

WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Adam SAMUEL
London
United Kingdom



Nationality: British

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.M. in American Banking Law, Boston University, Boston, 1990;
A.J. Serino Outstanding Graduate Prize 1990;
B.A., (Jurisprudence), St. Anne's College, Oxford - 2:1 equivalent 1982.

Fellow, Chartered Institute of Arbitrators, 2006;
Advanced Financial Planning Certificate, 2001;
Mortgage Advisers Qualification, 1999;
Financial Planning Certificate, 1996.

Admitted to:
New York Bar, 1991;
English Bar, 1983.

LANGUAGES

English, French, Hebrew, German

PRESENT POSITION

Attorney, Tribunal Member and dispute resolution and financial services compliance specialist:
Advises and trains financial institutions and advisers, arbitrators and lawyers and writes on
international and domestic dispute resolution and compliance issues including financial advertising,
computer law, enforcement of foreign awards, conflict of laws and commercial law generally. Author
of the only book on consumer financial services complaint handling in the UK.

December 7, 2023

PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Tribunal Member, UK Upper Tribunal, 2023-present;
 Non-executive Director, Financial Planning Standards Board, 2020-2021;
 Personal Authority Ombudsman, London, England 1995;
 Deputy Chief Executive, issued binding quasi-arbitral adjudications on over 40 disputes Insurance Ombudsman's Assistant, London, England 1991-95; resolved 615 financial services disputes by mediation or by assisting the Ombudsman with quasi-arbitral adjudications;
 Research Assistant to Professor William Park, Boston University School of Law, Boston, USA, 1989-90; teaching and research assistant in the field of international business law;
 Swiss Institute of Comparative Law, Lausanne, Switzerland: 1985-89;
 Staff Lawyer responsible for the English-speaking world;
 Advised the Swiss Government, courts, arbitrators and private clients on a broad range of topics covering the English-speaking world and dispute resolution worldwide. Wrote a book on arbitration and published on that subject and business law worldwide;
 Lectured to lawyers and business students on international dispute resolution.
 Awarded van Calker Scholarship to do international arbitration research, 1985;
 Pupil barrister, Chambers of D. Stanford, London, England, 1984-85;
 Pupil barrister, Chambers of K. Rokison QC, 1983-84.

MEMBERSHIP IN PROFESSIONAL BODIES

Member:

Swiss Arbitration Association;
 Personal Finance Society;
 American Bar Association;
 Chartered Institute of Arbitrators;
 Chartered Institute for Securities and Investment.

MAJOR PUBLICATIONS

Books:

Jurisdictional Problems in International Commercial Arbitration - A Study of Belgian, Dutch, English, French, Swedish, Swiss, US and West German Law, Schulthess, Zurich 1989, 333 pages;
 Consumer Complaints and Compensation: A Guide to the Financial Services Market, City and Financial, London 2005, 638 pages;
 Consumer Financial Services Complaints and Compensation, Thomson Reuters, London 2017, 909 pages.

Alternative Dispute Resolution

CONTRIBUTIONS TO BOOKS

"Sporting Arbitration and the International Olympic Committee's Court of Arbitration for Sport" (with Richard Gearhart) in *The Court of Arbitration for Sport 1984-2004* ed. I Blackshaw, R Siekmann & J Soek, TMC Asser Press, 2006, 313;
 "Arbitragem Comercial Internacional" in *O Novo Direito Internacional – Estudos em Homenagem a Erik Jayme*, Renovar, Rio de Janeiro 2005, ed C Lima Marques 357;
 "Imperialism and Chauvinism in International Arbitration: Lawyers, Statutes and Scoundrels" in *Impérialisme et chauvinisme juridiques*, Swiss Institute of Comparative Law, Schulthess, Lausanne, 2004, 193;
 "Fomento - A tale of "litispendance", arbitration and private international law" in *Liber Amicorum Claude Reymond: Autour de L'Arbitrage*, ed. Bredin, Lalive, Poudret, Terré, Litec, Paris 2004, 255;
 "Jurisdiction, interim relief and awards under the LCIA Rules" in *International Arbitration: Practical Perspectives*, ed A Berkeley & J Mimms, London 2001, 35;
 "Arbitration clauses incorporated by general reference and formal validity under article II(2) of the New York Convention" in *Études de procédure et d'arbitrage en l'honneur de Jean-François Poudret*, ed Ferrari, Lausanne 1999, 505;
 "Alternative Dispute Resolution: Anglo-American Style" in *The Responsiveness of Legal Systems to Foreign Influences* ed. Swiss Institute of Comparative Law, Schulthess, Zurich 1992, 373;

"The Effect of the Place of Arbitration on the Enforcement of the Agreement to Arbitrate" in *The Place of Arbitration*, ed., M. Storme & P. De Ly, Mys & Breesch, Ghent 1992, 40.

ARTICLES

- "'This Train Still Runs': The Railway Case that Defines Arbitration Legislation and Practice", 41 *Alternatives* 133 (2023);
- "Boundless arbitration—a sentimental voyage through the delocalization debate", 39 *Arbitration International* 268 (2023) (with Karyl Nairn);
- "Artificial intelligence and learning about international arbitration", 41 *Alternatives* 108 (2023);
- "Arbitration's Century Milestone shows a Path from skepticism to ubiquity" (a celebration of the Geneva Protocol's centenary), 41 *Alternatives* 59 (2023);
- "The Ghost of Separability Continues to Haunt the English Courts", 41 *Alternatives*, 17 (2023);
- "More on University Dispute Resolution: A Need for Innovative Design", 40 *Alternatives* 139 (2022);
- "Locating History and Finding Materials For Better Arbitration Instruction" (an account of academic teaching and assessment of students of international arbitration), 40 *Alternatives* 109 (2022);
- "Government Agencies, In Search of Disputes", 40 *Alternatives* 74 (2022);
- "The Pandemic's Nasty Effects on Consumer Complaints Schemes", 40 *Alternatives* 51 (2022);
- "Make the Choice: Why the Seat Should Govern An Arbitration Award's Enforceability", 40 *Alternatives* 5 (2022);
- "Battle of the Centuries: The Roots of Arbitration Law Come from the 'Who Decides?' Controversy" 39 *Alternatives* 160 (2021);
- "A Look Back at Where English and U.S. Arbitration Law Comes From: The Long 18th Century", 39 *Alternatives* 125 (2021);
- "Business Interruption Insurance, Pandemics and a very UK Story of Dispute Resolution", 39 *Alternatives* 101 (2021);
- "Multiple Appointments, Multiple Biases: the UK Supreme Court does Arbitrator Disclosure", 39 *Alternatives* 22 (2021);
- "Looking Back, and Looking Forward on Appointments and Tribunal Composition", 38 *Alternatives* 177 (2020);
- "In the Neighbourhood': Broader Schemes Start Locally", 38 *Alternatives* 146 (2020);
- "Complaint Handling: The Technique that (Almost) Nobody in the Conflict Resolution World Talks About", 38 *Alternatives* 109 (2020);
- "Now Plaguing Dispute Resolution Processes: Proceeding in ADR without the Handshakes", 38 *Alternatives* 71 (2020);
- "On Court Review of the Arbitrator's Decision: A Look at the United States from Europe", *Alternatives*, 38 *Alternatives* 37 (2020);
- "Be like Europe: Let's Redux the Federal Arbitration Act!", 38 *Alternatives* 3 (2020);
- "U.S. Class Actions v. U.K. Mass Claims", 37 *Alternatives* 153 (2019);
- "Kompetenz-Compétence: What the World Thinks about Arbitrability", 37 *Alternatives*, 115 (2019);
- "The US Supreme Court does Kompetenz-Kompetenz", 35 *Arbitration International* 120 (2019);
- "Wrestling with Precedent. Or Ignoring It", 37 *Alternatives* 72 (2019);
- "Wisdom: A Key Option on the ADR Menu?" 36 *Alternatives* 171 (2018);
- "Competence-Competence, Kompetenz-Kompetenz – now just an excuse for confused thinking about arbitrator jurisdiction", 80 *Arbitration* 1, 67 (2014);
- "Should the debate end despite the decision on *Jivraj v Hashwani*?", *The Resolver*, November 2011, 8;
- "The U.S. Supreme Court's Undistinguished 2010 Trilogy: An English View", 66(1) *Dispute Resolution Journal* 32 (Feb.-April 2011);
- "Analysis: *Jivraj v. Hashwani*" *The Resolver*, November 2010, 8;
- "With Arbitration Facing Restrictions, It's Time to Look at a U.K. Solution for Consumer Disputes", 28 *Alternatives* 111 (2010);
- "The US Supreme Court on Federal Pre-Emption and Appeals on Questions of Law by Consent – A Case Note", 25 *Arbitration International* 455 (2009);
- "Separability and Construing Arbitration Clauses: the House of Lords' ; decision in *Premium Nafta and the Fiona Trust*", 24 *Arbitration International* 489 (2008);
- "Getting it done fast, and keeping the fees up: a domain name case study on writing a reasoned award quickly, getting reappointed and preserving your neutrality", 25 *Alternatives* 147 (2007);
- "Separability and the US Supreme Court Decision in *Buckeye v. Cardegna*", 22 *Arbitration International* 477 (2006);

"Lesotho Highlands: "Denaturing" an Arbitration Statute and an Express Choice of Law does not involve the Arbitrator exceeding his powers", 23 *Journal of International Arbitration* 259 (2006);
 "Arbitration, Alternative Dispute Resolution Generally and the European Convention on Human Rights: An Anglo-Centric View", 21 *Journal of International Arbitration* 413 (2004);
 "Chartered Institute of Arbitrators Guideline on Jurisdictional Issues in International Arbitration", 70 *Arbitration* 308 (2004);
 "Separability of arbitration clauses - some awkward questions about the law on contracts, conflict of laws and the administration of justice", [2000] *ADRLJ* 36;
 "Arbitration Statutes in England and the USA", [1999] *ADRLJ* 2;
 "Místo arbitráže a rozhodné právo", "The Place of Arbitration and the Applicable Law" [1998] 2 *EMP* 76;
 "The Effect of the Place of Arbitration on the Enforcement of the Agreement to Arbitrate", 8 *Arbitration International* 257 (1992);
 "Arbitration in Western Europe - A Generation of Reform", 7 *Arbitration International* 319 (1991);
 Review of A. El-Ahdab, "Arbitration with the Arab Countries", [1991] *Lloyd's Maritime and Commercial Law Quarterly* 419;
 "A Critical Look at the Reform of Swiss Arbitration Law in the Private International Law Act", 7 *Arbitration International* 27 (1991);
 Review of "International Arbitration in Switzerland" by A. Bucher & P.-Y. Tschanz, 1 *Swiss Review of Business Law* 33 (1990);
 Review of "Euro-Arab Arbitration" ed. F. Kemicha & "Lloyd's Arbitration Reports", [1989] *Lloyd's Maritime and Commercial Law Quarterly* 231;
 "Pre-Award Interest: England and Scotland", 5 *Arbitration International* 310 (1989);
 "Sporting Arbitration and the International Olympic Committee's Court of Arbitration for Sport" (with Richard Gearhart), 6 *Journal of International Arbitration*, 4, 39 (1989);
 "The Unauthorized Publication of Arbitration Awards", [1989] *L.M.C.L.Q.* 158;
 "Developments in English Arbitration Law since the 1984 Antaios decision", 5 *Journal of International Arbitration* 3, 9 (1988);
 Review of "International Arbitration: Three Salient Problems" by S. Schwebel, 5 *Journal of International Arbitration* 1, 119 (1988);
 "Separability in English law - Is an Arbitration Clause an Agreement Separate and Collateral to the Contract in which it is Contained?", 3 *Journal of International Arbitration* 2, 95 (1986);
 "The 1979 Arbitration Act - Judicial Review of Arbitration Awards on the Merits in England", 2 *Journal of International Arbitration* 4, 53 (1985).

FINANCIAL SERVICES & REGULATION

MINI-BOOKS

A Guide to the SFC Code of Conduct for Intermediaries and the Sale of Investment Products, Hong Kong Securities Institute 2010, 37 pages;
 "The FSA Complaint Rules after the 2007-2008 changes: a critical view", *Compliance Officer Bulletin*, September 2008;
 "Principles-based Regulation, MiFID and the New Financial Promotion Rules", *Compliance Officer Bulletin*, September 2007;
 "Non-real time financial promotions – Part 2, Specific and Direct Offer Promotions, Past Performance and Trading Rules", *Compliance Officer Bulletin*, May 2006;
 "Non-real time financial promotions – Part 1", *Compliance Officer Bulletin*, April 2006;
 "Reforming the FSA Complaint Rules - a return to the battlefield@", *Compliance Officer Bulletin*, March 2005;
 "Treating Customers Fairly", *Compliance Officer Bulletin*, August 2004;
 "Reforming the Complaint Rules", *Compliance Officer Bulletin*, September 2003;
 Standards & Guidelines for Successful Complaint Handling in Financial Services, Infoline 2000.

CONTRIBUTIONS TO BOOKS

Annotated FSMA 2000 Commentary, Lexis-Nexis Online, Parts 4, 6, 9, 14, 16 and 28
 Chapters on "Complaints", "Code of Conduct", "Statements of Principle and Code of Practice for Approved Persons, "ESG" and "FINMAR" in Butterworths Financial Regulation Service (looseleaf)
 Chapters on "Insurance Mediation", "Preparing Product Information", "Providing Product Information to Clients", "Cancellation", "Reporting Information to Clients", "Claims Handling for Long-Term Care Insurance", "Specialist Regimes", "Pension Supplementary Provisions", "With-profits" and "Permitted

Links" of "New Conduct of Business Commentary" in Butterworths Financial Regulation Service (looseleaf);
 Commercial Insurance Contract Wording (with B Rendall, C Parsons, H Gullick, L Lucas, T Gregory), CII, 2006;
 "The Complaint Management Rules" and "Handling a Complaint at the Financial Ombudsman Service" in A Practitioner's Guide to Mortgage Regulation, ed C Cummings, City & Financial 2007, 139 & 153.
 "Complaint Handling" in The IFA's Guide to the FSA Handbook, ed L Chandler, City & Financial 2003, 209;
 "Consumer Financial Services Law" in International Tracing of Assets, Vol 1, ed. Andrew Kielty, FT Law & Tax 2003, B2.

ARTICLES

"Government Agencies, In Search of Disputes", 40 Alternatives 74 (2022);
 "The Pandemic's Nasty Effects on Consumer Complaints Schemes", 40 Alternatives 51 (2022);
 "Business Interruptions Insurance, Pandemics and a very UK Story of Dispute Resolution", 39 Alternatives 101 (2021);
 "Consumer Financial Services in Britain: New Approaches to Dispute Resolution", 3 European Business Organization Law Review 649 (2002);
 "An outline of recent banking law developments", Television Education Network 1992;
 "Repeal of the 30% Withholding Tax on Interest Payments to Foreign Eurobond Holders" (with Arlene Mainster & Brenda Winterholder), 9 Boston University International Law Journal 59 (1991).

PRIVATE INTERNATIONAL LAW

CONTRIBUTIONS TO BOOKS

"The Recognition and Enforcement of Foreign Judgments and Arbitral Awards in England with a Comparative Look at the United States" in *Le juriste suisse face au droit et aux jugements étrangers*, ed. F. Knoepfler, Editions universitaires, Fribourg 1988, 105.

ARTICLES

"The New Swiss Private International Law Act", 37 International and Comparative Law Quarterly 681 (1988);
 "Injonctions anglaises empêchant l'introduction d'actions antitrusts à l'étranger", 81 Schweizerische Juristen-Zeitung 398 (1985).

COMMERCIAL LAW

ARTICLES

"Three Conventions, cross-border contracts and English law", Television Education Network 1992;
 "The Chinese Foreign Economic Contract Law" (with Xu Guojian), [1989] Lloyd's Maritime and Commercial Law Quarterly 476.

FAMILY LAW

BOOKLET

Home and Away - Child Abduction in the Nineties, The All-Party Committee Report on International Child Abduction, Reunite, London 1993, 97 pages.

ARTICLES

"The Reform of English Illegitimacy Law and Switzerland", 130 Zeitschrift für Schweizerisches Recht 237 (1989).

EXPERIENCE IN COURT LITIGATION

Appeared as an advocate in English court proceedings and as an expert witness in the Gibraltar Supreme Court.

EXPERIENCE IN MEDIATION

Over 300 cases resolved by mediation working for Insurance and Pension Ombudsman Bureaux.
 Involved in over 600 such cases.

PROFESSIONAL TRAINING IN ARBITRATION

Taught on three seminars of the Chartered Institute of Arbitrators Diploma on International Arbitration.
Delivered the Institute ACI Arb International Arbitration Programme

EXPERIENCE IN ARBITRATION

Co-counsel in international trade arbitrations;

Counsel to arbitration tribunals;

Independent investigator and member of the Institute of Financial Planning's Disciplinary;
tribunal. Drafted the current rules;

Decided over 40 cases as a PIA Ombudsman, a quasi-arbitral form of adjudication;

Part-time Visiting Lecturer, University of Westminster Lecturer on the Asser Institute's Post-Graduate Arbitration Course
2002-3;

Visiting Professor, University of San Diego (Summer arbitration law programme) 1998.

ARBITRATION EXPERIENCE
SUMMARY TABLE

Type	Administering Institution		Role			
	Name	Number of Arbitrations	Presiding Arbitrator	Sole Arbitrator	Co-arbitrator	Counsel
International Arbitrations	AAA					
	ICC					
	LCIA					
	Ad Hoc					
Number of cases: sub-total						
Domestic Arbitrations	AAA					
	Ad Hoc	1		1		
Number of cases: sub-total						
TOTAL		1		1		

MEDIATION EXPERIENCE**SUMMARY TABLE**

Type	Administering Institution		Role	
	Name	Number of Mediations	Mediator	Counsel
International Mediations				
	Ad hoc			
Number of cases: sub-total				
Domestic Mediations (Estimates)	AAA			
	Insurance Ombudsman Bureau	c650	625	25
	Personal Investment Authority Ombudsman Bureau			
	Court-annexed			
	Ad Hoc			
Number of cases: sub-total		C650	625	25
TOTAL		C650	625	25