



## Marc Henry

Partner

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**Marc Henry** is a litigation and arbitration partner at Hughes Hubbard & Reed LLP and leads the litigation practice in the firm's Paris office. Since 2004, he has been recognized as a leading individual by Chambers for both litigation and arbitration.

As a litigator, Mr. Henry has almost 30 years of experience defending French and international companies in their disputes before Commercial, Civil and Criminal Courts, as well as before regulatory authorities. He has developed a particular skill set in banking, finance and securities laws, company law, contract and tort law, insolvency proceedings, industrial and project disputes, anti-corruption and white-collar criminal law.

Mr. Henry's skills in arbitration are also widely recognized. He has acted both as counsel and arbitrator in various French and international proceedings (relating to international joint ventures, international project disputes, company and finance law, energy law, post mergers & acquisitions and general commercial matters) conducted in accordance with the ICC, OHADA, ICDR and UNCITRAL rules.

### Areas of Concentration

- Business litigation: banking and finance, corporate, industrial disputes, product liability, bankruptcy litigation, maritime law and white collar crime
- International and domestic commercial arbitration (counsel and arbitrator): international joint ventures, international projects, company law, energy, post mergers & acquisitions and general commercial disputes.

### Practice Areas

Arbitration  
Litigation

### Education Information

Doctor in Law (PhD), University of Paris I Panthéon Sorbonne (1996)

DEA (post graduate degree) in International Private Law and International Commercial Law, *cum laude*, University of Paris I Panthéon Sorbonne (1986)

DEA (post graduate degree) in Business Law and Economics, University of Paris I Panthéon Sorbonne (1986)

Master in International Business Law, *cum laude*, University of Paris I Panthéon Sorbonne (1985)

### Bar Admission

Paris, 1988

### Languages

Fluent in French and English  
Working knowledge in German

## Honors

- Award from the Institute of Arbitration and Expertise for Marc Henry's PhD work on the "Duty of independence of the arbitrator" (1998)
- Board member of the French Association of Arbitration (AFA).

## Recognitions

- Long recognized (since 2004) by Chambers as a leading individual for both litigation and arbitration
- Long recognized (since 2006) by Legal 500 for both commercial litigation and arbitration
- Recognized (since 2011) as a leading practitioner by Option Droit & Affaires Business Litigation survey for international litigation, product liability as well as for white collar crime
- Recognized (since 2011) as a leading practitioner by Decideurs Business Litigation survey for commercial litigation, finance litigation and white collar crime, as well as for arbitration (both as arbitrator and counsel).

## Highlighted Publications

### Books

- Shareholders' Agreements ("Pactes d'actionnaires et privilèges statutaires"), E.F.E., 2003
- The Duty of Independence of the Arbitrator ("Le devoir d'indépendance de l'arbitre"), L.G.D.J., 2001 (forewords of Mr. Jean-Denis Bredin de l'Académie française and Mr. Pierre Mayer)

### Articles

- Ethique et arbitrage ou de la solitude du coureur de fond, Revue de l'arbitrage (forthcoming)
- Arbitration in support of the weaker party though procedural rules, Journal de droit international (Clunet), 2016
- "Knowledge as a Standard to Analyze Independence and Impartiality", Revue de l'arbitrage, 2016
- "Tapie Arbitration", Bulletin de l'Association Suisse d'Arbitrage (ASA), 2016 ; Revue brésilienne d'arbitrage, 2016 ; Petites Affiches, 2015
- "The place of the arbitrator", *Liber Amicorum Pierre Mayer*, 2015

- “Disclosure: arbitration’s *de profundis or gloria?*”, comment of Paris Court of Appeal’s ruling (*Auto Guadeloupe*) of 14 October 2014, *Revue de l’Arbitrage*, 2015
- “Tecnimont: in defence of orthodoxy”, comment of Supreme Court’s ruling (Tecnimont) of 25 June 2014, *Petites Affiches*, 2014
- “The obligation of fairness of arbitrators *vis-à-vis counsel*”, *The Paris Journal of International Arbitration (Les Cahiers de l’Arbitrage)*, 2014
- Report on Third Party Funding, co-author, Club des Juristes, 2014
- "The independence of the arbitrator: at the very heart of fairness and soundness in arbitration proceedings," *The Paris Journal of International Arbitration*, 2013
- "Arbitrators' independence and impartiality: the Paris Court of Appeal endorses the French Supreme Court's landmark ruling in the Tecso case", comment of the Paris Court of appeal's ruling (*La Valaisanne*) of 2 July 2013, *Revue de l’Arbitrage*, 2013
- "The arbitrator's duty of disclosure: consecration of the criterion of reasonable effect on the arbitrator's independence and impartiality," , comment of Supreme Court's ruling's (*Tecso*) of 10 October 2012, *La Semaine Juridique, édition générale*, 2012
- "The New French Arbitration Law", *Global Arbitration Review*, 2012
- "The duty of disclosure between arbitrators and counsel: from suggestion to shock treatment," comment of Paris Court of Appeal's ruling (*Tecso*) of 10 March 2011, *Les Cahiers de l’Arbitrage*, 2011
- "Civil Procedure: The Defense Muzzled by the Public Prosecution," *Les Echos*, 2011
- "In arbitration “grasp all, lose all,” comment of Supreme Court’s rulings of 20 October 2010, *La Semaine Juridique, édition générale*, 2011
- "The duty of disclosure in recent case law: from rigor to excess," comment of notably Supreme Court’s ruling (*Tecnimont*) of 4 November 2010, *Petites Affiches*, 2011
- “Expert Appraisal Procedures: When Expert Appraisal Procedures Become the Sword of Unfair Justice”, *Semaine Juridique, General Edition*, 2010
- “The Obligation of Independence of the Arbitrator or the Myth of Icarus,” comment of Paris Court of Appeal’s ruling (*Tecnimont*) of 12 February 2009, *Petites Affiches*, 2009
- "On the independence of arbitrators vis-à-vis the lawyers involved in arbitration procedures," *Petites Affiches*, 2008
- "Guide on Shareholders' liabilities," *Option Finance*, 2006

- "The Group of companies doctrine applied to arbitrations involving a state," International business law Journal, 2006
- "International Arbitration: new trends," International business law Journal, 2006
- "Multiple appointments of arbitrators and duty of independence and impartiality," Revue de l'arbitrage, 2005
- "The contribution of arbitral case law and comparative law in the application of transnational rules to the merits of a dispute," in Towards a uniform international arbitration law? IAI series on international arbitration n°3, 2005
- "Arbitration and Activities relating to Defence," International business law Journal, 2004
- "Civil and Criminal liabilities of the managers," Option Finance n° 786, May 2004, "International arbitration and projects finance: the viewpoint of practitioners," International business law journal, 2003
- "The Duty of Independence and disclosure of the arbitrator in the light of recent case law," Revue de l'Arbitrage, 1999

### Highlighted Speaking Engagements

- Speaker at the conference jointly organized by the CMAP and the DU d'arbitrage international of Montpellier University on arbitration and the weaker party in light of the procedural rules, 2016
- Speaker at the round table organized by Wake Up With Arbitration on the arbitrator's duty of disclosure, 2015
- Lecture at the ICC 3rd Annual MENA conference on Arbitration at Dubai on: The Duty of Disclosure: How Much is too Much?, 2015
- Lecture at the Annual conference organized jointly by Paris The Home of International Arbitration and the Comité Français de l'Arbitrage on: The Duty of Fairness in Arbitration, 2014
- Lecture at the conference organized by the Collège Européen de Résolution des Conflits on: The Fundamental Principles of the Arbitral Procedure, 2014
- Interventions at joint conferences of the Brazilian Arbitration Committee and of the ICC in Curitiba, (September 2004), in Sao Paulo (September 2005), in Salvador de Bahia (October 2006) and in Curitiba and Porte Alegre (March 2012)
- Intervention at the Canadian Bar Association's Colloquium on arbitration in Ottawa on the Process of Constitution of the Arbitral Tribunal, 2004

- Intervention at the YAP colloquium arbitration in Paris on the Contribution of Arbitral Case Law and National Laws to the recognition of Transnational Rules, 2003

### University Teaching Experience

- Annual lecture on Advocacy Skills for the Master 2 in International Commercial Arbitration headed by Professor Thomas Clay (University of Saint-Quentin-Versailles)
- Annual lecture on the status of arbitrators for the Master 2 in International Commercial Law, headed by Professor Sylvain Bollée (University of Paris I Panthéon Sorbonne)
- Annual lecture on the duty of independence of arbitrators, for the Master 2 in International Economic Relations headed by Professor Yves Nouvel (University of Paris II Panthéon Assas)
- Annual lecture on independence and impartiality of arbitrators and on arbitration and ethics for the MOOC in Arbitration Law headed by Professors Daniel Mainguy and Carine Jallamion (University of Montpellier)
- Annual lectures on the duty of independence of arbitrators for the Master 2 in International Commercial Arbitration headed by Professor Thomas Clay (University of Saint-Quentin-Versailles) from the starting of the Master in 2006 to 2015
- Lecture on the issue of immunity in international private law for the Master in International Business Law headed by Professor Xavier Boucobza (University of Sceaux)
- 1996/1997 and 1997/1998: Lecturer in International Business Law at the University of Paris II Panthéon Assas (Master of International Law headed by Professor Philippe Fouchard)

### Professional Activities

- Member of the French Association of Doctors in Law (AFDD)
- Board member of the Association Française d'Arbitrage (AFA)
- Member of the Union Internationale des Avocats (UIA)
- Member of the ICC French Committee of Arbitration
- Member of the ICC International Commission
- Member of the LCIA
- Member of the Association of Swiss Arbitration (ASA)
- Member of the French Arbitration Committee (CFA)
- Member of the Paris Commercial Court Association (AFFIC)

## Previous Experience

- Partner at Lovells (2001-2009)
- Partner at Siméon & Associés (1996-2001)
- Associate at Siméon & Associés, Paris office (1991-1995)
- Associate at Siméon & Associés, Brussels office (1989-1991)
- Associate at Bredin, Prat (1988-1989)
- Trainee at Bredin, Prat (1987)