

Sophie Nappert

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Avocat, Bar of Quebec, Canada; Solicitor of the Supreme Court of England and Wales

Sophie is a dual-qualified lawyer in Canada and in the UK. Since 2007 she has been an arbitrator in independent practice, based in London. Before becoming a full-time arbitrator, she was Head of International Arbitration at a global law firm.

Sophie is trained and has practised in both civil law and common law jurisdictions. She is the peer-nominated Moderator of OGEMID, the online discussion forum on current issues of international investment law, economic law and arbitration. She is ranked in Global Arbitration Review's Top 30 List of Female Arbitrators Worldwide and is commended as a "leading light" in the field by Who's Who Legal.

Sophie is the author of a *Commentary on the 2010 UNCITRAL Arbitration Rules: A Practitioner's Guide* (Juris, 2012). She is a regular speaker at conferences and seminars on issues of international arbitration, international investment law and dispute resolution. She is a guest lecturer at Columbia Law School, Harvard Law School and McGill University Faculty of Law. She has created the Nappert Prize in International Arbitration, open to young scholars and practitioners worldwide, and administered under the auspices of McGill University.

In November 2015 she delivered the Inaugural EFILA Annual Lecture on International Investment Arbitration: *Escaping from Freedom? The Dilemma of an Improved ISDS*. The Lecture won the 2016 Global Arbitration Review Award for Best Speech.

In February 2018 Sophie was appointed by the Canadian Government to the NAFTA Chapter 19 (Trade Remedies) Roster.

Expertise

Languages

Native French, fluent English, Spanish, Russian.

Education

- University of London: LL.M. (Masters Degree in Law) with Merit, King's College London.
- McGill University (Canada): Bachelor of Laws (Common Law), (LL.B.), Bachelor of Civil Law (B.C.L.).
- Institute of International and Comparative Law (Magdalen College, Oxford): Diploma in Public International Law.

Employment History

- 2007 - Present: Arbitrator in independent practice at 3 Verulam Buildings, Gray's Inn, London.
- 2000 - 2007: Head of International Arbitration, Denton Wilde Sapte LLP, London.

- 1997 - 2000: Solicitor, Masons LLP, London.
- 1992 - 1996: Solicitor, Norton Rose LLP, London and Paris.

Representative Matters

- *Chair*: A US\$55 million dispute between Latin American entities regarding the construction of marine works for an LNG project.
- *Chair*: A €30 million dispute between a private party and a State entity in Cameroon concerning the financial structuring of an agreement for the acquisition of telephonic systems, under the OHADA principles.
- *Chair*: A dispute between the parties to a telecoms agreement in the Democratic Republic of the Congo. The dispute involves recalcitrant Respondents, Emergency Arbitrator proceedings, and parallel court proceedings in the courts of the DRC and South Africa.
- *Chair*: A dispute between the parties to a JOA concerning the drilling of offshore wells in an African country, and issues of unlawful cash calls, under the ICC Rules, pursuant to English law. Sum in dispute: USD 25 million.
- *Chair*: A dispute between a Singaporean party and a Hong Kong-based party regarding the supply of coal under the SCoTA Terms, including a jurisdictional challenge, striking out application and application for bifurcation of the proceedings.
- *Chair*: A dispute between the parties to a Shareholders' Agreement in relation to the development of an energy project in Africa, under the ICC Rules. Injunctive relief is claimed.
- *Chair*: A dispute between a telecom company and an African State-owned entity under the ICC Rules.
- *Fast-track dispute*: Party-appointed arbitrator in a fast-track dispute under the ICDR Rules in relation to the operation of a luxury resort in the Caribbean. The arbitration agreement provides for 45 days between the composition of the arbitral tribunal and the final award.
- *Fast-track dispute*: Sole Arbitrator in an expedited dispute under the LCIA Rules between the American supplier of a component of aluminium smelter and its purchaser in Bosnia.
- *Party-appointed arbitrator*: A dispute regarding the alleged expropriation of an investment under the Poland-Cyprus BIT under the SCC Rules.
- *Party-appointed arbitrator*: A gas price revision dispute between a Turkish company and a Greek company under the ICC Rules.
- *Party-appointed arbitrator*: A joint venture dispute between two US public companies in the pharmaceutical industry, under the UNCITRAL Rules, pursuant to French law. Sum in dispute: USD 33 million.
- *Party-appointed arbitrator*: A dispute (including a request for interim injunctive measures) between an oil company and a State under a Concession Agreement, under the SCC Rules – *Gazprom v Lietuvos Respublika*, CJEU Judgment at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0536>.
- *Party-appointed arbitrator*: A joint venture hotel project in Turkey between an international hospitality company and a local company, including complex issues of multi-party arbitration, consolidation and inter-linked agreements. ICC arbitration Rules, pursuant to Swiss law. Sum in dispute: USD 25 million.
- *Party-appointed arbitrator*: An LCIA arbitration concerning an advisory agreement on the restructuring of a CIS country's external debt.
- *Party-appointed arbitrator*: An ad hoc arbitration concerning a BOT agreement between a Chinese company and an English company. Sum in dispute: GBP 15 million.
- *Party-appointed arbitrator*: An LCIA arbitration concerning the supply of pipelines, between a German company and a French company.
- *Sole arbitrator*: An ICC dispute regarding a sulphuric acid plant tail gas unit treatment between an Italian company and the Canadian subsidiary of a major oil and gas corporation.
- *Sole arbitrator*: An LCIA Arbitration between a global law firm and one of its partners concerning allegations of professional misconduct.
- *Sole arbitrator*: An LCIA arbitration concerning allegations of misconduct against the director of a Russian company.
- *Sole arbitrator*: An LCIA arbitration concerning allegations of bad faith and wilful default between a Ukrainian investor and a Russian broker.
- *Sole arbitrator*: An ICC arbitration in relation to an aircraft supply agreement.
- *Sole arbitrator*: An LCIA arbitration concerning the supply of military equipment in Pakistan.

- *Sole arbitrator*: An ad hoc arbitration concerning a shipbuilding contract between a Lithuanian shipping company and a Russian company, pursuant to Russian law.
- *Sole arbitrator*: A number of related LCIA arbitrations between Russian parties to a military supply agreement, and the guarantors thereto, pursuant to English law.
- *Sole arbitrator*: An LCIA arbitration between the Mexican distributor and supplier of children's books, pursuant to English law. Emergency injunctive relief is claimed in relation to ongoing criminal proceedings against the Claimant in Mexico. Parallel ADR in relation to a commercial settlement for the return on unused books.
- *ADR*: Sophie also acts as mediator.

Pro Bono Work

- Initial advice to the Government of a West African country regarding an investment dispute, 2017 (facilitated by the International Senior Lawyers Project).
- Creating Mooting Problem and chairing tribunal for the Final Round, 2017 International Mooting Competition at the National University of India, Bangalore, 2017.
- Coaching Iran's team for the Vis Moot, February 2015, 2016.
- Training of Arbitrators, Centre Commercial d'Arbitrage en Haïti, Port-au-Prince, Haïti, June 2014 (facilitated by the International Senior Lawyers Project).
- Chair of the Mooting Problem Drafting Team for the Foreign Direct Investment Moot Competition, 2011.

Membership of Rosters, Professional Bodies and Committees

The Law Society of England and Wales

The Bar of Quebec

The AIPN

The International Center for Dispute Resolution (ICDR), Roster of Arbitrators – Commercial and Energy Disputes

The International Bar Association

The London Court of International Arbitration

The International Chamber of Commerce

The International Law Association

The Panel of Arbitrators for the Hong Kong Arbitration Centre

The Panel of Arbitrators for the Korean Commercial Arbitration Board

The Panel of Arbitrators for the Ukrainian Chamber of Commerce

Swedish Arbitration Association, Executive Committee Member and Delegate to the UNCITRAL Working Group on International Arbitration

International Arbitration Club, London, Acting Chair

Co-Chair of the ICC Task Force on Trusts and Arbitration

ICC, Canadian delegate to the Commission on Arbitration

Founder, the ICDR Energy Arbitrators' List

Publications and Key Note Addresses

On 20 September 2017, Sophie will deliver a key note address on "Change Through Innovation in International Dispute Resolution" at the DIS Annual Autumn Conference, Berlin.

On 8 November 2017, she will deliver a special address on "The Impact of Artificial Intelligence on International Arbitration" at the Asia-Pacific ADR Conference, Seoul.

On 26 November 2015 she delivered the Inaugural EFILA Annual Lecture on International Investment Arbitration: *Escaping from Freedom? The Dilemma of an Improved ISDS*, available at https://efilablog.files.wordpress.com/2015/11/efila-annual-lecture-sophie-nappert-two-column_text-defa-27-11-2015.pdf

The Lecture won the 2016 Global Arbitration Review Award for Best Speech, and Sophie was the first female winner of the award.

Sophie has authored a *Commentary on the 2010 UNCITRAL Arbitration Rules: A Practitioner's Guide*, Juris, 2012. She publishes regularly in peer-reviewed legal journals and trade publications.

Recent and Forthcoming Publications

"Arbitration as a tool for Global Governance: The Use (and Abuse) of Discretion" in *The Oxford Handbook of International Economic Governance* (forthcoming).

"The Practitioner's Perspective on Technology in International Arbitration", in C Aschauer and M Piers, eds, *The Role of Technology and the Internet in International Arbitration*, Cambridge University Press (2017), with Paul Cohen.

"Brexit: Implications for the EU Reform of Investor-State Dispute Settlement", *Practical Law*, 2016, with Nikos Lavranos.

"Russian BITs in the post-ECT landscape after the Yukos Awards", J Gaitis, ed., *The Leading Practitioner's Guide to International Oil & Gas Industry Arbitration*, Juris (2015), with Dr Yulia Selivanova.

"Square Pegs and Round Holes: The Taxation Provision in the Energy Charter Treaty and the Yukos Awards", *Paris Journal of International Arbitration*, 2015.

"The Yukos Awards: A Comment", *Journal of Damages in International Arbitration*, 2015.