

Bart Legum

Partner



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Overview

Bart Legum is a partner in Dentons' Paris office and Head of the firm's Investment Treaty Arbitration Practice. Bart has over 25 years' experience in litigating complex cases and has argued before numerous international arbitration tribunals, the International Court of Justice and a range of trial and appeals courts in the United States. His practice focuses on international arbitration and litigation in general and arbitration under investment treaties in particular.

From 2000 to 2004, Bart served as Chief of the NAFTA Arbitration Division in the Office of the Legal Adviser, United States Department of State. In that capacity, he acted as lead counsel for the United States Government defending over \$2 billion in claims submitted to arbitration under the investment chapter of the North American Free Trade Agreement (NAFTA). The United States won every case decided under his tenure.

Bart is the Immediate Past Chair of the Section of International Law of the American Bar Association, an international bar organisation with over 24,000 members from over 90 countries around the world. In 2012-2013, he served as Chair of the Section and chaired its Executive Committee, Council and Administration Committee. He served as Chair-Elect from 2011-2012, Vice-Chair from 2010-2011, Finance Officer from 2008-2010, Programs Officer from 2006-2008, Chair of the Section's Disputes Division from 2004-2006 and as Co-Chair of the Section's International Litigation Committee from 1999 to 2003. He served as an officer of the Mediation Committee of the International Bar Association from 2009-2012 and co-chaired the subcommittee that drafted the IBA Investor-State Mediation Rules.

He is the editor of *International Litigation Strategies and Practice* (2005), a book published by the American Bar Association. Bart is often published on international dispute resolution topics and frequently speaks at conferences on international arbitration and litigation.

Experience

- Sole arbitrator in an ICC arbitration between European companies and individuals and an African State under a bilateral investment treaty
- Arbitrator in an ICSID arbitration between Middle Eastern companies and a Middle Eastern State under a bilateral investment treaty

- Arbitrator in an ICSID arbitration between an English bank and an African State under a bilateral investment treaty
- Conciliator in a dispute between a North American company and a North African state enterprise under a production sharing contract
- Counsel for a government in an UNCITRAL arbitration brought by an Asian company under a bilateral investment treaty
- Counsel for an East European company in SCC arbitrations against a Baltic State under a shareholders agreement and a share purchase agreement
- Counsel for a North American company in an ICSID arbitration against the United States of America under the NAFTA
- Counsel for a West European company in an ICC arbitration against a Balkan state enterprise under a shareholders agreement
- Counsel to North European individuals and companies in an SCC arbitration against a South European State under the Energy Charter Treaty
- Counsel for a North American company in ICSID arbitrations against South Asian state enterprises under joint venture and petroleum purchase agreements
- Counsel for West European companies in an UNCITRAL arbitration against a Central European State under a bilateral investment treaty
- Counsel for North American companies in an ICSID arbitration against Canada under the NAFTA
- Counsel for a Dutch company in an ICSID arbitration against an Eastern European State under a bilateral investment treaty
- Counsel for a German company in an ICSID arbitration against an Eastern European State under a bilateral investment treaty
- Counsel for a US company in an ICSID arbitration against an African State under a bilateral investment treaty.
- Counsel for high net-worth individuals in an UNCITRAL arbitration against an Eastern European State and related court proceedings
- Counsel for an Eastern European State in an ICSID arbitration brought by a US company
- Counsel for a Central Asian State and state enterprises in SCC and ICSID arbitrations brought by a US company
- Counsel for individuals in an UNCITRAL arbitration (United Nations Commission for International Trade Law) against a State of Eastern Europe
- Advice to a government in UNCITRAL arbitrations under the investment chapter of the North American Free Trade Agreement

Recognition

Chambers Global 2017 noted that: "Paris-based Bart Legum leads the investment treaty arbitration practice at Dentons and is highlighted for his considerable activity in the space, particularly in Europe. Sources say he is *"a thoroughly impressive advocate capable of identifying the critical issues. He excels in cross-examination"*.

Insights

Book

- Editor, *International Litigation Strategies and Practice* (ABA Int'l Practitioner's Deskbook Series 2d ed. 2014).

Articles, Essays and Notes

- The Ten Commandments of Written Advocacy in International Arbitration, 29 *ARB. INT'L* 1 (2013).
- Annulment of ICSID Awards, in MARC BUNGENBERG, JÖRN GRIEBEL, STEPHAN HOBE & AUGUST REINISCH, *INTERNATIONAL INVESTMENT LAW* (2013) (forthcoming) (with Jean-Christophe Honlet and Anna Crevon).
- GATT Article XX and International Investment Law, in ROBERTO ECHANDI AND PIERRE SAUVÉ, EDS., *PROSPECTS IN INTERNATIONAL INVESTMENT LAW AND POLICY* 340 (Cambridge University Press 2013) (with Ioana Petculescu).
- Document Disclosure in Investment Arbitration: Special Issues and Challenges, *CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS 2012* (Nijhoff Publishers 2013) (forthcoming) (with Gauthier Vanniewenhuyse).
- France, in *THE INTERNATIONAL ARBITRATION REVIEW* 225 (4th ed. 2013) (with Jean-Christophe Honlet and Anne-Sophie Dufêtre).
- Rules for Investor-State Mediation: Draft Prepared by the International Bar Association State Mediation Subcommittee, in ROBERTO ECHANDI AND PIERRE SAUVÉ, EDS., *PROSPECTS IN INTERNATIONAL INVESTMENT LAW AND POLICY* 265 (Cambridge University Press 2013) (with Anna Joubin-Bret and Inna Manassyan).
- The Status of the Report of the Executive Directors on the ICSID Convention, 27 *ICSID REV.-FOREIGN INVESTMENT L.J.* 159 (2012) (with William Kirtley).
- France, in *THE INTERNATIONAL ARBITRATION REVIEW* 190 (3d ed. 2012) (with Jean-Christophe Honlet and Anne-Sophie Dufêtre).
- First Tailored Rules for Investor-State Mediation – Draft for Comment Prepared by the International Bar Association State Mediation Subcommittee, 5 *N.Y. DISPUTE RESOLUTION LAWYER* 68 (2012) (with Anna Joubin-Bret and Inna Manassyan)
- France, in *THE INTERNATIONAL ARBITRATION REVIEW* 161 (2d ed. 2011) (with Jean-Christophe Honlet and Anne-Sophie Dufêtre)
- Concurrence entre arbitrage CIRDI et recours internes, in FERHAT HORCHANI, ED., *LE CIRDI 45 ANS APRES : BILAN D'UN SYSTEME* 165 (2011)
- A Defense of the 2004 United States Model Investment Treaty, 4 *WORLD ARB. & MEDIATION REV.* 177 (2010)
- The Meaning of "Investment" in the ICSID Convention, in Pieter Bekker, Rudolf Dolzer & Michael Waibel, eds., *Making Transnational Law Work in the Global Economy: Essays in Honour of Detlev Vagts* 326 (2010) (with Caline Mouawad)
- Investment Treaty Arbitration's Contribution to International Commercial Arbitration, in *AMERICAN ARBITRATION ASSOCIATION, HANDBOOK ON INTERNATIONAL COMMERCIAL ARBITRATION* 433 (2d ed. 2010)
- An Overview of Investment Arbitration Procedure, in Katia Yannaca-Small, *Arbitration under International Investment Agreements: A Guide to the Key Issues* 91 (2010)
- Local Remedies and Investment Treaties: Policy Choices and Drafting Solutions, in *Protection Of Foreign Investments Through Modern Treaty Arbitration* 87 (ASA Special Series No. 34, 2010)

- The Effectiveness of Pre-Dispute Waivers of Recourse to Investment Treaty Arbitration, in Kaj Hobér, Ed., *Liber Amicorum For Ulf Franke* 183 (2010) (with Jeffrey Hertzfeld)
- France, in *The International Arbitration Review* 98 (2010) (with Jean-Christophe Honlet and Anne-Sophie Dufêtre)
- Coûts et durée des procédures (étude comparée des mécanismes CIRDI et CNUDCI), 6 *Revue Droit & Affaires* 52 (2008)
- The Definitions of Precedent in International Arbitration, in Emmanuel Gaillard & Yas Banifatemi, Eds., *Precedent in International Arbitration* 5 (2008)
- Understanding Performance Requirement Prohibitions in Investment Treaties, in Arthur W. Rovine, *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2007* 53 (2008)
- Book Review, *Investment Disputes under NAFTA: An Annotated Guide to NAFTA Chapter 11*, 24 *Arb. Int'l* 347 (2008)
- Are States Responsible for the Acts of Their Instrumentalities? Case Law of Tribunals Other Than ICC and ICSID, in Emmanuel Gaillard & Jennifer Younan, Eds., *State Entities in International Arbitration* 57 (2008)
- Options to Establish an Appellate Mechanism for Investment Disputes, in Karl P. Sauvart & Michael Chiswick-Patterson, eds., *Appeals Mechanism in International Investment Disputes* 231 (2008)
- La réforme du CIRDI : vers une juridictionnalisation de l'arbitrage transnational ?, in Ferhat Horchani, Ed., *OÙ va le droit de l'investissement ?* 283 (2006)
- Defining Investment and Investor: Who Is Entitled to Claim?, 22 *Arb. Int'l* 521 (2006)
- The Difficulties of Conciliation in Investment Treaty Cases: A Comment on Professor Jack C. Coe's "Toward a Complementary Use of Conciliation in Investor-State Disputes—A Preliminary Sketch", 21:4 *Mealey's Arbitration Rep.* 72 (2006), reprinted in 2:2 *Mediation Committee Newsletter* 27 (*Int'l Bar Ass'n* 2006); 4 *Transnational Dispute Management* (Issue No. 1, Feb. 2007)
- Visualizing an Appellate System, in Federico Ortino, Audley Sheppard & Hugo Warner, Eds., *Investment Treaty Law* 121 (2006), reprinted in 2 *Transnational Dispute Management* 64 (Issue No. 2, Apr. 2005)
- Communicating Effectively with Foreign Clients and Counsel, in *International Litigation Strategies and Practice* 11 (ABA *Int'l Practitioner's Deskbook Series* 2005)
- Investment Treaty Arbitration: An Option Not to Be Overlooked, in *International Litigation Strategies and Practice* 189 (ABA *Int'l Practitioner's Deskbook Series* 2005)
- The Contribution of Investment Treaty Arbitration to International Commercial Arbitration, 60 *Dispute Resolution J.* 70 (Aug.-Oct. 2005)
- Investment Treaty Arbitration: The Big Bang, 99 *A.S.I.L. Proc.* (2005)
- Investor-State Arbitrator Disqualified for Pre-Appointment Statements on Challenged Measures, 21 *Arb. Int'l* 241 (2005)
- Does the Loewen Award Endanger the Credibility of the NAFTA Dispute Settlement Mechanism?, 6 *J. World Investment & Trade* 89 (2005)
- Lessons Learned from the NAFTA: The New Generation of US Investment Treaty Arbitration Provisions, 19 *ICSID Rev.—Foreign Investment L.J.* 344 (2004)
- The Introduction of an Appellate Mechanism: The U.S. Trade Act of 2002, in Emmanuel Gaillard & Yas Banifatemi, Eds., *Annulment of ICSID Awards* 289 (2004)
- Trends and Challenges in Investor-State Arbitration, 19 *Arb. Int'l* 143 (2003)
- The Innovation of Investor-State Arbitration under NAFTA, 43 *Harv. J. Int'l L.* 531 (2002), reprinted in Fiona

Beveridge, Ed., *Globalization and International Investment* 127 (2005); 2 Oil-Gas-Energy Intelligence Service (OGEL) (No. 2, Apr. 2004)

- Commentary: ICSID Proceedings in the Absence of a Bilateral Investment Treaty, 18 Arb. Int'l 305 (2002)
- Roundtable Commentary: Regulatory Expropriation in International Law, 11 N.Y.U. Env't'l L.J. 208 (2002)
- Federalism, NAFTA Chapter Eleven and the Jay Treaty of 1794, 95 A.S.I.L. Proc. 202 (2001), reprinted in 18 News from ICSID 11 (Spring 2001)
- Representing States - a US Perspective, 6 Arbitration & ADR 46 (IBA Newsletter, Committee D, June 2001)
- The Role of US Counsel in Foreign Litigation, in 1999 Private Investments Abroad (Matthew Bender & Co.)
- Editor, International Litigation, in International Legal Developments in Review: 1998, 33 Int'l Lawyer 403 (1999)
- L'assistance des juridictions américaines à l'obtention de preuve aux Etats-Unis dans le cadre de procédures étrangères/Discovery in Aid of Foreign Proceedings Provided by United States Courts, 7 Revue de Droit des Affaires Internationales/Int'l Bus. L.J. 747 (1998)
- Attempts to Use Section 1782 to Obtain US Discovery in Aid of Foreign Arbitrations, 14 Arb. Int'l 213 (1998) (with David W. Rivkin)
- Editor, International Litigation, in International Legal Developments in Review: 1997, 32 Int'l Lawyer 223 (1998)
- Developments in International Human Rights Litigation, in 90 A.S.I.L. Proc. 71 (1996)
- Cross-Border Financial Litigation in the United States in Cross-Border Financial Litigation: An International Financial Law Review Supplement (1994) (with David W. Rivkin and Donald Francis Donovan)

Activities and Affiliations

Presentations

- International Bar Association and International Centre for Settlement of Investment Disputes, *The Future of Investment Arbitration* (February 2015)
- Hong Kong International Arbitration Centre, *Dealing with Sovereigns and State-Owned Enterprises* (October 2014)
- Swedish Arbitration Association, *Selection of Expert Witnesses and Conflicts of Interest* (September 2014)
- Danish Institute of Arbitration, *Hot Topics in International Investment Treaty Arbitration* (September 2014)
- British Institute on International and Comparative Law, *An Appellate Mechanism for Investment Arbitration?* (May 2014)
- State Bar of Georgia, Section of International Law, CLE Seminar, *An Introduction to International Commercial and Investment Treaty Arbitration* (May 2014)
- American Bar Association Section of International Law, *New Frontier: Resolving IP-Related Disputes Through Investment Treat Arbitration* (April 2014)
- ICSID-Energy Charter Secretariat-SCC, *Investor-State Mediation: New Developments* (March 2014)

Memberships

- Immediate Past Chair, Member of Council and Administration Committee, Section of International Law of the

American Bar Association (2013 to present)

- Chair of the Section, Chair of Executive Committee, Council and Administration Committee, Section of International Law of the American Bar Association (2012-2013)
- Chair-Elect, Member of Executive Committee, Council and Administration Committee, Section of International Law of the American Bar Association (2011-2012)
- Vice Chair, Member of Executive Committee, Council and Administration Committee, Section of International Law of the American Bar Association (2010-2011)
- Financial Officer and Chair of the Finance Committee, Member of Executive Committee, Council and Administration Committee, Section of International Law of the American Bar Association (2008-2010)
- Programs Officer and Chair of the Programs Committee, Member of Council and Administration Committee, Section of International Law of the American Bar Association, 2006-2008
- Chair, Disputes Division, Section of International Law of the American Bar Association, 2004-2006 (responsible for oversight of International Commercial Dispute Resolution, International Litigation, International Courts and International Criminal Law Committees)
- Co-Chair, International Litigation Committee, Section of International Law of the American Bar Association, 1999-2003 (Vice-Chair, 1997-1999)
- Member, Ad Hoc Group of Experts on International Investment Law, United Nations Conference on Trade and Development (2007-present)
- Vice-Chair, Subcommittee on State Mediation, Mediation Committee, International Bar Association, 2008-2012
- Associate Editor, Transnational Dispute Management (2004-present)
- Member, Commission Française de l'Arbitrage International, ICC Comité National Français (2005-present)
- Member, Roster of Foreign Arbitrators, ICC French National Committee (2005-present)
- Member, American Society of International Law, 2005-present (Member, Disputes Resolution Interest Group, 2005-present)
- Member, American Branch of the International Law Association (1988-present), Committee on International Civil and Commercial Dispute Resolution (2003-present)
- Member, London Court of International Arbitration (2005-present)

Prior and Present Employment

- Joined Salans (now Dentons) in 2009
- Debevoise & Plimpton LLP, Paris, France (2004-2008)
- Chief, NAFTA Arbitration Division, United States Department of State, Washington, DC (2000-2004)
- Debevoise & Plimpton LLP, New York, New York (1987-1999)
- Law Clerk for the Honorable Carolyn Dineen King, United States Court of Appeals for the Fifth Circuit, Houston, Texas (1986-1987)

Areas of focus

Practices

- Alternative Dispute Resolution (ADR)
- Arbitration
- Dispute Risk Management
- Energy Litigation
- Fraud, Corruption and Asset Recovery
- International Commercial Arbitration
- Investment Treaty Arbitration
- Litigation and Dispute Resolution
- Pharmaceutical and Medical Device Litigation
- Public International Law
- Real Estate
- Real Estate Litigation and Dispute Resolution
- Securities and Shareholder Litigation

Industry sectors

- Construction
- Energy
- Financial Institutions
- Government
- Hotels and Leisure
- Infrastructure and PPP
- Insurance
- Insurance Litigation and Arbitration
- Life Sciences and Health Care
- Mining
- Technology

Region

- Africa Desk in Paris

Education

- University of Paris II - Panthéon Assas, 1987, DEA, in Public International Law
- University of Georgia School of Law, 1985, JD, magna cum laude
- Rice University, 1982, BA

Admissions and qualifications

- Admitted to the Bar, New York, 1988
- Admitted to the Bar, Paris, 2008

Languages

- English
- French
- Spanish