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## C. Mark Baker

### Partner

Houston, Texas

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Mark Baker is Partner.

A member of the litigation and disputes team, Mark practices in the areas of complex commercial arbitration, investment arbitration, business litigation and alternative dispute resolution (ADR). He has extensive experience in international and domestic arbitration, acting as both counsel and as arbitrator under all the major arbitral rules (including ICDR, AAA, ICC, LCIA, SCC, SIAC, ICSID, NAFTA, CPR, WIPO, CAS, CAM, CAFTA) as well as ad hoc disputes under UNCITRAL rules.

Mark has represented numerous clients in matters regarding international and domestic construction contracts, power purchase and sale agreements, energy contracts, joint ventures, and project finance and development agreements. He is also a leading commentator on the avoidance and resolution of climate change and sustainability disputes. In addition, he has extensive experience litigating banking, financial and securities transactions.

Mark's clients include global financial institutions, major corporations, governments, and state-owned entities, from across all industry sectors including energy (oil and gas, power, and renewables), infrastructure, mining and commodities, transport, banking and finance, and technology and innovation. Mark and his global team are regularly entrusted with some of the most sensitive, high-value and strategically important matters, and he works closely with his clients to achieve their commercial objectives in an efficient and cost-effective manner.

### Related Services:

- International arbitration
- Litigation and disputes
- Banking and finance
- Climate change and sustainability
- Alternative dispute resolution (ADR)
- Construction and engineering
- Oil and gas
- Renewables
- Mining
- Energy

### Key Industry Sectors:

- Energy, infrastructure, and resources
- Transport
- Financial institutions

## Education:

JD, with high honors, Duke University School of Law, 1984

BA, *summa cum laude*, History, minor in Economics and Philosophy, Yale University, 1981

At Yale University, Mark was one of twelve Scholars of the House and a member of Phi Beta Kappa.

While in law school at Duke University, he was an Elvin R. Latty Scholar and *Articles* editor.

Before joining Fulbright, Mark was a law clerk to the Honorable John R. Brown, former Chief Judge for the Fifth Circuit Court of Appeals. Mark was admitted to practice law in Texas in 1984. He has practiced before the Fifth Circuit Court of Appeals in New Orleans, Louisiana; the Tenth Circuit Court of Appeals in Denver, Colorado; and the United States Supreme Court. He also appears regularly in various Texas state courts, including its Courts of Appeals, as well as in the federal courts, including the United States District Courts for the Southern, Northern and Western Districts of Texas.

## Representative Experience:

Recent representative arbitration and ADR activities include:

### As Arbitrator and Mediator:

- Arbitrator in SCC arbitration over renewable wind energy
- Arbitrator in ICDR arbitration over joint venture to develop oil fields in Bulgaria.
- Arbitrator in AAA construction arbitration
- Arbitrator in ICDR arbitration over gold contracts
- Arbitrator in ICSID arbitration over development in Middle Eastern country
- Arbitrator in AAA arbitration over alleged trademark infringement
- Arbitrator in AAA arbitration over purchase and sale of jet aircraft to Middle Eastern country
- Arbitrator in ICC arbitration over alleged breach of drug development agreement
- Arbitrator in ICDR arbitration over post-purchase-price adjustment between US and German companies
- Arbitrator in AAA arbitration over construction and development agreement for master planned assisted living facility.
- Arbitrator in UNCITRAL arbitration over a power plant in Eastern Europe. Parallel dispute over mining contract
- Arbitrator in CAFTA arbitration over a master-planned real estate project. This is one of the first cases filed under CAFTA.
- Arbitrator in AAA multi-stage arbitration proceeding for a case involving over 400 parties relating to allegations of numerous engineering and construction defects in a very large master-planned development.
- Arbitrator in ICC arbitration over long-term European supply contract involving natural gas sales and purchases.
- Arbitrator in ICC arbitration over natural gas pricing in long-term supply agreement
- Arbitrator in AAA arbitration concerning long-term care and life insurance policies.
- Arbitrator in ICC arbitration over environmental claims
- Arbitrator in ICDR arbitration over purchase of aircraft
- Arbitrator in SCC arbitration over a joint-venture agreement to explore and develop oil fields.

- Arbitrator in AAA arbitration over international tax attributes stemming from corporate spin-off creating two Fortune 100 companies.
- Arbitrator in ICC arbitration over construction and marketing services re a master-planned development in South Asia
- Arbitrator in ICDR arbitration over distribution agreement in Africa
- Arbitrator in ICDR arbitration over contracts to manufacture industrial equipment in the Middle East
- Arbitrator in numerous sports arbitrations involving various world sports federations and their respective athletes.
- Arbitrator in AAA arbitration over trademark royalty payments, mental anguish damages, trebled damages, exemplary damages, and lawyers' fees
- Arbitrator in multiple sports matters administered under the AAA Supplementary Procedures for the Arbitration of Olympic Sport Doping
- Arbitrator in AAA dispute involving breach of contract, fraud, breach of fiduciary duty, conversion, violations of Texas Theft Liability Act and Texas Penal Code, tortious interference with contract, violations of Texas Insurance Code, violations of DTPA, violations of Texas Securities Act, liability of control persons and aiders, conspiracy, negligence.
- Arbitrator in UNCITRAL arbitration in matter involving a large international power-plant construction dispute.
- Arbitrator in AAA trademark dispute involving negligence, statutory fraud, breach of fiduciary duty, DTPA claims.
- Arbitrator in ICDR arbitration concerning breach of contract.
- Arbitrator in BIT case involving investor and Asian country.
- Arbitrator in ICDR contract dispute between Australian and American parties
- Arbitrator in ICC international intellectual property dispute between Mexican and Spanish parties
- Arbitrator in AAA international arbitration concerning a joint venture to develop Azerbaijan oil fields.
- Arbitrator in international arbitration over a Mexican/American joint venture
- Arbitrator in parallel domestic and international tribunals, which heard disputes over the development of customized computer software.
- Arbitrator in UNCITRAL arbitration regarding a long-term petroleum derivatives contract with Venezuela
- Arbitrator in ICDR arbitration between Australian and US financial institutions
- Arbitrator in AAA arbitrations between a US-based borrower and various international financial institutions
- Mediated a complex computer dispute between an Israeli and a US company.
- Mediated maritime dispute.
- Mediated multiple breach of contract cases.

**As Lead Advocate:**

- Represented Spanish company in US litigation and arbitration against syndicate of London insurers and South American energy company.
- Represented construction company in 2 DIAC construction arbitrations.
- Represented company in AAA arbitration over corporate spinoff and indemnity issues.
- Represented energy company in investment arbitration involving Asian country.

- Represented energy joint venture partners in three different long-term gas purchase disputes.
- Represented Brazilian party in ICC arbitration against US party.
- Represented Norwegian party in ICDR arbitration against French and US parties.
- Represented US company in ICDR arbitration over international pipeline
- Represented Swiss and US companies in Swiss Rules arbitration against Middle Eastern company.
- Represented Peruvian and Argentine companies in ICC and Lima arbitrations against Peruvian and Japanese companies.
- Represented US company in SCC arbitration against Swedish company
- Represented US energy company in investment disputes against Middle Eastern country
- Represented Israeli company in LCIA arbitration against Israeli company.
- Represented Chinese company in investment dispute against African country.
- Represented Israel and US companies in investment dispute against Middle Eastern country.
- Represented oil and gas products supply company in personal injury dispute arising from alleged malfunctioning valve in Texas refinery.
- Represented US energy company in an ad hoc arbitration against a Bermudan re-insurer
- Represented a Texas-based international music producer against a European company in an ICDR arbitration involving issues of breaches of intellectual property rights.
- Represented a major international oil and gas company in relation to a dispute in offshore West Africa
- Represented a US oil services company in a dispute against a Eurasian oil company in an ICC arbitration.
- Represented a North American energy company in a contractual dispute against a Latin American state-owned entity in a UNCITRAL arbitration and a parallel 28 USC 1782 action.
- Represented an independent North American oil and gas exploration, development and production company on the bilateral investment treaty claims arising from the restructuring of its investment in a major offshore oil field.
- Represented Canadian corporation against Venezuela in both a UNCITRAL arbitration and an ICSID arbitration.
- Represented several investors in different ICSID proceedings against various South American countries.
- Represented Russian Energy company in numerous arbitrations and court proceedings under UNCITRAL, ICC, SCC and ICDR Rules
- Represented Canadian oil company in ICC arbitration dispute concerning West African offshore oil fields.
- Represented Brazilian energy company in ICC arbitration dispute over construction of power plant.
- Represented a multinational energy company in 3 UNCITRAL arbitrations against the El Salvador governmental energy agency regarding long-term electric power purchase agreements.
- Represented United States clients in ICC arbitrations in connection with various Brazilian power purchase agreement disputes.
- Represented a subcontractor in ICC arbitration against a US company dealing with an Indonesian power project.
- Represented a Chinese company in AAA arbitration against a Bangladesh company over the construction of a chemical plant in Bangladesh.

- Represented various Canadian companies in different AAA international arbitrations against various US companies over preferential rights affecting Canadian and American oil fields.
- Represented an energy service company in AAA arbitration in a dispute involving six interrelated multi-million-dollar energy services and internet technology contracts.
- Represented clients in related ICC and ad hoc international arbitrations regarding construction of several related power projects on the Indian subcontinent.
- Represented a US client in a Stockholm arbitration over a semiconductor fabrication facility in Thailand.
- Represented a client in related AAA and ICC arbitrations between US and Mexican companies regarding the construction of a large industrial manufacturing facility and a series of energy supply contracts.
- Represented a French company under an ad hoc arbitration agreement against a US entity regarding long-term supply issues.
- Represented a German company against a US company in arbitration over specialty machinery for marine applications.

### **Admissions:**

- Texas State Bar

### **Rankings and recognitions:**

- Mark was selected as 2025 Lawyer of the Year Commercial and Governmental, 31<sup>st</sup> edition of The Best Lawyers in America
- Mark was selected in the 2024 Chambers USA, Nationwide: International Arbitration: Arbitrators, Nationwide: International Arbitration: Counsel and Chambers Global, USA: International Arbitration
- Mark was selected as the 2024 Who's Who Legal Highest Ranked Lawyer: Arbitration 2024 in association with GAR.
- Mark is named "The 2024 Lawdragon 500 Leading Global Litigators".
- Mark is named Best Lawyers in America, selected by peers for recognition in International Arbitration, Commercial and Governmental, 30th Ed., The Best Lawyers in America, 2021 – 2025
- Mark was appointed to the Caribbean Construction Arbitration Panel - 2024
- Mark was selected as the 2024 Who's Who Legal Highest Ranked Lawyer: Arbitration 2024 in association with GAR.
- Mark is the 2024 Legal 500 US, Hall of Fame and Recommended Lawyer, International Arbitration
- Lawdragon 500 Leading Global Litigators, 2023
- Mark was selected as the 2023 Who's Who Legal Thought Leader – Arbitration
- Mark was selected in the 2023 Chambers USA, Nationwide: International Arbitration: Arbitrators and Chambers Global, USA: International Arbitration
- Mark is the 2023 Legal 500 US, Hall of Fame and Recommended Lawyer, International Arbitration
- Mark is described as the 2023 Legal 500 Latin America, Leading Lawyer and Recommended Lawyer, International Firms: International Arbitration
- Mark is the 2023 Legal 500 Latin America, Recommended Lawyer, City Focus – Houston
- Mark is the 2023 Top 10 Titans of International Arbitration: Key US Counsels Analysed
- 2023 Reappointed to Grievance Hearing Panel of US Soccer

- 2023 Reappointed as a member of Court of Arbitration of Sport (CAS)
- 2023 Benchmark Litigation Star in the US, "One of the Preeminent Litigation Practitioners in the US", *Benchmark Litigation*, 16<sup>th</sup> Ed.
- LACCA Approved, International Arbitration, Latin American Corporate Counsel Association and Latin Lawyer, 2022
- Arbitration Practitioner of the Week, *Jus Mundi*, July 2022
- Best of the Best USA Expert Guide, *Euromoney Institutional Investor PLC*, 2021 – nominated.
- Commercial Arbitration Expert Guides, peer-nominated, *Expert Guides*, June 2021
- Lawdragon Global Litigation 500, Lawdragon Inc., 2021
- America's Most Honored Lawyers - Top 1%, 2016 – 2021
- AV Preeminent Attorney - Judicial Edition, 2020 – 2021
- AV Preeminent Lawyers.com, 2017 – 2021
- Law 360, quoted regarded Life Science Companies and Utilizing International Arbitration, Law 360, January 2021
- Benchmark Litigation Star in Texas, designated as "the best of the best for litigation and arbitration," *Benchmark Litigation*, 2016 – 2021
- Benchmark Litigation, Leading Litigator, *Euromoney Institutional Investor PLC*, 2008 – 2009
- Benchmark Litigation, Local Litigation Star: Texas international arbitration and general commercial law, *Euromoney Institutional Investor PLC*, 2013 – 2020
- Expert Guides, Commercial Arbitration Lawyer, *Legal Media Group*, 2013, 2016 – 2021, 2021 peer nomination as leading commercial arbitration practitioner, September 2021
- International Legal Alliance: Winner, Best USA Law Firm: International Arbitration 2015; Gold Award winner for US International Arbitration 2015 (3rd time to earn this recognition); Silver Award winner 2016.
- Chambers 2021 Top Lawyer, *Chambers Global Leading Lawyers*, June 2021
- Chambers Global, Global-wide: Arbitration (International), described as "very personable and a good strategic thinker," *Chambers and Partners*, 2010 – 2021
- Chambers Global, Latin America-wide: Arbitration (International), *Chambers and Partners*, 2010 – 2021
- Chambers Global, USA: International Arbitration, *Chambers and Partners*, 2010 – 2021
- Chambers Latin America, described as "a very solid lawyer with a firm grip on the legal market," *Chambers and Partners*, 2016
- Chambers Latin America, Latin America-wide: International Arbitration, described as having a "vast knowledge of US and international law and a key figure in the Latin American international arbitration market," *Chambers and Partners*, 2009 – 2015, 2019 – 2020.
- Chambers USA, Nationwide: International Arbitration, described as "bright, energetic and diligent," and "extraordinarily good at foreseeing future moves and reactions from the other side," *Chambers & Partners*, 2008 – 2009, 2011 – 2021.
- Acritas Star, *Acritas*, 2019 -- 2021
- BTI Client Service All-Star, *The BTI Consulting Group, Inc.*, 2020
- Client Choice Award, Texas: Arbitration & ADR, Lexology and International Law Office, Globe Business Publishing Ltd., 2015, 2016

- The National Law Journal, ADR Champions Trailblazer, *ALM Media Properties LLC*, 2016, 2018
- Lawyer of the Year, International Arbitration, The Best Lawyers in America, *Best Lawyers*®, 2020
- The Best Lawyers in America©, selected by peers in International Arbitration - Commercial and International Arbitration - Governmental, *Best Lawyers*®, 2016 – 2020.
- America's Leading Lawyers for Business, 2020
- Top Attorneys in Texas, 2019
- Lawyer of the Year, Houston: International Arbitration - Commercial, *Best Lawyers*®, 2014
- The Best Lawyers in America®, *Best Lawyers*®, 2006 – 2021
- Texas Top Rated Lawyer, LexisNexis Martindale-Hubbell, 2013 – 2014
- Expert Guides, The Best of the Best USA, *Legal Media Group*, 2013, 2019 – 2020
- Legal Alliance Summit Award as best US Arbitration Practice for six of the last 7 years, 2018
- Legal 500 US, Leading Lawyer, Dispute Resolution-International arbitration, "'a powerful force' in oil and gas arbitration," *The Legal 500*, 2008 – 2019
- Legal 500 US, recommended lawyer, International Litigation, *The Legal 500*, 2017 – 2019
- Legal 500 US, recommended lawyer, International Arbitration, *The Legal 500*, 2018 – 2021
- Legal 500 US, recommended lawyer, Product liability, mass tort and class action: toxic tort - defense, *The Legal 500*, 2018
- Legal 500 Latin America, leading lawyer, International Firms: International Arbitration, *The Legal 500*, 2013-2015, 2017 – 2022
- Latin American Corporate Counsel Association (LACCA) Approved guide, Arbitration, *Law Business Research Ltd*, 2016 – 2020
- Latin Lawyer 250, described as "one of the titans of the arbitration world globally," *Latin Lawyer*, 2011
- National Law Journal, The Decade's 40 Most Influential Lawyers (one of three energy lawyers and the only energy disputes lawyer selected), *ALM Media Properties LLC*, 2010
- Arbitration Lawyer of the Year, Finance Monthly Magazine, 2010
- Latin Business Chronicle, Top 30 Foreign Lawyers in Latin America, *Latin Trade*, 2010
- Endorsed Arbitration Lawyer (one of only four lawyers in Texas), *PLC Which Lawyer?* 2011
- Endorsed Dispute Resolution and Arbitration Lawyer (one of only three lawyers recognized in both categories in Texas), *PLC Which Lawyer?* 2010
- Recommended Lawyer, dispute resolution and dispute resolution: arbitration, *PLC Which Lawyer? Yearbook*, 2009
- Texas Super Lawyer, *Thomson Reuters*, 2007 – 2020
- Chambers Global's Best, international arbitration, Chambers and Partners, 2009
- Top 20 International Arbitration Experts, *PLC Which Lawyer?* 2008
- Outstanding Director Award, *American Arbitration Association*, 2008
- National Law Journal, 100 Most Influential Lawyers in America (one of four attorneys in Texas chosen as having "had a national impact in their legal fields and beyond over the last five years"), *ALM Media Properties LLC*, 2006

- Who's Who Legal, Arbitration, "Peers...recommend C. Mark Baker for his 'excellent abilities in analysing facts and law'...he is 'at the pinnacle of international arbitration' and has the 'best strategic brain in the business,'" *Law Business Research Ltd.*, May 2021
- Who's Who Legal: Thought Leaders - Arbitration, *Law Business Research Ltd.*, 2018 – 2021
- Who's Who Legal, among the world's leading commercial mediators, *Law Business Research Ltd.*, 2014 – 2015
- Who's Who Legal, energy, *Law Business Research Ltd.*, 2013 – 2014
- Who's Who Legal, litigation, *Law Business Research Ltd.*, 2015
- Who's Who Legal, mediation, *Law Business Research Ltd.*, 2013 - 2015
- Who's Who Legal, most highly regarded, commercial arbitration, *Law Business Research Ltd.*, 2013
- Who's Who Legal, oil & gas, *Law Business Research Ltd.*, 2011
- Who's Who Legal, business, *Law Business Research Ltd.*, 2010
- Who's Who Legal, leading arbitrator, *Law Business Research Ltd.*, 2009
- Who's Who Legal, oil & gas, *Law Business Research Ltd.*, 2011
- Who's Who Legal, arbitration, *Law Business Research Ltd.*, 2009 – 2010, 2012 - 2015, 2018 – 2021.
- Lawdragon 500, *Lawdragon Inc.*, 2009 – 2012
- Highly Recommended Lawyer, dispute resolution practitioners, PLC Global Counsel Dispute Resolution Handbook, 2002 – 2003
- The American Lawyer, International Arbitration Elite, ALM Media Properties LLC, 2001
- Fellow, Houston Bar Foundation
- Fellow, Texas Bar Foundation

## **Publications:**

### Selected Publications

- Co-Author, "Protecting Intellectual Property Rights Through International Arbitration," Norton Rose Fulbright Issue 18, June 2022
- Co-Author, "Protecting Intellectual Property Rights Through International Arbitration," *New York Law Journal's* Alternative Dispute Resolution, November 2021
- Co-Author, "United States - Cross-Border Guide to Parent Company Liability for Foreign Subsidiaries, Part of Global Cross-Border Guide," Norton Rose Fulbright, September 2021
- Co-Author, "Climate Change and Sustainability Cross-Border Guide," Norton Rose Fulbright, September 2021
- Co-Author, "Recovering Costs of Enforcement and Interest," *International Law Office* (ILO), September 2021
- Co-Author, "Recovering Costs of Enforcement and Interest," *Lexocology*, September 2021
- Co-Author, "Doing Justice in the Face of a Global Pandemic -- Insights from a Leading Arbitrator," *Southwestern Institute for International and Comparative Law (SWIICL)*, Newsletter and Website, The Center for American and International Law, September 2021
- Co-Author, "Recovering Costs of Enforcement and Interest," *Lexocology*, September 2021
- Co-Author, "Climate Change Litigation Case Update," Norton Rose Fulbright, August 2021



- Co-Author, "Supply Chain Disputes: Avoidance, Mitigation and Resolution," Norton Rose Fulbright, *Supply Chain Webpage*, August 2021
- Co-Author, "Supply Chain Disputes: Avoidance, Mitigation and Resolution," *International Law Office (ILO)*, July 2021
- Co-Author, "Resolving Climate-Related Disputes -- The Role of International Arbitration," Norton Rose Fulbright, *Climate Change and Sustainability Disputes Webpage*, Launched July 2021
- Co-Author, "What are Climate Change and Sustainability Disputes? Key Arbitration Examples (Part 1 contractual disputes)," Norton Rose Fulbright's *International Arbitration Report*, Issue 16, June 2021
- Co-Author, "Cross-Border Guide to Parent Company Liability for Foreign Subsidiaries; Understanding and Navigating the Global Disputes Risk Profile for Multinational Businesses," Norton Rose Fulbright, June 2021
- Co-Author, "You Won the Arbitration - But Can You Also Win Interest and the Costs of Confirming the Award," Norton Rose Fulbright, May 2021
- Co-Author, "Climate Change and Sustainability Disputes: International Arbitration Perspectives," Norton Rose Fulbright, May 2021
- Co-Author, "Climate Change and Sustainability Disputes: Energy Sector Perspectives," Norton Rose Fulbright, May 2021
- Co-Author, "Climate Change and Sustainability disputes: Banking and Finance Sector Perspectives," Norton Rose Fulbright, May 2021
- "Overview of Dispute Trends in Mining and Metals Sector: Volatility as the New Normal," *International Law Office (ILO)*, December 2020
- Co-Author, "Global Overview of Disputes Avoidance and Mitigation for the Mining Sector (Part 2), Volatility as the New Normal," Norton Rose Fulbright's *International Arbitration Report*, Issue 15, November 2020
- Co-Author, "Global Overview of Disputes Trends in the Mining and Metals Sector (Part 1), Volatility as the New Normal," Norton Rose Fulbright's *International Arbitration Report*, Issue 15, November 2020
- Co-Author, "Climate Change and Sustainability - Lessons Learned from COVID-10 and Resolving Disputes by Arbitration," *Lexocology*, October 2020
- Co-Author, "Climate Change and Sustainability - Lessons Learned from COVID-10 and Resolving Disputes by Arbitration," *International Law Office (ILO)*, October 2020
- Co-Author, "Doing Justice in the Face of a Global Pandemic," *ILO International Arbitration /ADR Newsletter*, ILO International Law Office, August 2020
- "Arbitrators' Corner - Doing Justice in the Face of a Global Pandemic," Norton Rose Fulbright's *International Arbitration Report*, Issue 14, June 2020
- Co-Author, "Climate Change and Sustainability - Lessons Learned from COVID-10 and Resolving Disputes by Arbitration," Norton Rose Fulbright's *International Arbitration Report*, Issue 14, June 2020
- Co-Author, "Resolving Climate-related Disputes. The Role of International Arbitration," *Forward! Вперед! Framåt! Essays in Honour of Prof Dr Kaj Hobér*, August 2019
- Co-Author, "Acclimatising to climate change," *Global Arbitration Review*, November 2018
- Co-Author, "Investment Disputes in the Energy Sector," Norton Rose Fulbright's *International Arbitration Report*, Issue 11, October 2018
- Co-Author, "Climate-related Disputes - Adaptation and Innovation," Norton Rose Fulbright's *International Arbitration Report*, Issue 11, October 2018

- Co-Author, "Is Mediation a Viable Investor-State Dispute Settlement Mechanism?" *International Law Office, Globe Business Media Group*, August 2017
- Co-Author, "Defining 'Success' In an International Mediation," *Law360*, Feb. 2, 2016
- Co-Author, "Is the Balance Getting Better? An Update on the Issue of Gender Diversity in International Arbitration," *Arbitration International*, doi: 10.1093/arbint/aiv034, May 2015
- Co-Author, "Advocacy in International Arbitration," *The Leading Arbitrators' Guide to International Arbitration*, Third Edition, 2014
- Co-Author, "Dissent - But Only If You Really Feel You Must," 16th Annual IBA International Arbitration Day, Making the Award: Need We Rethink the Process? February 22, 2013
- Co-Author, "Are Challenges Overused in International Arbitration?" 29th AAA-ICDR/ICC/ICSID Joint Colloquium, *The Frontiers of Arbitration*, November 2, 2012
- Co-Author, "Ad Hoc International Arbitrations -- The Way of the Future?" José María Abascal's Liber Amicorum, *World Arbitration & Mediation Review*, Volume 6:2, June 2012
- Co-Author, "Getting a Better Balance on International Arbitration Tribunals," *Arbitration International*, Volume 28 Issue 4, 2012
- Co-Author, "In Search of an Exemplary Construction Arbitration," Seventh Annual Fordham Law School Conference on International Arbitration and Mediation, April 2012
- Co-Author, "The Regionalization of International Arbitration: Maintaining International Standards in Appointing Arbitrators," Hans van Houtte Liber Amicorum, *The Practice of Arbitration -- Essays in Honor of Professor Hans van Houtte*, October 2011
- "The Role of the Institution in Taming Electronic Disclosure," *The Institute for Transnational Arbitration*, Winter/Spring 2010
- Co-Author, "Show Me the Money - Convincing the Arbitral Tribunal (and the Other Side) of the Validity of Your Damages Claim," Swedish Arbitration Conference on Damages, September 16, 2010
- Co-Author, "Do 'Foreign Tribunals' Include Arbitration Panels?" *The National Law Journal -- International Arbitration: A Special Report*, May 31, 2010
- Co-Author, "Cross-Examination in International Arbitration: The Effective Use of a Powerful Evidentiary Tool," *Take the Witness: The Experts Speak on Cross-Examination*, Juris Publishing, January 2010
- Co-Author, "The Unequal Playing Field: Companies Subject to Section 1782 in International Arbitration," *Benchmark Litigation, The Definitive Guide to America's Leading Litigation Firms and Attorneys*, 2009
- Co-Author, "The Role of the Institute in Taming Electronic Disclosure," *Ulf Franke's Liber Amicorum*, Juris Publishing, December 2009
- Co-Author, "US Court Assistance in Obtaining Discovery in International Arbitration Proceedings: Applications Under 28 USC 1782," *The Taking of Evidence in International Commercial Arbitration*, DIS Conference and Newsletter, October 2009
- Co-Author, "Enforcement of Foreign Arbitral Awards in Russia: Improving, But Still Uncertain," *Oil, Gas & Energy Law Intelligence*, Vol. 7- Issue 2, OGEL special issue on EU-Russia relations, May 2009
- "Due Process in Constitution of the Arbitral Tribunal," International Arbitration Day, Dubai, UAE, February 2009
- Co-Author, "Argentine Enforcement Now: A Storm in a Teacup," *Latin Lawyer*, December 2008
- "The Challenges of Electronic Documents in International Arbitration," IBA Conference, Buenos Aires, Argentina, October 2008

- Co-Author of "Advocacy in International Arbitration," *The Leading Arbitrators' Guide to International Arbitration*, Second Edition, 2008
- Co-Author of the ITA Workshop, Dallas, June 21, 2007
- Co-Author, "2007 International Arbitration Report, Issue 1," *Newsletter: The International Law Firm of Fulbright & Jaworski*, June 22, 2007
- Co-Author, "ADR Continental Drift: The European Union Tries to Warm Up to ADR, But Its Embrace Is Tentative, at Best," *The National Law Journal*, November 27, 2006
- Co-Author, "Third Annual Litigation Trends Survey Findings: An International Perspective," *The International Law Firm of Fulbright & Jaworski - 3rd Annual Litigation Trends*, October 10, 2006
- Co-Author with Anibal Sabater, "Under-Privileged in the E.U.," *Corporate Counsel*, April 2005
- "A Cross-Comparison of Institutional Mediation Rules," *Dispute Resolution Journal*, July 2002

### **Speaking Engagements:**

Mark is a frequent speaker at seminars and conventions in the United States and internationally.

Selected recent speaking engagements.

- Co-Chair at the "Orders, Awards, Enforcement and Global Developments" session at the LCIA Tylney Hall Symposium - Tylney Hall, Hampshire
- Mark was on the 2024 Panel – Mastering the Art of Advocacy: Strategies for Success in International Litigation and ADR - American Bar Association International Law Section: Houston Energy Conference
- "How International Practice Currently Deals with Witness Testimony," College of Commercial Arbitrators 2022 Annual Meeting
- "Does the Absence of Depositions and a Shorter Opportunity to Cross-Examine Yield Up a Better Way Forward?" College of Commercial Arbitrators Conference, Scottsdale, Arizona, October 2022
- "Potential New Class of Claims in Arbitration," BVI International Arbitration Centre International Arbitration Conference, British Virgin Islands, November 2019
- "Global Arbitration Practice and Arbitral Centres/Institutions," Norton Rose Fulbright Arbitration Seminar, Johannesburg, South Africa, October 2019
- "The Effective Use of Cross-Examination in International Arbitration," Saudi Center for Commercial Arbitration International Conference SCCA 18, Riyadh, October 2018
- "Equality of Arms: An Issue for International and Domestic Arbitration?" College of Commercial Arbitrators CCA 18th Annual Meeting, Atlanta, Georgia, October 2018
- "Ethics & ADR: Telling Tales Out of School: What Can You Say and What Really Happens," CPR Annual Meeting, Atlanta, Georgia, March 2018
- "Initial Organization of the Arbitral Proceeding and Pre-Hearing Activities," Thirteenth Annual Leading Arbitrators' Symposium, Juris Conference LLC, Vienna, April 2017
- "Tips and Tactics for Managing Projects and Delivering Value on Costs," Legal Week Commercial Litigation & Arbitration Forum, London, November 2016
- "Secrets of Success - International Arbitration Pre-Hearing and Hearing Best Practices," CCA/AAA Dallas Program "Effective Advocacy and Management in Arbitration," Dallas, TX, March 2016
- "Cost and Duration," Norton Rose Fulbright and London Court of International Arbitration Seminar, Houston, TX, October 2015

- "The New CPR Rules for Administered Arbitration of International Disputes," CPR Launch Event, Houston, TX, October 2015
- "Latin America Energy and International Dispute Resolution -- International Dispute Resolution," Norton Rose Fulbright Energy Academy: International Disputes & Incident Management, July 2015
- "Diversity," LCIA European User's Council Symposium, 2015
- "Questions of Evidence," LCIA European User's Council Symposium, 2015
- "Interference with Foreign Investments and Proceedings Under the ICSID Convention," The Commercial Bar Association (COMBAR) North American Meeting, Washington D.C., April 2015
- "Arbitration and Offshore Jurisdiction," The Commercial Bar Association (COMBAR) Inaugural Offshore Meeting, Washington D.C., April 2015
- "Making the Best Use of Good Material - Preparation for Cross-Examination, Witness Statements, Redirect, Cross-Examination in Foreign Languages," Juris Conference, Venice, Italy, April 2015
- "Maximizing Your Client's Advantage Under the New Rules," ICDR International Symposia in Advanced Case Management Issues, American Arbitration Association, Tokyo, Japan, October 2014
- "Investment Treaty Arbitration," Norton Rose Fulbright Beijing International Disputes and Arbitration Conference, Beijing, China, October 2014
- "Cross Border Energy Disputes," Second Annual ICC Houston Conference on International Arbitration: Energy, Ethics, and the Effective Management of Arbitration, Houston, Texas, October 2014
- "Lack of Diversity in Arbitral Appointments," LCIA European Users' Council Symposium, Tylney Hall, England, May 2014
- "Effective Presentation of Evidence – Including Witness Statements and Cross-Examination," Tenth Annual Leading Arbitrators' Symposium on the Conduct of International Arbitration, Vienna, Austria, April 2014
- "Battle of the US Fora: New Arbitration Centers and Arbitration-Friendly Decisions Have Given Parties More Choice in Where to Site International Arbitrations," ABA International Spring Meeting, New York, New York, April 2014
- "Dispute Resolution Clauses: The Good, the Bad and the Ugly," University of Texas Law School 2014 International Upstream Energy Transactions Conference, Houston, Texas, January 2014
- "Uniform Standard of Conduct for Counsel in International Arbitration," IBA Annual Conference, Boston, Massachusetts, October 2013
- "Houston as the Crossroads Between the Middle East and the Americas -- Corporate Counsel Roundtable Discussion," ICC Houston Conference on International Arbitration, Houston, Texas, April 2013
- "Dealing with Sovereign Counterparties," State Bar of Texas International Law Section Annual Institute, Houston, Texas, March 2013
- "Dissent - But Only If You Really Feel You Must," 16th Annual International Arbitration Day, Bogota, Colombia, February 2013
- "Staying the Course: Saying No to the CEO and the Art and Ethics of Advising Strong Corporate Clients," ABA Forum on Construction Industry Fall Meeting, Boston, Massachusetts, October 2012
- "Corporate Counsel's Strategy and Rules in International Dispute Resolution," ICDR 10<sup>th</sup> Annual Miami International Arbitration Conference (the Corporate Counsel Series), Miami, Florida, September 2012
- "Arbitration Update - International, US and Mexico Domestic," Instituto Mexicano de la Mediación-Fulbright Decennial Anniversary Joint Conference, Houston, Texas, June 2012

- "Courtroom is Flat: Challenges Facing Litigators and Courts in an Increasingly Global Legal Practice," The Commercial Bar Association North American Meeting, Istanbul, Turkey, June 2012
- "The Arbitrator's Perspective in International Construction Cases," Seventh Annual Fordham Law School Conference on International Arbitration and Mediation, London, April 2012
- "Making the Most of International Commercial Arbitration," CCCA World Summit, National Spring Conference, Montreal, Canada, April 2012
- "The Tribunal," LCIA European Users' Council Symposium on International Commercial Arbitration, Stockholm, Sweden, March 2012
- "The Dispute-Wise Study: A New Paradigm in Partnering of Corporate and Outside Counsel in Resolving International Commercial Disputes," International Centre for Dispute Resolution 9th Annual Miami International Arbitration Conference, Florida, September 2011
- "The New ICC Rules of Arbitration," 6th Annual ICC New York Conference (ICC North American Launch Conference), New York, September 2011
- "§1782 and Discovery in International Proceedings," The Commercial Bar Association (COMBAR), North American Meeting, British Virgin Islands, April 2011
- "Reshaping Arbitral Proceedings," Hong Kong International Arbitration Centre 25th Anniversary Conference, Hong Kong, November 2010
- "Has the time come for there to be more separation between those who advocate and those who arbitrate?" GAR Live, London Conference, London, October 2010
- Co-Chaired, "Questions of Jurisdiction," LCIA European Users' Council Symposium, London, September 2010
- "Damages and Other Relief in International Arbitration -- The Toolkit: Means, Burden, Manner and Level of Proof," The Swedish Arbitration Association's Swedish Arbitration Days, Stockholm, Sweden, September 2010
- "The ICC Task Force on the Production of Electronic Documents in Arbitration," AIJA 48th Congress, Charleston, South Carolina, August 24, 2010
- "General Corporate Matters: The Global Transactional Lawyer," Fulbright & Jaworski CB&B Training Program, Houston, Texas, August 19, 2010
- "Injunctive Support for Arbitrations Proceeding Either in the Same Jurisdiction or Elsewhere," The Commercial Bar Association (COMBAR) North American Meeting, Lisbon, Portugal, June 4, 2010
- "Concurrent Session: Political Risk Minimization Techniques in Structuring and Implementing International Investments," KPMG Global Energy Conference, Houston, Texas, May 25--26, 2010.
- "Arbitrators and the Role of Law," Arbitration and National Courts: Conflict and Cooperation Conference presented by Houston International Arbitration Club, Permanent Court of Arbitration and University of Texas School of Law, Houston, May 13--14, 2010.
- "Avoiding Dysfunctional Tribunals - Chemistry, Compromise and Dissent," Fourth Annual Energy Arbitration Conference, Western Canada Arbitrators Roundtable (WCART), Calgary, Canada, May 12, 2010
- "Corporate Strategies in Managing Oil & Gas Disputes," AIPN Dispute Resolution Conference 2010: Dispute Resolution in the International Oil and Gas Business and Boundary Disputes and Energy Sector, Houston, April 19--21, 2010.
- "The Electronic Information Juggernaut: Taking Aim at ADR," ABA Annual Conference, San Francisco, California, April 8-10, 2010.
- "How to Run a Fair, Efficient and Effective Arbitration Process from the Outset of the Case through the Pre-Hearing Stages," Juris Conferences' Sixth Annual Leading Arbitrators' Symposium on the Conduct of International Arbitration, Vienna, March 29, 2010

- "Enforcement of Host Government Contracts - What to Do When Commercial Steps Haven't Succeeded," 2nd IEL-SEERIL International Oil and Gas Law Conference, London, November 2009
- "Corporate Counsel's Views and Concerns Regarding Dispute Resolution of China Related Disputes," Second China Arbitration Conference, Beijing, China, October 29, 2009
- "Viability of International Investment Arbitration in Light of Recent Unilateral Acts by Sovereign Governments," Houston Committee on Foreign Relations, Houston, October 22, 2009
- "The Taking of Evidence in International Commercial Arbitration - Basics and Differences to State Court Proceedings," DIS Conference, Stuttgart, Germany, October 21, 2009
- "Potential Investment Claims by Chinese Parties Against Foreign States," F&J Second China Arbitration Conference, October 2009
- "Disclosure: Different Approaches to the Same Issue," ICC UK's Annual Practitioners' Symposium, London, July 9, 2009
- "E-Disclosure in International Arbitration," Permanent Court of Arbitration conference, The Hague, Netherlands, May 14--15, 2009
- "Hearing and Post-Hearing Activities," Juris Conferences' Fifth Annual Leading Arbitrators' Symposium on the Conduct of International Arbitration, Vienna, April 6, 2009
- "How Global is International Arbitration? The Current State Today and the Current Wisdom on Tomorrow," International Centre for Dispute Resolution 7th Annual Miami International Arbitration Conference, Miami, Florida, March 13, 2009
- "Trends in Arbitration," Arbitration and Energy Seminar, Houston, November 17, 2008
- "Trends in Latin American Investor-State Disputes," Juris Conference in cooperation with the International Business Law Section of the HNBA, Miami, Florida, October 23--24, 2008
- "Disputes Amongst International Oil and Gas Companies," ICDR Oil and Gas Program, Rio de Janeiro, October 20--21, 2008
- "Arbitral Procedure: New Developments and Good Practice," IBA Annual Meeting, Buenos Aires, October 12--17, 2008
- "Saving Time and Costs in Arbitration," AAA Conference, Mexico City, September 10, 2008
- "Pre-arbitral Referee, Conservatory and Interim Measures," ICC/FIDIC Conference, Houston, Texas, June 2--3, 2008
- "Arbitrator's Pet Peeves with Counsel (and Vice Versa)," Young Arbitrators Forum, Houston, Texas, June 2, 2008
- "Falling Out - Key Features and Consequences of Dispute Resolution Which Is Not Amicable," Energy Investments and Resource Nationalism - the Role of Law Conference, London, May 13, 2008
- Second Annual Investment Treaty Arbitration Conference, Washington D.C., April 25, 2008
- "Challenges to the Tribunal's Award," 6th Annual Miami International Arbitration Conference: The Three Pillars of Strength: Practice, Procedure & Law, Miami, Florida, March 29, 2008
- "The Current State of International Arbitration and a Vision of the Future," ICC/AAA Conference, New York, January 31, 2008
- "International Arbitration in the Current Economic Environment," Commercial Arbitration in Dubai, The Dubai Corporate Counsel, Dubai, January 29, 2008
- "Discovery in International Arbitration," New York, November 14, 2007

- "Preparing Arbitration Cases: How They Are Different from Litigation," Fulbright & Jaworski LLP Arbitration Conference, Minneapolis, April 2007
- "Trends in International Arbitration Around the World: The Middle East," Fulbright & Jaworski LLP Arbitration Conference, Minneapolis, April 2007
- "Petro-Nationalism: The Efforts of Countries Around the World to Recapture Their Energy Reserves," International Law Institute, San Antonio, March 2007
- "The International Arbitrator's Perspective," AAA Practicing Law Institute Conference, New York, March 2007
- "International Arbitration in the Current Economic Environment," Dubai Corporate Counsel event, Dubai, January 29, 2007
- "Latin America's Investment Treaty Claims Avalanche," ABA International Law Conference, Miami, November 2006
- "Energy Investments in the Middle East: Capitalizing on Opportunities in a Time of Change Seminar," Speaker, Fulbright & Jaworski L.L.P. International Seminar Series, London, England, May 2006
- "Yukos - a Strategic Arbitration," International Insolvency Institute, New York, New York, June 2005
- "Protecting Energy Assets," Canadian Corporate Counsel Association, Toronto, Canada, April 2005
- "What Makes Arbitrating in Brazil Different," International Centre for Dispute Resolution Conference, Miami, Florida, January 27, 2005
- "Modernizing the Process: Dispute Resolution and Beyond," Modernizing the Process: Dispute Resolution and Beyond, a combined program sponsored by the British Institute of International and Comparative Law, The International Institute for Sustainable Development, and Chatham House, London, England, January 15, 2005
- "Denial of Justice in Local Courts," British Institute of International and Comparative Law, London, England, September 10, 2004
- "Ethical Dilemmas in Arbitration," COMBAR, Barcelona, Spain, June 4, 2004

### **Memberships and Activities:**

Mark has arbitrated before many of the world's arbitral bodies and has been involved in numerous alternative dispute resolution procedures. He is frequently selected to serve as an arbitrator on domestic and international arbitration panels. In every year since 1998, he has chaired at least six significant arbitration cases. His professional activities and memberships include:

- Fellow, College of Commercial Arbitrators
- Singapore International Arbitration Centre (SIAC) - Users Council Advisory Member (2015--present)
- Director, New York International Arbitration Center (NYIAC) (2012--present)
- IBA Subcommittee on State Mediation - Member of Working Group on Rules for Investor-State Mediation (2011)
- IBA Subcommittee on Evidence Rules - Member (2009--2011)
- Executive Committee Member and Member of Board of Directors of the American Arbitration Association (AAA); Chairman of its International Advisory Committee (2000--2012)
- International Bar Association (IBA) - Past Vice Chairman of Dispute Resolution Section, the IBA's largest and most active committee
- The Global Arbitration Review - Advisory and Editorial Board Member (from founding to present)
- Institute of Transnational Arbitration - former Co-Chair of the Annual Arbitration Workshop (the largest arbitration event in the US); Advisory Director of the ITA

- American Arbitration Association - Panelist for International, Large Complex Claims, Commercial, and Commercial National Sports Resolution Panels
- London Court of International Arbitration (LCIA), London, England - North American User Counsel Vice President, Member of LCIA Company, and former two-term Member LCIA Arbitration Court
- Arbitrator for Court of Arbitration for Sport (CAS), Lausanne, Switzerland
- Fellow, Chartered Institute of Arbitrators, London, England - since 1998
- CPR Panel of Distinguished Neutrals - Arbitrator for International, Energy and Commercial Panels, and CPR Advisory Board member
- Centre for Effective Dispute Resolution (CEDR), London, England - Accredited Mediator
- IEL Energy Arbitrator
- International Court of Arbitration (ICC), Commission Member (2002-present)
- International Centre for Dispute Resolution (ICDR), former International Committee Chairman
- International Council for Commercial Arbitration (ICCA)
- The Commercial Bar Association (COMBAR), North American Member (2002-present)
- Center for Arbitration in Pakistan / Center for International Investment and Commercial Arbitration (CIICA) - Global Board of Advisors (founding to 2016)
- World Intellectual Property Organization (WIPO) Geneva, Switzerland - Panel Arbitrator and Mediator
- Arbitration Center of Mexico (CAM) - Panel Arbitrator
- Houston International Arbitration Club (HIAC)
- Hong Kong International Arbitration Centre (HKIAC)
- Saudi Center for Commercial Arbitration (SCCA)
- Scottish Arbitration Centre
- United States Council for International Business (USCIB)
- University of Texas School of Law -- Member of the Advisory Board of the Center for Global Energy, International Arbitration and Environmental Law
- USA Track and Field, under the jurisdiction of the United States National Olympic Committee - Panel Arbitrator
- Southern District of Texas - ADR Panel
- Center for Legal Responsibility of University of Houston Law Center (formerly South Texas College of Law) - Planning Committee and Founding Member
- Fellow, American Bar Association
- State Bar of Texas - Current Member; Former Committee Member of ADR Planning Committee
- College of the State Bar of Texas
- Fellow, Houston Bar Association
- Latin American Corporate Counsel Association (LACCA) Approved guide, Energy, *Law Business Research Ltd*, 2017--2018
- Boy Scouts, former Assistant Scout Master for Troop 55
- Yale Club
- Houston Grand Opera - past Director and current Trustee