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Alexander J. Marcopoulos

BIOGRAPHY

Alexander Marcopoulos is counsel in the International Arbitration and Energy practices. He represents and advises companies and States in high stakes international projects and transactions. As part of his core disputes practice, he regularly provides advice and advocacy in commercial, investor/State and maritime arbitrations carried out under the auspices of a variety of institutional and *ad hoc* rules, including those of the ICC, ICSID, UNCITRAL, SCC and the LMAA. His practice focuses particularly on the construction, energy and maritime sectors.

Alexander also leads Shearman & Sterling's Human Rights at Sea Arbitration team. A collaboration between Shearman & Sterling and UK-based charity Human Rights at Sea, this innovative project seeks to develop a new system for the arbitration of complaints concerning human rights abuses at sea.

Alexander has consistently been featured in *Who's Who Legal Arbitration – Future Leaders*. The publication, which is based upon an independent survey of general counsel and private practice lawyers worldwide, profiles the foremost practitioners in the arbitration community aged 45 and under and notes that "Alexander is 'an excellent lawyer' who wins commendations for his 'well-organised and focused' approach to commercial and investor-state arbitrations" (2020). Previous editions of the same publication note that "Alexander Marcopoulos gains widespread recognition from international peers who praise his 'great strategic mind'" (2019), that he "masters the art of simplifying complex facts", and that peers "praise his expert handling of disputes in the construction, energy and maritime industries" (2018).

Alexander has also been listed as a "Rising Star" in the field of commercial arbitration in *Euromoney's LMG Rising Stars* expert guide since 2017, and as one of the "Best Lawyers" in France in 2020 and 2021.

EXPERIENCE INCLUDES REPRESENTATION OF:

- A heavy equipment supplier and contractor in relation to an arbitration and a number of delay, disruption, defects and other disputes arising out of two energy construction projects in Africa with claims and counterclaims of over USD 2 billion. The law of the country of the projects applies.
- A European aerospace company in disputes with a US-incorporated service provider concerning issues of delayed or non-performance under the parties' contract.
- The Arab Republic of Egypt, Respondent in an investment treaty arbitration under the UNCITRAL Rules, administered by the Permanent Court of Arbitration, in relation to a petrochemical plant. Over USD 2 billion was at stake.
- Five natural gas importers, Respondents in SCC and UNCITRAL arbitrations in Stockholm initiated by an upstream supplier. The disputes arose from a gas price revision clause in long-term supply contracts. Swedish law applied.

ALEXANDER J. MARCOPOULOS BIOGRAPHY (CONTINUED)

- A South East Asian listed company, Claimant in an LMAA arbitration in London against a Chinese shipyard. The dispute arose in connection with various shipbuilding contracts. English law applied.
- A U.S. private equity firm in relation to its acquisition of a leading U.S. dry barge and logistics company, including with respect to issues arising under the general maritime law of the U.S.
- Two international construction contractors, Respondents in an ICC arbitration in London brought by a Middle Eastern State entity arising out of the development of a world-class medical facility in the Middle East. The law of the Claimant's State governs and the language of the proceedings is English. Over \$3 billion is at stake.
- A French-German consortium in an ICC arbitration in Stockholm against a Finnish utility company. The dispute arose from an agreement for the construction of a nuclear power plant in Finland. Finnish law governed. Over EUR 6.1 billion was at stake.
- A U.S. investment bank in relation to the assignment of bills of lading and issues concerning vessel arrest and cargo seizure in international waters.
- A European energy company (as buyer in a long-term gas supply agreement) against another European energy company (as seller) in an ICC arbitration in Geneva. The dispute arose out of a long term, oil-linked gas purchase agreement and concerned the continued marketability of the purchased gas in the relevant downstream, domestic market. New York law applied.
- The Democratic Republic of Algeria in an ICSID arbitration initiated by Mærsk Olie, Algeriet A/S (ICSID Case No. ARB/09/14). The arbitration, which was brought under the Algeria-Denmark bilateral investment treaty, was in relation to windfall profit tax in the context of a production-sharing contract. Over USD 3 billion was at stake.

QUALIFICATIONS

Education

- Tulane University School of Law, J.D. (*cum laude*)
- New York University, B.A. in Economics and Philosophy

Admissions & Courts

New York

Languages

- English
- Greek
- French

Nationalities

- U.S.
- Greek

OF NOTE

Professional Affiliations

- Lecturer (Int'l Investor/State Arbitration), Panthéon-Assas University (Paris II), M2 diploma, France (since 2014)
- Lecturer (Written and oral advocacy in international arbitration), Sciences Po, M2 diploma, France (2015-2016, 2021)
- Advisory Board Member, Human Rights At Sea
- Member, Society of Construction Law UK (SCL)

ALEXANDER J. MARCOPOULOS BIOGRAPHY (CONTINUED)

- Member, International Arbitration Institute (IAI)
- Member, LCIA European Users' Council
- Member, ICC Hellas

Publications

- “Terminating or Renegotiating Shipbuilding Agreements Checklist”, Thomson Reuters Practical Law, February 2022 (with D. Katsikis)
- “A new initiative for the arbitration of human rights abuses at sea”, International Bar Association Arbitration Committee Newsletter, June 2021 (with E. Edson)
- “Revisiting the risk of undesired appeal in investment treaty arbitration: is deference to the tribunal’s award still less likely in the ICSID context?,” *Arbitration International* (April 2021)
- “High Court Upholds Tribunal’s Dismissal of Claim on Grounds Not Specifically Advanced by Either Party,” 2018(3) ICC Disp. Res. Bull. 31
- “Planning for the Worst to Manage the Best: a Proactive Approach to Managing Construction Disputes,” MDA No. 101, at 8 (2015) (with A. Bevan)
- “Flags of Terror: An Argument for Rethinking Maritime Security Policy Regarding Flags of Convenience,” 32 Tul. Mar. L.J. (2007)
- “Ferrostaal v. M/V Sea Phoenix: The Third Circuit’s Sinking of the Fair Opportunity Doctrine,” 31 Tul. Mar. L.J. 679 (2007)

Speaking Engagements

- “Panel Discussion: Business and Human Rights Arbitration,” 5th ICC European Conference on International Arbitration, 28 June 2021
- “Confronting the Human Rights Crisis in Fisheries: How Arbitration Can Improve Fishers’ Access to Justice,” UN World Oceans Day Webinar, 8 June 2021
- Roundtable “Handling the Hot Potato: Issues of Corruption in International Arbitration,” 14th ICC New York Conference on International Arbitration, 4 October 2019
- “Addressing Risk in Long-Term Investment Contracts in the Energy Sector,” 4th Athens Conference on European Energy Law, 27 September 2019
- “Construction Arbitration in the East Mediterranean,” Keynote address, YPCP Conference, Paris, 17 April 2019
- “Η Διαχείριση Εξαιρετικά Περίπλοκων και Τεχνικών Διαφορών” [Handling Especially Complex and Technical Disputes], Conference on Current Issues in Domestic (Greek) and International Arbitration, Thessaloniki, Greece, 25-26 January 2019
- “The Review and Reviewability of Non-ICSID Investment Arbitration Awards by State Courts,” Sharm El Sheikh VII Conference, Sharm El Sheikh, Egypt, 9-10 December 2018
- “The Role of Gas Price Review in Addressing Structural Changes,” 2nd East Mediterranean Energy Law Forum, Athens, Greece, 30 November 2018
- “Examining the Effectiveness of Institutional Arbitration Where the Need (or Desire) to Consolidate Related Maritime Disputes Arises,” ICC Dispute Resolution Seminar held at Posidonia 2018 in Athens, Greece, 7 June 2018
- “International Arbitration: An Unavoidable Yet Advantageous Dispute Resolution System,” 1st Greek Law Digest Conference on Legal and Business Challenges in Today’s Greece, 3 February 2017

Other

- Alexander has also worked with the Office of the Prosecutor for the International Criminal Tribunal for Rwanda, assisting in the prosecution of those accused of participating in the 1994 Rwanda Genocide.
- Alexander served as Managing Editor of the *Tulane Maritime Law Journal*.