

Brenda Horrigan

Independent Arbitrator



BRENDA HORRIGAN PTE LTD
Singapore

PHONE +65 8788 1966

EMAIL brenda@brendahorrigan.com

WEBSITE www.brendahorrigan.com

LINKEDIN [linkedin.com/in/horriganbrenda](https://www.linkedin.com/in/horriganbrenda)

Brenda Horrigan is an internationally recognised arbitration practitioner with over 30 years of extensive global experience, having worked from the US, Paris, Moscow, Shanghai, Sydney and now Singapore.

Prior to establishing her own practice in 2021, Brenda was the Head of International Arbitration in Australia at Herbert Smith Freehills in Sydney. She commenced her career as a transactional lawyer and has spent nearly 20 years focussing exclusively on complex international commercial and investment treaty arbitration matters at both the arbitration and enforcement stages.

Brenda is the immediate past president of the Australian Centre for International Commercial Arbitration (ACICA) and remains a member of its Executive Committee. She is a Fellow of the Chartered Institute of Arbitrators and is listed on the panels of numerous arbitral institutions.

Brenda has taught international arbitration as a Global Adjunct Professor of Law at New York University's Shanghai campus and as a guest lecturer at the University of New South Wales and Australian National University. She is regularly invited to speak at conferences and seminars on arbitration and is consistently ranked in *Chambers* and *Who's Who: Legal* as a leading arbitration practitioner.

Professional Career

Independent Arbitrator, May 2021-present

Australian Centre for International Commercial Arbitration (ACICA)

- President, *April 2019-May 2021*
- Executive Committee, *May 2018-present*

Herbert Smith Freehills

- Head of International Arbitration – Australia, *October 2016-April 2021*
- Partner, Head of Office – Shanghai, *June 2014-October 2016*
- Partner – Shanghai, *April 2012-June 2014*

New York University School of Law – Shanghai campus

- Global Adjunct Professor, 3-credit course on International Arbitration, *Spring 2016, Spring 2015*
- Global Adjunct Professor, 2-credit course on International Arbitration, *Spring 2014*

Salans LLP

- Partner and Co-Head, Global Arbitration Practice – Paris and Shanghai, *September 2008-April 2012*
- Partner – Paris, *May 2001-September 2008*
- Associate – Moscow and Paris, *December 1995-May 2001*

Stephoe & Johnson

- Associate – Washington DC and Moscow, *September 1992-December 1995*

Education

Columbia University School of Law, JD, *Stone Scholar Honours*

Columbia University Harriman Institute of Russian Studies, Certificate in Russian Studies/Law

Moscow State University Law Faculty, Research scholar studying land privatization (Moscow)

Grinnell College, BA *with honours*

Bar Admission

Washington DC (USA); Illinois (USA) (inactive); New South Wales (Australia) (inactive)

Languages

English (native), French (working knowledge), Russian (working knowledge), Mandarin (basic)

Selected Professional Experience

Representative international arbitration cases as **arbitrator**

- Sole arbitrator in a SIAC arbitration between Myanmar parties in a dispute in the telecoms sector
- Sole arbitrator in a SIAC arbitration between Asian and North American parties in a dispute over distribution agreements in the agricultural chemical sector
- Emergency arbitrator in a SIAC Emergency arbitration between Singaporean and European parties in the sports sector
- Sole arbitrator in an LCIA arbitration between Australian and Korean parties in the e-commerce sector
- Chair in an *ad hoc* arbitration under the UNCITRAL Rules between Singaporean and Caribbean parties in a dispute in respect of an acquisition agreement
- Sole arbitrator in a SIAC arbitration between Asian and North American parties in a dispute in relation to a social media acquisition agreement
- Sole arbitrator in a SIAC arbitration between Canadian and Singaporean parties in a dispute in the pharmaceutical sector
- Co-arbitrator in an LCIA arbitration between Chinese and European parties in the energy sector
- Chair in a KCAB arbitration between Chinese and Korean parties in the technology sector
- Sole arbitrator in a NZDRC arbitration between Chinese and New Zealand parties in the pharmaceutical/e-commerce sector
- Sole arbitrator in a SIAC arbitration between Asian and African parties in the energy sector (hydropower)
- Sole arbitrator in an *ad hoc* arbitration under the UNCITRAL Rules between Australian and Asian parties in the services sector
- Emergency arbitrator in a SIAC Emergency Arbitration between Asian parties in connection with an acquisition agreement
- Chair in an *ad hoc* arbitration under the UNCITRAL Rules between North American and Asian parties in connection with an acquisition agreement in the hydropower sector
- Sole arbitrator in an ICC arbitration between Caribbean and Central Asian parties in the energy sector
- Sole arbitrator in an ICC arbitration between Eastern European and Asian parties in the services sector

Representative international commercial arbitration cases as **counsel**

- An Australian client in pre-arbitration negotiations in relation to a dispute with a European counterparty and potential arbitration — ICC Rules (with the CISG as the governing law of the contract)

- A Middle Eastern client in an arbitration brought by its Asian counterparty in connection with a dispute under a long-term contract — JCAA Rules
- An Asian subsidiary of a multinational company in an arbitration brought by its Chinese and Korean counterparties in connection with a dispute over a resource contract in the manufacturing sector, and in related proceedings in the Singapore courts — SIAC Rules
- An Asian entity in an arbitration against its Central Asian counterparty in connection with a dispute over a turnkey project in the telecommunications industry, and in related proceedings in the Chinese courts relating to the project and in Singapore with respect to an application for set-aside — ICC Rules
- An Asian client in an arbitration brought by its European counterpart in connection with a dispute under a share transfer agreement involving allegations of fraud — CIETAC Rules
- An Asian client in an arbitration against a Hong Kong entity in connection with a dispute over a joint venture in the paper industry involving allegations (by each party against the other) of fraud and forgery of documents — SIAC Rules
- A Chinese client in an arbitration brought by its European counterparty in connection with a dispute arising under a supply agreement in the solar sector — ICC Rules
- A Middle East-based investment fund in relation to pre-arbitration efforts to recover funds following a failed investment in mainland China
- A Chinese client in a commercial arbitration against a North American entity relating to a joint venture dispute in the textile industry — HKIAC Rules
- A European client in a pre-arbitration dispute against a Chinese entity relating to a licensing agreement in the media sector — SIAC Rules
- A Chinese subsidiary of a Hong Kong listed company in a commercial arbitration against a European entity relating to a dispute arising under an equipment supply contract in the green energy sector — HKIAC Rules
- Chinese and Hong Kong clients in a commercial arbitration against a European entity relating to a dispute arising under a substantial purchase contract — SIAC Rules
- A North American client in a pre-arbitration dispute against a Chinese entity relating to a commercial dispute in the manufacturing sector — SIAC Rules
- A European client in a commercial arbitration against a Chinese entity relating to a technology license arrangement in the transportation sector — CIETAC Rules
- A Chinese client in an arbitration against, and related mediation with, its European counterparty in connection with a joint venture dispute in the food and beverage sector — HKIAC Rules
- A Western client in an arbitration against a major Russian company in connection with an oil pipeline project in a CIS jurisdiction — ICC Rules
- A European client in two arbitrations against a CIS entity relating to a project for development of a gas field in a CIS jurisdiction — SCC Rules

Representative **bilateral investment treaty** matters

- Pre-arbitration advice to Chinese claimant in a potential investment treaty dispute against a Central European state
- Faculty member, UNCTAD Training on Investment Treaty Drafting for treaty negotiators from APEC member countries
- *Rumeli Telekom A.S. and Telsim Mobil Telekomunikasyon Hizmetleri* (Turkey): Co-lead counsel in an ICSID arbitration against the Republic of Kazakhstan in connection with a dispute in the telecoms sector
- *GEA Group Aktiengesellschaft* (Germany): Co-lead counsel in an ICSID arbitration against Ukraine in connection with a dispute in the natural resources sector
- Central European client: Special counsel advising in connection with a potential ICSID arbitration against the Republic of Kazakhstan relating to a dispute in the natural resources sector
- Canadian client and its UK parent: Lead counsel in a potential ICSID Additional Facility arbitration against the Republic of Romania relating to a dispute in the natural resources sector
- *European Media Ventures* (a Luxembourg entity): Lead counsel in a BIT arbitration under the UNCITRAL Rules against the Czech Republic relating to an investment in the media sector
- *Joseph Charles Lemire* (US): Special counsel in an ICSID arbitration against the State of Ukraine in connection with a dispute in the media sector

Recent speaking engagements

- Teach at HK University course: Practical Tips for an Enforceable Award (December 2023)
- Speaker, Panel on Presentation of Results of ACICA Evidence in Arbitration Survey, Sydney (November 2023)
- Co-Host, GAR Live Sydney, Sydney (November 2023)
- Moderate Panel on Presentation of Results of ACICA Evidence in Arbitration Survey, Perth (October 2023)
- Speak at ACICA Arbitrator Roundtable, Perth (October 2023)
- Arbitrator, Deakin University Arbitration Moot semi-final round, virtual (September 2023)
- Faculty, CIArb Applied Arbitration course for Fellows, Singapore (September 2023)
- Host, ACICA Friends of ACICA event, Singapore (30 August 2023)
- Speaker, Singapore VYAP Conference, Singapore (June 2023)
- Conference Chair, Hong Kong In-House Congress event, Hong Kong (May 2023)
- Interview by ArbChat, virtual (February 2023)

- Speaker, Mute-Off Thursdays episode, virtual (February 2023)
- Roundtable on Women Leaders, Singapore (February 2023)
- Speaker, Annual Summit on Commercial Arbitration in China, virtual (November 2022)
- Speaker, ArbInBrief Episode 4, virtual (November 2022)
- Speaker, Difficult Issues of Procedure and Expert Evidence in Arbitration, Melbourne (November 2022)
- Facilitator, ACICA Arbitrator Roundtable, Melbourne (November 2022)
- Panellist, Cross-Jurisdictional Discussion Among Leading Arbitrators, Melbourne (November 2022)
- Lecturer, AIAC Arbitrator course, virtual (October 2022)
- Facilitator, HK45 Witness Cross-Examination Moot, virtual (September 2022)
- Arbitrator, Semi-Finals Deakin ICA Moot, virtual (September 2022)
- Speaker, GAR Live conference, Singapore (August 2022)
- Speaker, Going Solo: The Rise of Female Arbitrator Practices, virtual (May 2022)
- Instructor, HKIAC Advanced Arbitrator Training Programme, virtual (April 2022)
- Speaker, Painting the Future of Arbitration in Asia, virtual (March 2022)
- Speaker, ABA International Skills Clinic: Drafting and Negotiating International Contracts, virtual (January 2022)
- Instructor, AIAC Arbitration Workshop, virtual (November 2021)
- Speaker, ACICA/CI Arb Australia International Arbitration Conference, virtual (October 2021)
- Arbitrator, Deakin University Arbitration Moot semi-final round, virtual (September 2021)
- Speaker, AIAC Asia ADR Week, virtual (August 2021)
- Faculty, SIAC Russia Academy, virtual (August 2021)
- Speaker, International Commercial Arbitration Workshop for Palau Legal Community, virtual (June 2021)
- Facilitator, ACICA Arbitrator Roundtable, Sydney (March 2021)
- Speaker, 3rd South Pacific International Arbitration Conference, Sydney (March 2021)
- Speaker, ACICA Arbitration Report Launch Event, Sydney (March 2021)
- Speaker, HKIAC webinar: “The Two E’s: The Efficiency and Effectiveness of International Arbitration with HKIAC”, virtual (March 2021)
- Speaker, “Colloquium with Arbitral Institutions, Organisations, Associations”, Milan Investment Arbitration Conference, virtual (February 2021)

- Speaker, ACICA webinar: “International Arbitration in the South Pacific”, virtual (February 2021)
- Moderator, ACICA Judicial Liaison Committee Dispute Resolution Forum, virtual (November 2020)
- Faculty, Session on Arbitration and the New York Convention for the Fiji Judiciary, Fiji, virtual (November 2020)
- Speaker, UNCCA Conference: “UN Day Seminar: 40 Years of CISG”, virtual (October 2020)
- Host, ACICA/CI Arb conference: “Bridging the Distance – Arbitration in the New Normal”, virtual (October 2020)
- Arbitrator, Semi-Finals of Deakin University Arbitration Moot, virtual (September 2020)
- Speaker, “International Commercial Arbitration”, Thomson Reuters’ Alternative Dispute Resolution Conference, Sydney (June 2020)
- Moderator, ACICA Webinar: “Arbitrability in the Times of COVID-19”, Sydney (May 2020)
- Speaker, “Drafting of Dispute Resolution Clauses” seminar, Law Society of NSW Young Lawyers’ Committee, Sydney (March 2020)
- Host, ACICA/CI Arb conference: “Building Bridges: Resolving Disputes Through International Arbitration”, Brisbane (November 2019)
- Panellist, “From Hot Seat to Hot Tub: Expert Witness Conferencing in International Arbitration”, Brisbane (November 2019)
- Facilitator, ACICA Arbitrator Roundtable, Brisbane (November 2019)
- Panellist, “Legal Finance as a Tool to Promote Diversity in Arbitration”, Brisbane (November 2019)
- Panellist, Young ITA: “Emergency and Interim Measures in Commercial and Investor-State Arbitration”, Brisbane (November 2019)
- Guest lecturer, teaching on international business transactions, UNSW Law School CIBEL program, Sydney (November 2019)
- Guest lecturer, teaching on investment treaty arbitration, UNSW Law School CIBEL program, Sydney (August 2019)
- Panellist, CI Arb Australia seminar: “Improving Arbitration Procedure: Tips and Traps for an Efficient Process”, Sydney (July 2019)
- Moderator, Session on International Arbitration, Australian Bar Association 2019 Biennial International Conference, Singapore (July 2019)
- Instructor, CI Arb Accelerated Route to Fellowship course, Sydney (June 2019)
- Speaker, ICC Asia Conference, Singapore (June 2019)
- Instructor, CI Arb Asia Pacific Diploma in International Commercial Arbitration, Singapore (May 2019)
- Speaker, 20th Attorney General’s Conference, Fiji (December 2018)

- Panellist, CIArb Australia Debate: “To Arbitrate or to Litigate, That is the Question”, Sydney (November 2018)
- Speaker, “International Arbitration under the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI)”, IFA Conference, Sydney (August 2018)
- Speaker, “Issues in International Commercial Arbitration”, International Law Association Conference, Sydney (August 2018)
- Speaker, “State-to-State and Investor-State Arbitration in the Asian Context”, Colloquium on International Law, Hong Kong (July 2018)
- Speaker, ACICA Symposium: “Underwriting Cross Border Contracts – the significance of the New York Convention 60 years on”, Sydney (July 2018)
- Speaker, CIArb Seminar: “Transparency, Efficiency, Enforceability and Diversity: the hallmarks of modern commercial arbitration”, Brisbane (June 2018)
- Faculty, Session on Arbitration and the New York Convention for the Fiji Judiciary, Fiji (February 2018)
- Speaker, “Dawn of International Arbitration in the South Pacific” conference, Fiji (February 2018)

Recent publications

- *Chapter on Australia* in Force Majeure and Hardship in the Asia Pacific Region (H. Sippel, K. Duggal eds) (2021)
- *Arbitration procedures and practice in Australia: overview* in Thomson Reuters’ Practical Law (2021)
- *Chapter on China* in Enforcement of Investment Treaty Awards: A Global Guide (J. Fouret, ed.) (1st and 2nd editions, 2015 and 2021)
- *Section on Australian Arbitration* in the American Bar Association (ABA)’s Year in Review (2020)
- *Is international arbitration ready for smart contract and blockchain-related disputes?* in International Arbitration: In the age of the technological revolution, vol. 1 (M. Franco, ed.) (2020)
- *Section on China Dispute Resolution* in ABA’s Year in Review (2018)
- *Chapter on Dispute Resolution* in Corporate Counsel’s Guide to Doing Business in China, 3D (Cutshaw, Burke & Wagner, eds.) (2009 and 2016)
- *Chapter on Asia* in Guerrilla Tactics in International Arbitration – Ethics, Practice & Remedies (Horvath & Wilske, eds.) (2013)
- *Introduction to Arbitration in the People’s Republic of China* in the New York State Bar Association (NYSBA)’s New York Dispute Resolution Lawyer (2012)
- *Chapter on China* in Practitioner’s Handbook on International Arbitration and Mediation (Kolkey, Chernik & Neal, eds.) (3rd edition, 2012)

- *Chapter on China* in *The International Arbitration Review* (Carter, ed.) (2009 and 2010)
- *Arbitration in China* in Lexology's *Getting the Deal Through: Arbitration* (2009 and 2010)
- *Chapter on Enforcement in France* in *Enforcement of Arbitral Awards Against Sovereigns* (Bishop, ed.) (2009)

Recognition

Who's Who: Legal

- 2023: Global Leader, Arbitration
- 2022: Global Leader, Arbitration
- 2022: Thought Leader, Arbitration
- 2022: National Leader, Arbitration – South East Asia
- 2021: Thought Leader, Arbitration
- 2021: Global Leader, Arbitration
- 2020: Thought Leader, Arbitration
- 2020: National Leader, Arbitration — Australia

Chambers Global

- 2021: Band 1, Dispute Resolution: Arbitration — Australia
- 2020: Band 1, Dispute Resolution: Arbitration — Australia

Legal 500 Asia Pacific

- 2021: Leading Individual, Dispute Resolution: Arbitration — Australia