,” ICC Arbitral Awards: Defining Features, sponsored by the ICC, New York, Sept. 14, 2009

- “The Enforcement of Arbitral Awards,” Specialised Arbitration and Advocacy Skills in The International Minerals and Hydrocarbons Extraction Industries, sponsored by the University of Dundee, Centre for Energy, Petroleum and Mineral Law and Policy, London, Sept. 9, 2009
- Keynote Address, The First Annual Penn Law International Arbitration, sponsored by the University of Pennsylvania Law School, Philadelphia, Oct. 15, 2008