



TAI-HENG CHENG

Partner

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Tai-Heng Cheng leads the New York international arbitration practice of Quinn Emanuel Urquhart & Sullivan. On behalf of sovereign wealth funds, corporations, high net worth individuals and governments, he has achieved numerous victories in investor state arbitrations, commercial arbitration, and other legal disputes worldwide, as well as in US litigation and regulatory investigations. In 2015, Dr. Cheng won every arbitration award and court decision rendered in client matters.

With over 15 years of experience as an attorney, Dr. Cheng has also served as tribunal chair or co-arbitrator in more than a dozen arbitrations with \$8bn. to \$5mn. at stake, and is a member of the arbitration panels of arbitration institutions in North America, Europe and Asia.

The chair of a tribunal before which Dr. Cheng appeared as lead counsel, winning full damages and 90% of fees and costs, described Dr. Cheng "as one of the most outstanding advocates" that he had met in over three decades as an arbitrator and judge. A Stockholm Chamber of Commerce arbitration tribunal issued an award praising Dr. Cheng's presentation at the hearing as "a remarkably eloquent and intelligent address . . . with which the arbitrators of course full-heartedly agree in all respects." In affirming an award rendered by Dr. Cheng, a U.S. court has complemented the award as "thorough and well-reasoned." Dr. Cheng has been recognized in Chambers Global and Chambers USA for international arbitration, as well as in Euromoney's Guide to the World's Leading Experts in Commercial Arbitration.

He is an elected fellow of the College of Commercial Arbitrators, the American Law Institute and the Foreign Policy Association, and also sits on the arbitration committees of several professional associations. After serving on the Executive Council of the American Society of International Law, in 2016 he was elevated to become a Counsellor of the Society.

Prior to joining the firm, Dr. Cheng was a tenured professor of international law in the United States. He is the author of two books and dozens of articles on international law and international arbitration, which the U.S. Federal Circuit and District Courts have cited and relied on as

authoritative. Dr. Cheng has a J.S.D. and LL.M. degree from Yale Law School and first class honors in law from Oxford University.

Dr. Cheng is bilingual in English and Mandarin.

REPRESENTATIVE CLIENTS

Abu Dhabi Investment Authority
BPTP (India)
EDP Brazil
Government of Singapore Investment Corporation
Latin American Power
Mubadala Investment Authority
Republic of Poland

NOTABLE ARBITRATIONS

Represented Progas and former Iraqi Oil Minister Ali Allawi in a \$600mn. UNCITRAL arbitration against Pakistan concerning a gas investment.

Represented Spentex against Uzbekistan in a \$500mn. ICSID bilateral investment treaty arbitration concerning the expropriation of cotton mills.

Represented the Abu Dhabi Investment Authority against a Citibank in an ICDR arbitration concerning ADIA's \$7.5bn. bailout of Citibank during the financial crisis.

Represented a London and Portugal hedgefund against Société Générale in a JAMS arbitration, winning full damages and 90% of fees and costs.

Represented an Asian real estate company against Whitehall (Goldman Sachs) and Hines in a \$1.4bn. arbitration dispute in the United States, achieving a favorable settlement.

Represented a Latin American power company in a \$700mn. ICC arbitration against SunEdison concerning a buyout agreement.

Represented a Gulf sovereign wealth fund in an arbitration dispute against Saipem concerning a gas project of national importance to Indonesia.

Represented a Brazilian power company in a \$100mn. arbitration dispute against Siemens concerning defective power plant turbines, achieving a favorable settlement.

Represented Singaporean and Australian publicly-listed companies against Indonesia in \$100mn. ICSID bilateral investment treaty arbitrations concerning a mining project.

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Represented Churchill Mining in an \$1bn. ICSID bilateral investment treaty arbitration against Indonesia concerning a mining concession, defeating jurisdictional objections by Indonesia.

NOTABLE LITIGATIONS

Represented an NYSE-listed international company in simultaneous regulatory investigations, a class action lawsuit in California, and a lawsuit against short sellers in New York.

Represented Indian real estate company and Indian nationals against a JP Morgan subsidiary in opposing confirmation of a \$70mn. LCIA arbitration award, successfully defeating attachment and discovery, and ultimately dismissing the petition with prejudice on jurisdictional grounds.

Represented New York real estate company against a JP Morgan subsidiary in a 28 USC § 1782 petition for discovery in aid of foreign proceedings, successfully defeating the petition.

Represented the Abu Dhabi Investment Authority to compel Citigroup to arbitrate a \$1bn. dispute, winning before the District Court and Court of Appeals.

Represented an Albanian power company in the worldwide enforcement of a \$600mn. judgment against Enel Sp.A. concerning a hydroelectric project, involving legal actions in multiple countries.

Represented a sovereign wealth fund in a \$5bn. real estate dispute involving commercial mortgage backed securities, achieving a swift and favorable business solution.

Represented a CFO in an eight-week federal white collar trial and appeal concerning a \$50mn. fraud, obtaining a sentence of 1 day time-served and no restitution.

Represented a Taiwanese banker facing white collar crime charges in U.S. federal court relating to a \$1.7bn. accounting fraud in Japan.

Represented multiple sovereign wealth funds against the U.S. Department of Justice concerning the 2008 financial crisis, achieving no action by the DOJ and no publicity.

Represented the Republic of Poland against a gun seller supported by the National Rifle Association in a lawsuit in the Eastern District of Virginia concerning a rare World War I rifle, resulting in the repatriation of the rifle to Poland where it is on permanent display in a museum.

NOTABLE ARBITRATOR APPOINTMENTS

Chair of a CPR arbitration tribunal in an \$8bn. dispute between defense contractors concerning military aircraft intellectual property (wrote and issued the award within 9 months from appointment and 1 month from the submission of post hearing briefs).

Chair of an ICDR international arbitration in a franchise dispute between European and Latin American corporations (wrote and issued the award within 1 year from appointment).

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Chair of the \$150mn. ICC international arbitration concerning a resort in Mexico, with parallel proceedings in US courts.

Chair of a \$50mn. HKIAC international arbitration in a investment dispute between 24 Chinese and Hong Kong entities, in proceedings in English and Mandarin.

Chair of a \$50mn. ICDR arbitration between a Turkish company and a Canadian company, governed by Bahamas law.

Sole arbitrator in an ICC arbitration between a U.S. company and an Indian company in a dispute arising from an oil well failure in Canada, with parallel proceedings in Texas.

Sole arbitrator in a dispute between a U.S. bankruptcy estate and a Taiwanese entity.

Co-arbitrator in a \$50mn. ICC arbitration between a Chinese company and a Canadian company in an aviation dispute.

Co-arbitrator in an UNCITRAL international arbitration between U.S. and Hong Kong corporations.

Co-arbitrator in an ICC international arbitration in an intellectual property licensing dispute between Canadian and Japanese corporations.

NOTABLE EXPERT AND CONSULTING ENGAGEMENTS

Testifying expert on public international law in a \$500mn. SCC arbitration concerning an airport project in Russia.

Testifying expert on international arbitration in a \$4bn. bankruptcy proceeding in Canada and the United States.

Testifying expert and consultant on international law and U.S. law in Singapore court proceedings to successfully oppose extradition of individuals for conspiracy to defraud the United States.

Amicus curiae in a U.S. Federal Court of Appeals case involving a \$400mn. state succession dispute between a hedge fund and sovereign state.

Consultant to Kosovo on matters of state succession.

Consultant to South Sudan on succession, oil concessions and expropriation.

EDUCATION

Yale Law School
(J.S.D., 2004)

Howard M. Holtzman Fellow for International Law, 2000-2001

Oxford University
(M.A., 2004)

Yale Law School
(LL.M., 2000)

Oxford University
(B.A., Law, *First Class Honors*, 1999)
Oxford University Scholar, 1997-1999

SELECT PUBLICATIONS

Author of over 60 books and articles, including:

INTERNATIONAL ARBITRATION IN THE UNITED STATES (Kluwer Law International, forthcoming, 2014) (co-editor).

WHEN INTERNATIONAL LAW WORKS (Oxford University Press, 2012).

STATE SUCCESSION AND COMMERCIAL OBLIGATIONS (BRILL, 2006) (cited as authoritative by US courts)

State Incapacity and Sovereign Immunity in International Arbitration, SINGAPORE ACADEMY OF LAW JOURNAL, SPECIAL ISSUE ON ARBITRATION (2014).

Finality & Justice in ICSID Annulments, 31 BERKELEY J. INT'L L. 263 (2013).

Why New States Accept Old Obligations, 2011 U. ILL. L. REV. 1 (2011).

Renegotiating the Odious Debt Doctrine, 70 L. & CONTEMP. PROBS. 7 (2007) (cited as authoritative by US courts)

Precedent and Control in Investment Treaty Arbitration, in INVESTMENT TREATY LAW: CURRENT ISSUES III (BIICL, 2009), *revising* 30 FORD. J INT'L L. 1014 (2007), 5:3 TRANSNAT'L DISPUTE MGMT. (May, 2008).

Power, Authority and International Investment Law, 20 AM. U. INT'L L. REV. 465 (2005).

Testing Urbaser's Approach To The Availability of Local Remedies, 15 Journal of World Investment & Trade 285 (2014).

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Recovery of Fees and Costs, in INTERNATIONAL ARBITRATION IN THE UNITED STATES (Kluwer Law International, forthcoming, 2014).

A Workaround The Most Favored Nation Clause Dispute, 29 ICSID REVIEW, (forthcoming, 2014).

Should Syria Honor Assad-Era Debt. 8 Yale J. Int'l Affairs 126 (2013).

International Arbitration, in JUDICIAL BENCHBOOK ON INTERNATIONAL LAW (2013).

Developing Narratives in Investment Treaty Arbitration, 9 SANTA CLARA J. INT'L L. 215 (2011).

International Mediation, Arbitration, and Innovation, 5 CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION 434 (2010).

State Succession and Commercial Obligations: Reflections on Kosovo, in LOOKING TO THE FUTURE: ESSAYS IN HONOR OF W. MICHAEL REISMAN 675 (2010).

Reflections on Culture Med-Arb, 4 CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION 421 (2010).

PRIOR ASSOCIATIONS

New York Law School:

Professor of Law (with tenure), Co-Director, Institute for Global Law, Justice & Policy
2006-2012

Hoguet Newman Regal & Kenney, LLP:

Senior Legal Advisor, 2007-2012

Hebrew University, Faculty of Law:

Visiting Professor, 2012

Vanderbilt Law School:

Visiting Professor, 2010

Simpson Thacher & Bartlett LLP:

Associate, 2003-2006

PROFESSIONAL ACTIVITIES

Arbitration Panels

- Panel of Neutrals, Kuala Lumpur Regional Centre for Arbitration (KLRCA), 2013 – present.
- Panel of Neutrals, Shenzhen Court of International Arbitration (SCIA), 2012 – present.

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- Panel of Neutrals, American Arbitration Association (AAA), 2012-present.
- Panel of Neutrals, Singapore International Arbitration Centre (SIAC), 2012-present.
- Panel of Neutrals, International Centre for Dispute Resolution (ICDR), 2009-present.
- Panel of Neutrals, Hong Kong International Arbitration Centre (HKIAC), 2009-present.
- Panel of Neutrals, The International Institute for Conflict Prevention & Resolution (CPR), 2009-present.

Professional Associations and Civic Organizations

- College of Commercial Arbitrators
 - Fellow: 2014-present.
- Ali Forney Center for Homeless LGBT Youth
 - Board of Directors: 2014-present.
- American Society of International Law
 - Counsellor, 2016-present; Executive Council: 2010-2013; Chair Awards Committee: 2011; Co-chair Annual Meeting: 2011; Chair Awards Committee: 2011.
- American Law Institute
 - Elected Member: 2009-present, Members Consultative Committee on Restatement on International Commercial Arbitration, 2009-present; Members Consultative Committee on Principles of World Trade Organization Law, 2009-present.
- American Bar Association
 - Steering Committee, Arbitration, 2012-present.
 - International Law Section: 2009-present.
- American Bar Foundation
 - Fellow: 2011-present.
- ICC Task Force on the Revision of ICC as Appointing Authority in UNCITRAL or other Ad Hoc Proceedings
 - 2015-present.
- Institute for Global Law, Justice, & Policy
 - Co-chair, Advisory Council, 2014-present
- Institute for Transnational Arbitration

- Executive Committee, 2011; Co-chair, Dallas Meeting, 2011, Academic Council: 2008-present.
- Foreign Policy Association
 - Honorary Fellow, 2007-present.
- New York State Bar Association
 - Special Counsel, Special Committee on Legal Competency, 2005-2010.
- New York City Bar Association
 - International Law Committee, 2003-2006; UN Committee, 2003-2006; Committee on International Dispute Resolution, 2006-2009, 2013-present.
- International Arbitration Club of New York
 - Founding Member, 2010-present.
- New York International Arbitration Center
 - Program Committee, 2013-2014.

ADMISSIONS

The State Bar of New York
United States District Courts:
Southern District of New York
Eastern District of New York
Western District of New York
United States Appeals Courts:
Second Circuit

LANGUAGES

English and Mandarin