

CURRICULUM VITAE

Kim M. Rooney



Kim Rooney is an international arbitrator and barrister. She has been practicing in Asia, based in Hong Kong, since 1990. Prior to moving to become a Hong Kong barrister in September 2009, she was a partner of White & Case LLP and head of its international dispute resolution practice based in Hong Kong.

Kim Rooney is regularly appointed as an arbitrator, including as a co-arbitrator, sole arbitrator and presiding arbitrator, in arbitrations governed by the laws of civil and common law jurisdictions and by international conventions, involving construction and infrastructure, commercial, energy, investment, licensing, patents and technology licensing and rights, joint venture, shareholders and trade disputes. She is on the panel of arbitrators of the China International Economic and Trade Arbitration Commission (“CIETAC”), the Hong Kong International Arbitration Centre (the “HKIAC”) and the Kuala Lumpur Regional Arbitration Centre (the “KLRAC”).

Since the 1990’s, as counsel, Kim Rooney has also dealt with a wide range of banking and finance, construction and infrastructure, energy, investment, commercial, licensing, media, joint venture, shareholders and trade disputes, and with the enforcement of arbitration awards. She has represented Governments, Government ministries, state owned enterprises, multilateral agencies, investors in, lenders to, shareholders and joint venture participants in the banking and finance, cement production, construction and infrastructure, energy, forestry, fund management, hotel, international aviation, investment banking, manufacturing, media, mining, IT, oil and gas, satellite, telecommunications, and water sectors, among others.

Kim Rooney has represented clients under various Arbitration Rules including those of CIETAC, HKIAC, ICC, ICSID and SIAC as well as under UNCITRAL Rules and in other *ad hoc* arbitrations.

In 1998-1999 Kim Rooney led a World Bank-funded project advising the Ministry of Justice of the Lao PDR on the reform of its international arbitration law.

Examples of Representative Cases as Counsel

A representative example of the arbitrations in which Kim Rooney has acted as counsel is set out in Schedule 1 hereto.

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Bars and Courts

Hong Kong as Barrister –
admitted 22 February 2010
Hong Kong as Solicitor (March
1992 to August 2009)
England & Wales as Solicitor,
admitted 1991
High Court of Australia as
Barrister & Solicitor, admitted
1985
Western Australia as Barrister
& Solicitor, admitted 1980

Arbitration Panels/Lists

CIETAC (2011-2014)
HKIAC
KLRAC
Hong Kong Bar Association’s
List of Arbitrators

Mediation

CEDR Accredited Mediator
Hong Kong Bar Association
List of Mediators

Bar Associations and Memberships

Chair of ICC Hong Kong
Arbitration Committee, ICC
Arbitration Commission
member, member of the
working party of the ICC
Taskforce on the New York
Convention, the ICC Taskforce
on the Review of the ICC Rules
and the ICC Taskforce on
Arbitrations Involving States or

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Arbitration Related Activities

Kim Rooney is the Chair of the ICC Hong Kong Arbitration Committee. She represents Hong Kong on the ICC Arbitration Commission, based in Paris, and serves on a number of its Taskforces including the Taskforce on the New York Convention (Recognition and Enforcement of Arbitral Awards) and the Review of the ICC Rules of Arbitration. Kim Rooney is also a member of the Hong Kong Bar Association's Special Committee on ADR (Alternative Dispute Resolution). She is a member of the editorial board of *Dispute Resolution Journal*, the journal of the International Bar Association ("IBA"), and of the IBA's Committee on the Recognition and Enforcement of Arbitral Awards.

Kim Rooney was a member of the group that drafted "*ICCA'S Guide to the Interpretation of the 1958 New York Convention: A Handbook For Judges*" launched at the annual meeting of the International Council for Commercial Arbitration ("ICCA") in Geneva in May 2011. Kim Rooney's 2011 publications include:

- Co-authoring Lexis Nexis' volume entitled "*Hong Kong Encyclopedia of Forms and Precedents, Dispute Resolution-Arbitration & Mediation*"
- Writing the chapter on "Conflicts of Law" in *Hong Kong: A Practical Guide* (2nd Ed), Thomson & Reuters
- Co-authoring an article entitled "Enforcement of Hong Kong Arbitral Awards in India" in *Asian Dispute Review* (October 2011).

Kim Rooney's earlier publications include:

- "The New Arbitration Law in Hong Kong" "*Arbitration Newsletter*" IBA, March 2011.
- "Playing by the [ICC] Rules", *Asian Counsel*, Vol 8, Issue 8, 2010
- "Treaty Arbitration – Is it a real alternative for China Investment Disputes?" *Transnational Dispute Management*, December 2010
- "The 2009 ASEAN Comprehensive Investment

State Entities. of the Hong Kong Bar Association Special Committee on ADR. HKIAC's Users Group. the IBA and member of the Board of Editors of the IBA's "*Dispute Resolution International*" Journal, member of the IBA's Sub-committee on the New York Convention.

Languages

English (fluent). French (reading)

Directory References

Kim Rooney was named Tier 1 as a leading individual for arbitration in *Chambers Asia 2009* for Arbitration: International (Asia-wide) and as a leading individual for Dispute Resolution (Hong Kong), is listed in *Chambers Asia-Pacific 2011 (Dispute Resolution- Hong Kong Bar)* and in *International Who's Who of Commercial Arbitration 2011* and was listed as one of the world's top 30 women in arbitration by *Global Arbitration Review* in 2008, among other directory references.

University Lecturing

Kim Rooney is an occasional lecturer at the Hong Kong University Law School.

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Agreement”, *Dispute Resolution Journal*, Vol 4, No. 2, October 2010

- “HKIAC’s New Administered Arbitration Rules”, *Kluwer Arbitration Blog*, 27 May 2009;
- “New CIETAC Online Arbitration Rules”, *Kluwer Arbitration Blog*, 27 May 2009;
- Chapter on Resolving Business Disputes in Today’s China Investor-State Arbitration and China: The “New, New Thing”? in *Business Disputes in China* (Michael J. Moser, Editor), Juris Publishing, 2007, (2nd Edition), 2009;
- Chapter on Umbrella Clauses in *Investor-State Arbitration-- Lessons for Asia* (Michael J. Moser, Editor), Juris Publishing, 2008;
- ICSID and BIT Arbitrations and China, *Journal of International Arbitration*, Kluwer, 2007;
- Chapter on “The Dispute Resolution Solicitor and Professional Undertakings” in *Professional Conduct and Risk Management in Hong Kong*, (Hon. Mr. Justice Ma, Editor-in-Chief, Mr. P.Dykes S.C. and A. Nasir, General Editors), Sweet & Maxwell Asia, 2007.

Kim Rooney speaks regularly at Hong Kong and international conferences about international arbitration and international dispute resolution.

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Schedule 1

- Representing the Republic of Indonesia in an ICSID arbitration arising out of a dispute relating to the sale of a stake in a state-owned enterprise in the cement industry, where the amount in dispute was in excess of US\$500 million.
- Representing Asian investors in a potential investment treaty arbitration arising from the revocation of a licence and the expropriation of investors' interest and rights in a natural resources project.
- Representing Asian investors in a potential investment treaty arbitration concerning expropriation of their investment in a substantial real estate development.
- Representing PT Aria West, a consortium of international and domestic investors involved in an Indonesian telecommunications concession to construct and operate a US\$400 million fixed-line network, in its dispute (in an ICC arbitration) with its joint operator, the Indonesian Telecommunications operating agency. The applicable law was Indonesian law and the matters in dispute included complex construction issues.
- Representing an Asian state owned enterprise in a dispute with a foreign investor arising from the sale of a state owned bank involving allegations of breaches of representations and warranties.
- Representing an international telecommunication group in a dispute concerning patents licensing.
- Representing a multinational conglomerate in a shareholders dispute with a Hong Kong based international group involving, among other things, an unauthorized sale of a US\$425 million asset and structuring of the claimed compensation.
- Representing a consortium of foreign investors that had invested more than US\$400 million in a Filipino entity, which was party to a concession agreement in the infrastructure sector, in its dispute with a Filipino governmental agency. The applicable law was Philippines law and the matters in dispute included complex construction issues relating to an essential service.

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- Representing a major Asian manufacturing group in its claims against a major European manufacturing group in a dispute arising under a sale and purchase agreement for the sale of a group of Asian businesses. The issues included breaches of representations and warranties in a sale and purchase agreement and resolution of a dispute arising under a convertible bond issued in connection with the sale and purchase.
- Representing a European respondent in a CIETAC arbitration instituted by a PRC party.
- Representing a European group that was a claimant against a joint venture participant in a CIETAC dispute.
- Representing a PRC joint venture between a PRC state owned enterprise and a foreign company in a dispute with an equipment and service supplier in the energy sector.
- Representing a major British bank active in Asia in connection with the sale of its interest in a property development in Bangkok, Thailand.
- Representing a North Asian company in a dispute with a major Asian coal producer arising from a contract for sale and purchase of coal by a series of shipments.
- Representing a Philippine engineering and construction company in a successful settlement of claims involving construction and engineering contracts for a telecommunications project in the Philippines.
- Representing a Bermudan company in disputes with various parties to agreements concerning the provision of telecommunication services located throughout Asia, including the Philippines.
- Representing a Korean conglomerate in a joint venture dispute concerning a natural resources project in Asia.
- Representing a Swedish company in a dispute with Indonesian and Cayman Island entities arising from repayment obligations under a loan facility concerning agreements for the supply and purchase of telecommunications materials and services in Indonesia.
- Representing a Japanese company in an ICC arbitration

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against a Russian company concerning the breach of a restructuring agreement.

- Representing a second Japanese company in an ICC arbitration against an Asian company concerning a breach of a restructuring agreement.
- Representing Swedish and Filipino companies in a dispute governed by ICC Rules with a Filipino company arising from various agreements concerning the supply and purchase of telecommunications materials and services in the Philippines, and a loan facility relating to those agreements.