

## CV- FRED EINBINDER

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## EDUCATION

<b>1991</b>	<b>Executive MBA</b> , HEC (final report for degree- « <i>La Stratégie hôtelière de Spie Batignolles en l'Europe Centrale et Orientale</i> »)
<b>1981</b>	Diploma, Institute of Comparative Law of the University of Paris II
<b>July 1977 &amp; 1979</b> <b>July &amp; August 1978</b>	Certificates, Hague Academy of International Law Certificates, (student & teaching qualification) International Institute of Human Rights (Strasbourg)
<b>June 1976</b>	<b>Juris Doctor, (J.D.)</b> University of Illinois College of Law
<b>June 1973</b>	<b>Bachelor of Arts (B.A.)</b> (Magna Cum Laude) Bradley University

## PROFESSIONAL EXPERIENCE

**January 2013-present**      *Consultant- contract negotiations, management of criminal investigations, E-discovery, contract management*

### ***ALSTOM- May 1998-January 2013***

*(During the 14 year period of my employment, ALSTOM was a \$30 billion publicly traded (French Stock Exchange “CAC 40”) global leader in Power generation, Electrical transmission and distribution), Rail Manufacture and Service and Cruise ship manufacture with 80,000 employees in over 70 countries*

#### **January 2011 – January 2013    Special Legal Counsel**

Provided strategic and tactical advice and participated in arbitration proceedings in Chicago and subsequent legal actions which culminated in a recovery for Alstom of over \$65 million

#### **July 2006 – January 2011 -ALSTOM Group General Counsel and Secretary to the Board (Levallois, France)**

**Chief Legal Officer** managing a world-wide legal team of 225 lawyers in three major sectors of activity. Functional supervisory responsibility for over 300 contract managers. Company Secretary to the Alstom Board. Supervised insurance department.

- Management of worldwide criminal investigations into corruption and EU and national competition authorities proceedings against Alstom.
- Supervision of Chief Compliance Officer and his team.
- Drafted and implemented Code of Ethics Alert Procedure with ultimate responsibility for handling “whistle-blower” complaints
- Direct report to CEO; Reporting responsibility on disputes and investigations to Audit Committee
- Board Chair, North East Corridor Management Services Company, (*Acela* Boston-DC fast train project with \$1 billion in revenues)
- Chair, Alstom Power Holdings (Netherlands)
- Member of Board, of Interinfra, a consortium of major French infrastructure companies constructing subway systems internationally (Cairo and Athens metros)
- Member of Board and Company Secretary, Hydro\_Power Joint Venture company
- Board member, subsidiaries in Israel, UK and the USA
- Secured highly favourable settlement of major US Class Action Securities litigation which once constituted the major risk for the company and is a leading example on the use of comparative Law in US courts
- Disclosure, Risk and Insurance committee member
- Significantly increased hiring, promotion and remuneration of female and local (national) lawyers concomitant with increased internal mobility opportunities
- Selection and Management of Group's outside law firms obtaining highly significant reductions in overall legal costs and risk.

***May 1998 – February 2007 General Counsel & Senior Vice President, ALSTOM  
Transport (Rail Equipment and Services) (St. Ouen, France)***

- As Chief Legal Officer (“CLO”) managing a world-wide legal team of 40 lawyers (rail equipment and services).
- Responsible for integration of contract managers into the Legal Department
- Direct report to CEO; Member of the Executive Committee
- Negotiated major infrastructure contracts (ex. BNSF and Acela -US, Jerusalem tramway)
- Major role in \$89 million ICC Arbitration Award in Taiwanese high-speed rail case
- Chief Negotiator, Fiat Ferroviaria (Rail division) Acquisition
- Designed and Implemented Preventive Law Programs (Anti-Corruption, Contract Management, Innovative contracts, “Dispute-wise” company)
- Settled several major disputes through mediation (*Acela*; several disputes with joint venture partners, Patent infringement). “Champion” for promoting mediation as an alternative to litigation within the Alstom Group
- Board Chair, Northeast Corridor Management Services Company (Consortia company with Bombardier for Maintenance of *Acela* (Boston-NY-DC Hi-speed train)
- Member, Corporate Governance, Risk, Intellectual Property and Disclosure Committees

**December 1991 – May 1998**

**Director, International Legal Affairs, *Camponon Benard SGE, Rueil -Malmaison, France* (promoted from Department Head in 1996)**

Camponon Bernard SGE, now known as VINCI, is one of the world's largest construction companies

- Manager of a three-person legal team dedicated to international infrastructure contracts.
- Negotiation of PPP/Build-Operate and Transfer contracts (Israel -Yitzhak Rabin Highway, Pakistan-Hub River Power Plant, Portugal-Tagus River Bridge (Lisbon) sub-contract
- Major litigation, including Kuwaiti Jahra Ghazali highway case and arbitrations, including serving as counsel and obtaining a favorable award in Karachi Airport Sub-contractor International Chamber of Commerce “ICC” arbitration.
- Negotiation of major infrastructure projects, including the multi-billion Cairo Metro project, hotel joint ventures in East and Central Europe, Vietnamese power plants and hotels, and in Greater China notably, the “Jin Mao” Hyatt hotel Tower in Shanghai
- Drafted and negotiated preliminary legal framework amongst international partners for the financing, design and construction of the Tchernobyl Sarcophage mega-project in Ukraine

**September 1985 – Dec. 1991**

**Department Head , *SPIE Batignolles* (promotion from ‘legal counsel’ in 1988)**

Spie Batignolles, now known as SPIE, is a major world player in electrical and mechanical, civil and industrial construction

- Negotiation of major International contracts and joint ventures (eg. Daya Bay Nuclear Power plant (China), Hainan (China) Airport, Eurotunnel Electrical/Mechanical major supply contracts
- Responsible for reviewing and participating on all Chinese, US and Eastern European projects for the Group

- Legal and Risk Analysis for several hundred tenders throughout the world
- Handled major Litigation and Arbitration cases with successful outcomes concerning projects in India, South Africa, the US and Nigeria.
- Legal and strategic report on and involvement in Concession projects (PPP)
- Intellectual Property Law responsibility for the Group

<b>Sept. 1984 – Sept. 1985</b>	<b>Intellectual Property Law Counsel, <i>Vittoz-Netter</i></b> law firms
<b>Sept. 1982 – Sept. 1984</b>	<b>Department Head, <i>Business and Industry Advisory Committee to the OECD</i></b> Responsible for Multinational Enterprises, Taxation, Finance and Accounting Standards, Competition and Trade Committees
<b>June 1982 – Sept. 1982</b>	<b>Summer Associate, <i>Baker &amp; McKenzie (Paris)</i></b>
<b>Sept. 1981 – June 1982</b>	<b>Legal Counsel, <i>Compagnie Générale des Eaux</i></b>

**TEACHING EMPLOYMENT :** *(more further detailed in TEACHING DOSSIER)*

AT AUP (formerly ACP)

<b>September 1979-May 1986</b>	<p><b>Lecturer, American College of Paris, International Business Administration Department</b></p> <p><u>Courses Taught in Regular program:</u> (part-time-2 courses) BA3075-Business Law (Fall) and International Business Law BA3084 (Spring) course created in 1979</p> <p>Legal Environment (course creation-emphasis on regulatory aspects) during the summers of 1980-1983</p> <p><u>Special program-Continuing education:</u> Developed program and taught in financial and reputational successful continuing education practical US law seminars for individual business persons and in-house corporate courses (Société Générale, Raytheon) (1980-83) in <u>Professional Studies Institute “PSI”</u></p>
<b>May 1986-present</b>	<p><b>Associate Professor, American University of Paris</b> <b>Promoted to “Senior Lecturer” in 1986 -converted to Associate Professor in 2012</b> <i>(leave of absence- Spring 1991- due to HEC Executive MBA program)</i></p> <p><b>Courses Taught:</b> (part-time 2 courses; Half-time 3 courses or more as of 2013-contract modification to <u>Category A</u>)</p>

**Economics and Management** (formerly International Business Administration):

Legal Environment of Business BA 3075 (Title converted from Business Law in 2006- cross-listed with LW 3075 (law, history and society)

International Business Law BA 3084 (cross-listed LW)

Disaster Management –(course creation) in 2011, initially as BA 4091 level seminar which became BA 3055, an inter-disciplinary GLACC course in 2020 . (offered 5 times in the summer in 6 and 3 week formats)

### **Masters in International Management “MIM”**

International Business Law and Ethics (Course creation) (initially (2016) taught twice as an one-credit part of Professor Robert Earhardt’s International Business Ethics course: and as stand-alone 2 hour credit course in 2019 (Not offered in 2020-21)

### **Masters in International Law and Diplomacy** (formerly Int’l and Public Policy)

Comparative Law MA 5012(2011-2017) (7) (Course Creation)

### **International and Comparative Politics**

International Law PO/LW 3061 (F2015-S2017 (2)

## TEACHING- OTHER INSTITUTIONS

**Fall 2017-Spring 2018**

**Instructor in Residence, Bradley University (Illinois)  
Business Law and International Business Law  
(Full-time -7 courses)**

**Spring 2012 - present**

**Lecturer, ESSEC Business School (Droit des Affaires Internationales et Management- *Masters in Law and Business*) “DAIM”**

American Business Law (2014-)

International Law for the Business Lawyer (2012-2014) (course creation)

<b>Fall 2013-Spring 2017</b>	<p><b>Lecturer, HEAD law school- Haute Etudes Appliquées Du Droit</b></p> <p><u>Anglo-American Contracts</u> for 5<sup>th</sup> year law students  <u>French History through French Trials</u> (creation-2014)</p>
<b>Spring 2012 - present</b>	<p><b>Senior lecturer and Researcher, (IDEP) <i>University of Paris -Saclay “Jean Monnet” Faculty of Law</i></b></p> <p><u>Common Law Contracts</u> (creation) for:  Masters, Juristes D’Affaires Franco-Anglais-  Grande Ecole de Droit “GED” -3<sup>rd</sup> and 4<sup>th</sup> year students</p>
<b>Fall 2013 - Spring 2019</b>	<p><b>Lecturer, American Business School (Paris) MBA Program</b></p> <p><u>International Business Law and Ethics</u>  <u>Financial Disasters</u> (course creation, 2014 )</p>
<b>2014-2017</b>	<p><b>Lecturer &amp; Member of Juries, ESCP</b></p> <p>Assisted in the development of <u>Contract management program for EDF</u> and orientation speaker in EDF contract manager course. Served on all team project juries (7 cycles) required for certification.</p> <p>Intermittent classes in International Business Ethics (corruption and bribery) in EMBA program (Paris)</p> <p>Week-long intensive courses on <u>International Business Law</u> in Executive MBA Programs in Berlin (Sept. 2015-16) &amp; Bucharest (July, 2015)</p>
<b>Sept 1978 – June 1979</b>	<p><b>Lecturer, Faculty of Law, Université d’Auvergne (Clermont-Ferrand) -full-time position</b></p> <p>Taught courses on <u>American Constitutional, Tort and Contract Law</u></p>
<b>August 1976 – July 1978</b>	<p><b>Director of Legal Research and Writing, University of Detroit School of Law (promoted from initial rank of Instructor in 1977)</b></p> <p>Supervision of three legal instructors</p> <p>Taught courses in <u>Legal Research and Writing</u>, <u>Moot Court</u> (including developing first case for the Justice Frank Murphy moot court competition case on criminal procedure argued before justices of the Michigan Supreme Court) &amp; <u>Criminal Procedure</u></p> <p>Established International law association</p>

Periodically from 1980-1994 I developed and taught courses on International Business Law, American Business Law, Comparative Labour Law, Public International Law, Technology and Intellectual Property law and French Law and History at the following Parisian area academic institutions:

- Schiller International University –(Pre-1986) Comparative Labor Law (approved by IBA for AUP but not offered), Comparative law (Regulatory); (Post 1986)- International law
- Ecole Nationale des Ponts et Chaussées (MBA)-International Business Law (1989, 1991-1992)
- ENSAM (Engineering Students) –(pre-1986) Technology and Intellectual Property law, US Business Law
- ESCP (Masters in Law)- International Business Law (1992-1994)
- Linfield College (Oregon) Undergraduate Liberal Arts Study Abroad Program in Paris - French History through Trials course, taught in 1981, later served as a foundation for a similar course developed at the HEAD law school in 2016. This course inspired the development of an AUP law and history course (“Great Trials in History”)- broadened to include US and English trials-approved with the support of Professor Steve Sawyer- for the 2014 summer session. Due to insufficient number of students signing up the course it could not be offered.

## **BAR MEMBERSHIPS**

### **STATE BARS-Licence to Practice**

**1976**

State of Illinois

**1977-1979**

State of Michigan (Inactive)

## **PROFESSIONAL ASSOCIATIONS**

Academy of Legal Studies in Business, (1979-) American Bar Association (1976-) Chicago Bar Association (2011-) Association of Transportation Law Professionals (2012-) American Society of Comparative Law (2013-) International Bar Association (1982-2017), Institut des Hautes Etudes sur la Justice (2014-) France-Amériques (2008-) Association Française pour L'Histoire de la Justice (2012-) American Society of International Law (2011-2019), Association of Corporate Counsel (1998-2011), Chief Legal Counsels-Europe “CLO-E” General Counsels Association (2006-2011), General Counsel Roundtable-Corporate Executive Board (2002-2010), HEC Alumni Association (1991-) City Club of Chicago (2014-), French-American Chicago Chamber of Commerce (2011-2019)

## **SCHOLARSHIP (Annotations and narrative provided in SCHOLARSHIP DOSSIER)**

## **PUBLICATIONS :**

Fred Einbinder, *Borrowings and Boomerangs: A Comparative Law Perspective on International Resonance in Transnational Anti-Corruption Law Enforcement*, Hofstra Journal of International Business and Law, (Forthcoming-Spring 2022)

Einbinder, *Corruption Abroad: From Conflict to Co-Operation: A Comparison of French and American Law and Practice*, International Comparative, Policy & Ethics Law Review (ICPEL), Spring 2020, Vol. 3, Issue 3, 667-799.

Einbinder, *Mass Torts: Dispute Resolution in France and the United States-The Vioxx and Mediator Cases Compared*, Washington International Law Journal, Vol. 29, Number 3 June 2020 at 575-647

Bismuth, Einbinder, Laporte & Pierrucci, *Table Ronde : Le Piège Américain*, Cahiers de Droit de L'Entreprise, N°3, Mai-Juin 2019, p. 9-17

Einbinder, *The Role of the Intermediary between the Contract and Owner On International Construction Projects: A French Contractor's Viewpoint* Vol. 11 The International Construction Law Review (April 1994) 175-189

Einbinder in Demazet (ed), *Chapters on Hotel and Restaurant Law*, LA GESTION HOTELIERE/HOTEL MANAGEMENT) Collection Club International, Maxim's de Paris (1989) pp.352-458

Einbinder, Book review, *Labour Relations and Industrial Relations* by Lord Wedderburn, 81 American Journal of International Law 547-549 (1987)

Einbinder, Book Review, *Multinational Enterprises and the OECD Industrial Relations Guidelines* by Campbell and Rowan, 79 American Journal of International Law 231-235 (1985)

Einbinder, Book Review, *International Labour Conventions and National Law* by Virginia A. Leary, 78 American Journal of International Law 258-261 (1984)

Note, *La Salle National Bank v. Evanston, Aesthetics are Properly Considered in Determining the Validity of Zoning Ordinances* Illinois Bar Journal 335-338 (1975)

## **TESTIMONY BEFORE PARLIAMENTARY COMMISSIONS**

### Testimony before French Parliamentary Commission

Testimony, including written responses to questionnaire, (*see Annex* ) before the Marleix/Gauvain commission of the French Parliament evaluating French anti-corruption efforts since the passage of the Sapin 2 anti-corruption law (12/2016) - *l'Evaluation de la loi relative a la transparence , à la lutte contre la corruption et a la modernisation de la vie economique*, February 10,2021

## **AD HOC LEGAL PROFESSIONAL WORKING GROUPS, PARTICIPATION IN RESEARCH STUDIES AND ASSISTANCE TO FELLOW GENERAL COUNSELS**

Member, Working Group of the “Le Club de Jurists” of prominent French lawyers, general counsels and law professors organized to propose legislative modifications to the French



Blocking Statute (Loi de Blocage) conceived to counter extraterritorial application of US law (2010-2011)

Member, Working group of French outside counsels, general counsels and law professors organized by IHEJ and *Conventions-Réguler la Mondialisation* to propose solutions to facilitate international legal and administrative co-operation (2010-2011)

Member of small Business and Legal Forum “BLF” organized Working group of French general counsels and the Secretary General of the French Government (Prime Minister’s Office) to facilitate the involvement of French general counsels in the study of the consequences on French business of proposed legislation (2009-10)

Assistance provided to General Counsel and Contract Management co-ordinator of THALES Group in the establishment of the company’s Contract Management program and team (2009-2010)

Participation in exchange of views between general counsels of large French multinationals and Pascal Clément, Minister of Justice and staff aimed at improving French government’s consideration of ‘real life’ effect on business of legislation and regulation and issues posed by extraterritorial application of US law, May 2007.

Participated, including a meeting in Oxford, in EU funded, Oxford law faculty research, under the direction of Professor of Comparative Law, Stephen Vogenauer, evaluating the concept of adopting a unified European contract law (2008)

## **CITATIONS -PRESS AND BOOKS**

2019

Cited in MEDIAPART, *Le Piège Américain, US and GE War on Alstom*, December 28, 2019

Narrative of role and internal strategic counsel given in Alstom corruption case in Matthieu Aron & Frédéric Pierrucci, *LE PIEGE AMERICAIN* (2019) & translated as “THE AMERICAN TRAP” in English. The Chinese translation became the 2nd best-selling business book in China in 2019 with over 600,000 copies sold.

Role as Moderator of Business and Legal Forum noted in summary of roundtable on communications in management in legal crises *La communication de crise sous contrainte judiciaire : quels reflexes adopter ?* noted by Ondine Delaumay in Option-Droit&Affaires, October 15, 2014 at page 11.

## **EXPRESSIONS OF GRATITUDE FOR ASSISTANCE in PUBLISHED WORKS**

2018

Gratitude in Preface, Véronique Magnier, COMPARATIVE CORPORATE GOVERNANCE (2018)

2016

Gratitude expressed in Notes as member of ESCP contract management team, *Beaussaut, Chekroun, Tremblay and Fourcade, La Formation des Contract Managers Au Service de la Performance Contractuelle : L'initiative EDF/ESCP Europe*, Revue De Droit des Affaires Internationales, N°1, 2016, 1-24 at 24.

2012

Gratitude in Preface, Antoine Garapon & Pierre Servan-Schreiber, DEALS DE JUSTICE (2012)

## **INTERVIEWS (Published or Broadcasted) and MEDIA APPEARANCES**

2021

*Le secret de l'avocat est-il soluble dans la confidentialité des avis juridiques de l'entreprise ?* by Anne Portmann, Lettre aux Juristes et Avocats, Mai-Avril 2021, pp.12-14

2019

*Jailed Foreign executive who felt full force of US Bribery law*, by Henri Astier, BBC News, April 23 2019

2016

*Panelist, Une corruption historique*, Matthieu Aron, FRANCE-INTER, March 4, 2016

2007

Xavier Leloup, *Directions juridiques: comment s'intégrer au mieux à son entreprise ?* MdA n°26, December 2007

2004

*Amtrak and Bombardier/Alstom Consortium Announce Resolution of Legal Claims*, cited in position as Chair of the Board of the Northeast Corridor Maintenance Service Company and General Counsel of ALSTOM Transport in Bombardier press release and reprinted in several major and industry media accounts of major development with the ACELA fast train (Boston to Washington DC) project, Montréal, March 17, 2004

1997

*Potential Lessons for reducing employment from US law and practice* followed by debate with former Prime Minister Michel Rocard and union leaders, Michel Field, on L'HEBDO, CANAL PLUS, January 11, 1997 (Request made for participation of economics faculty to AUP-volunteered in their absence)

## **CONFERENCES, SEMINARS, TRAINING- Speaker/Panelist/Moderator**

2021

*Speaker, A Comparative Law Perspective on Transnational Anti-Corruption Enforcement, Annual Meeting of the American Society of Comparative Law hosted (online) by the University of Wisconsin in Madison, October 14, 2021*

*Speaker, Rejection, Resistance and Resonance : Recent French Responses to US Anti-Corruption Measures and Pharma “Class actions” Mass Torts, Foreign and International Committee of the Chicago Bar Association (Video-Conference), September 14<sup>th</sup>, 2021*

*Speaker, Essential themes for Implementing tools that enable Next Level PPP’s, World Association of PPP Units and PPP Professionals “WAPPP” Annual Congress, (video-conference), Geneva, June 14<sup>th</sup>, 2021*

*Speaker, Key Concessions/PPP Clauses and Guiding Principles, Impact of the International Centre “Policies, Laws and Institutions” for attracting the private sector into sustainable and resilient PFPPP projects, Fifth International UNECE Forum on Public-Private Partnerships (Video-Conference) Geneva, April 26, 2021*

*Speaker, Research Presentation to AUP Economics and Management colleagues, Comparative French and American Law and Practice: Corruption Abroad and Mass Torts (video) April 8, 2021*

2020

*Speaker, Responsabilités Civiles et Pénales des Dirigeants et Législation Américain (FCPA), Evolutions Récentes et Nouveaux Enjeux, GOVERNANCES, Paris, February 4, 2020*

*Speaker, La gestion des grands contentieux au sein des entreprises :comment concilier les intérêts ?, Association des Professionnels pour le Contentieux Economique et Financier, (Paris), January 22, 2020*

2019

*Speaker, Table ronde sur l’enquête interne, La Responsabilité des Personnes Morales, Formation continue des Magistrats, Ecole Nationale des Magistrats, Paris, December 18, 2019*

*Speaker, Masterclass in Mergers and Acquisitions, International Chamber of Commerce ‘ICC’, Paris, December 4-5, 2019*

*Speaker, Compliance et Gouvernance : le cas Alstom, SCIENCE PO Alumni, Paris, October 24, 2019*

*Speaker, Mass Torts: Dispute Resolution in France and the United States-The Vioxx and Mediator Cases Compared, Annual meeting of the American Society of Comparative Law hosted by the University of Missouri, Columbia, Missouri, October 17, 2019*

*Speaker, Assaulting the New Citadel: Individual Responsibility vs. Corporate Irresponsibility: Addiction, lack of consent and Fraud as bases for legal redress for Third Parties: Annual Meeting, Academy of Legal Studies in Business, Montréal, August 10, 2019*

*Moderator, Empirical Legal Studies, Annual Meeting, Academy of Legal Studies in Business, Montréal, August 10, 2019*

*Speaker, P3: A US Perspective: convergence with PfPPP: ACCL P3 White Paper, People First in practice: the new UNECE Inclusive PPP Delivery form and its multiplier impact on effective delivery of essential Public services, High Level Workshop Paris Bar – Coordination of UNECE International Centers of Excellence, Paris, April 1<sup>st</sup>, 2019*

*Speaker, La Responsabilité Pénale des Dirigeants et Analyse des sanctions du US Department of Justice Aux Etats-Unis, IKARIAN Executive Training seminar series, 4 sessions in 2019*

2017-2018

*Speaker, Extraterritorialité des Sanctions Internationales, Association des Juristes d'Entreprises Françaises (AJFE) September 20, 2018*

*Speaker, Dangerous Drugs and Comparative Law: The Vioxx and Mediator Cases, MBAA International Conference, Midwest Academy of Legal Studies in Business, (Chicago), April 20, 2018*

*Speaker, History's Value in the Practice of Law, ARMSTRONG LECTURE SERIES ON LAW AND HISTORY, Bradley University (Peoria, Illinois), April 12, 2018*

*Speaker, "Caught in the Middle"-Corporate Corruption Abroad: A Comparison of French and American Law and Practice, Annual Meeting, The Academy of Legal Studies in Business, Savannah, Ga. August 7, 2017*

2016

*Panelist, Multiple Penalties Risk in Anticorruption Prosecution: Is there real coordination Among Agencies? In-house Counsel Worldwide Summit, hosted by AFJE, Paris, October 24, 2016*

*Speaker, Concessions et PPP: Intégrité et Transparence, Chinese Governmental National Development and Reform Commission, Maison du Barreau, Paris, July 21, 2016*

*Panelist, Integrity and Transparency in PPP Procurement, Implementing the UN 2030 Agenda for Sustainable Development through effective, people-first Public-Private Partnerships, Geneva, March 30, 2016*

2015

*Speaker, Pratiques des Contrats internationaux en Chine, Contrats Internationals :Différents Approches culturelles et juridiques, ICC, Paris, April 23, 2015*

*"Président de Séance" and Moderator, Working dinner for select group of general counsels and lawyers hosted by Business and Legal Forum on the subject of "Enquêtes Lourdes-corruption et concurrence, Paris, January 26, 2015*

2014

*Moderator, La communication de crise sous contrainte judiciaire : quels reflexes adopter ?* Business & Legal Forum, Paris, October 9, 2014

*Speaker, Le(S) SBA Aux Etats-Unis, Commission Croissance des TPE PME, Comité SBA de MEDEF*, Paris, June 13, 2014

*Speaker, "I Guess We are Not in Kansas Anymore"-General Principles of French Contract Law*, Chicago Bar Association Annual Meeting Abroad, Paris, April 1, 2014

### 2013

*Speaker, The Cancer of Corruption, UNECE conference on Infrastructure Concessions/PPP*, Geneva,, July 3, 2013

*Panelist, Les Juristes D'Entreprises en France Aujourd'Hui : Evolution et Dilemmes, Science Po-Conventions-Reguler la Mondialisation*, Paris, May 14th, 2013

*Speaker, After Decades of PPP Implementation in developing countries: What main lessons can be drawn from business cases?* WORLD BANK, Washington, DC March 21, 2013

### 2012

*Speaker, Grands contrats internationaux-Risques pour les dirigeants et l'entreprise, , Jeantet Associés Law offices seminar*, Paris, 28 November, 2012

*Panelist, Building The Worldwide Company, Professional Liability Underwriters Society (PLUS) Annual Meeting*, Chicago, November 8, 2012

*Speaker, Comparing French and American law and practice-lessons from recent developments in Extraterritoriality-The Morrison case, International and Foreign Law committee, Chicago Bar Association*, Chicago, March 13, 2012

*Speaker, Natural and Industrial Disasters-Crisis Management, Seminar for Advanced Studies in Public and Private International Law at the Hague Academy of International Law* (January 2012)

### 2011

*Panelist, Class Actions aux Etats-Unis, Les Recours Collectifs: Quels enjeux stratégiques et économiques ?* Centre Européen De Droit et D'Economie de L'Essec, Paris, April 28, 2011

*Panelist, US Class Actions, Conventions-Réguler La Mondialisation*, Paris, February 10<sup>th</sup>, 2011

### 2010

*Speaker, La lutte contre la corruption aux Etats-Unis (Foreign Corrupt Practices Act « FCPA »),Les Enjeux de la Conformité-Formation Ethique, Bouygues Construction University*, Paris, December 3, 2010

Paris

*Panelist, Extraterritorialité du droit américain. Quelles actions concrètes les entreprises et les pouvoirs publics peuvent-ils mener ? Business and Legal Forum, Paris, November 18th, 2010*

*Panelist, Entreprises et pouvoirs publics. Comment améliorer la collaboration dans la production du droit ?, Business and Legal Forum, Paris, November 18, 2010*

*Panelist, Corruption et commissions dans les contrats Internationaux. Quelles frontières face à la diversité des règles et des recommandations de l'OCDE ? Plaider-coupable v. Procès, quelle stratégie adopter ? Business and Legal Forum, Paris, November 18th, 2010*

*Speaker, Marchés global et juridictions nationales: quels choix pour les opérateurs ? Litiges Transnationaux et Compétence du Juge Américain, Conventions, Paris, November 9, 2010*

*Guest Speaker, The need for corporate legal departments to take the lead in Compliance, Contract Management and creating a “dispute-wise” company. THALES group’s First International Legal and Contract Convention Meeting, Thalès Université-Jouy en Josas, October 14, 2010*

*Guest Speaker, A general counsel’s reflections and recommendations on the management of large in-house legal departments and outside law firms, Annual meeting of the SHELL company’s legal department, The Hague, February 9-10, 2010*

*Panelist, Issues in working with outside counsel, White & Case Annual Partners meeting, Paris, January 29, 2010*

*Panelist, International Legal Education: A Tale of Two Cities, Inauguration of the Advanced Masters in International Business joint degree between the Law faculty of KING’S COLLEGE, UNIVERSITY OF LONDON & ESSEC Business School “DAIM”, London, January 14, 2010*

2009

*Panelist, More Enforcers at Your Door: Preparing for and Responding to Increased Government Investigations and Actions, K&L Gates, Alix Partners, Risk Advisory, London, November 17, 2009*

*Panelist, Gestion de Risques, Transparence, Corruption et Responsabilité Pénale, Prévenir et traiter sous la pression des médias et dans un environnement pluricultural ? Business and Legal Forum, Paris, October 15, 2009*

*Panelist, Conseiller un Dirigeant, Participer à L’Elaboration de la Stratégie d’une Entreprise : Les Rôles du Directeur Juridique et de L’Avocat Face à la Complexité, Business and Legal Forum, Paris, October 14, 2009*

*Panelist, A l’instar des Codes de Gouvernance, La Soft-Law Peut-Etre Autre Chose Qu’un Trompe-L’Oeil ?, Business and Legal Forum, Paris, October 14, 2009*

*Panelist, Enforcing Rights in Difficult Regions: How to overcome obstacles to win a major international arbitration case and obtain recovery: The Eurotrain vs. Taiwan High Speed Rail Corp. case Association of Corporate Counsel – Europe, Annual Meeting, Geneva June 9, 2009*

2008

*Speaker, Certains entreprises ont-elles réussi à réduire les coûts de production et d'analyse des preuves électroniques lors d'un arbitrage international, Les preuves électroniques dans l'Arbitrage International, ICC, Paris, December 10th, 2008*

*Panelist, La Crédibilité du témoin et de l'expert-witness dans le trial, La Crédibilité en droit français et en common law, Cour de Cassation et Institut de Hautes Etudes Sur la Justice « IHEJ », Paris, October 20, 2008*

*Keynote Speaker, Reflections on Building the Corporate Legal Department's Reputation, General Counsel Roundtable-Annual Executive Retreat, Paris, March 13<sup>th</sup>, 2008*

*Panelist, Beyond Legal: A Business Approach to Corporate Governance, Corporate Governance and Tort, Trial and Insurance "TIPS" meeting, American Bar Association, 2008 (check date)several letters*

1999-2007

*Guest Speaker, Alstom: de quasi-faillite à une société dynamique dans l'infrastructure d'énergie et du transport ferroviaire, Carrefour Dauphine, Paris, September 10, 2007*

*Panelist, Litigators' Forum for Corporate Counsel-Major Issues facing the In-House Counsel: Law firm Management, Attorney-Client Privilege, Anti-Corruption, International Bar Association Annual Meeting, Chicago, September 20, 2006*

*Keynote Speaker, The Contract Manager and the Lawyer-Working Together. Spring Meeting of NY chapter of the American Association of Contract Managers, Rochester, NY, June 14, 2005*

*Speaker, Contractual Risk Management and limitations of Liability-The Consequential Damages issue Contracts under Common Law, International Faculty for Executives (IFE), Brussels, October 22, 2003*

*Speaker, Liability for Rail Disasters, the potential for a paradigm shift from the Operator to the Manufacturer, Annual Conference of TRAINSAFE, Valencia, Spain, June 3, 2002*

*Speaker, Contractual risk management and limitations of liability: Practice in the 'Real World' Achieving the balance between commercial considerations and proper risk management, Contracts Under Common Law, Edition Formation Entreprise (EFE) Paris, December 2<sup>nd</sup>, 1999 (repeated every year from 2000-2012)*

*Speaker-Debate, Reflections on the fundamental historical and present differences between the Democratic and Republican parties on the occasion of the impending Presidential election (with Neil Kearney), Carrefour Dauphine, Paris, October 6, 1999*

1998-1997

*Speaker, Risk Allocation-Why Unreasonable Contract Provisions lead to Construction Project Failures, International Bar Association Annual Meeting, Vancouver, September 15, 1998*

*Speaker, Joint Ventures in Emerging markets: An In-House Counsel's Perspective, International Bar Association Annual Meeting, New Delhi, November 4th, 1997*

*Panelist, Worldwide Infrastructure Partnerships, Forbes Construction Super-Conference, San Francisco, February 13<sup>th</sup>, 1997*

*Speaker, Potential Lessons for reducing employment from US law and practice followed by debate with former Prime Minister Michel Rocard and union leaders on Michel Field's TV program "L'HEBDO" on CANAL PLUS, Paris, January 11, 1997*

*Speaker, Joint Ventures in Emerging Markets, International Mergers and Acquisitions, The Study Group International, , Reading, England September 4<sup>th</sup>, 1997 and April 14<sup>th</sup>, 1997*

1996

*Speaker, International Construction Contracts-Fundamental principles and Key clauses, The Study Group International, Oxford July 23<sup>rd</sup>, 1996 and London, August 26, 1996*

*Speaker, Les Différentes approches du droit, Seminar organized for the LAGADERE GROUP by the Centre de Perfectionnement des Affaires "CPA" (part of HEC), St. Germain en Laye, April 3, 1996*

1995-1994

*Speaker, Case Study-Joint Ventures in Emerging Markets, International Joint Venture Agreements and Other Forms of Business Alliance, Study Group for International Commercial Contracts, London, December 15, 1995*

*Speaker, International Joint Ventures, IBC Legal Studies and Services, December 8-9, 1995*

*Speaker, Corporate Counsel Roundtable: Managing the Global Law Department: Expanding Opportunities in International Practice, Union Internationale des Avocats hosted by New York Bar Association, New York, July 14, 1995*

*Speaker, Corporate Organizations and Forms of Joint Venture: The Campenon Bernard SGE Experience in Vietnam, Infrastructure and Developing Initiatives in Vietnam, International Bar Association, Ho Chi Minh City, October 4-5, 1994*

*Speaker, Negotiation of US Contracts, Formation Francis Lefebvre, Brussels, October 24, 1994 and March 16, 1994*



1993-1990

*Speaker, The contractor's perspective where the project is in a common law jurisdiction and where it is in a civil law jurisdiction, International Bar Association, New Orleans, October 14, 1993*

*Speaker, Negotiation and Legal Management of International Investment Contracts, Training Session International Development Law Institute (IDLI), State Bank of Vietnam and Ministry of Justice of Vietnam training session Hanoi, June 30-July 1-2, 1993*

*Speaker, Negotiation of US Contracts, Formation Francis Lefebvre, Paris October 5, 1993*

*Speaker, Contrats Américains: Négociation et Contentieux, Formation Francis Lefebvre, Paris, 28 April, 1993, March 16th, 1993 and July 3, 1990*

*Speaker, 1 day training seminar on International Business Law for senior and general management executives organized by the Ecole Nationale des Ponts et Chaussées, Axial and AUP, Paris, June, 1991*

## **PROFESSIONAL ACTIVITIES**

*International Expert and Board member, Expert Team Infrastructure Projects (ETIC-PPP), - Leader: Law and Legislation, UNECE Concessions/PPP Centre of Excellence (2013-present)*

*Board of Advisors, ESSEC (Paris Masters in Law and Business-“DAIM” –(1999- present)*

*Member, Scientific Committee, Law and Business Forum, “BLF” Paris (2007- to present)*

*Publications Committee, Transportation Law, Logistics and Policy Review (2012-present)*

*VP Advocacy, Executive Committee and Board member, Association of American Residents Overseas (AARO) (2016-present)*

*Co-chair, International Bar Association Subcommittee on Contract Forms and Security of Performance (1997-2000)*

*Anti-Corruption Committee of the American Bar Association (2012-present)*

*International and Foreign Law Committee of the Chicago Bar Association (2011-present)*

*Member of Editorial Board, In-House Counsel International (1996-2000)*

*Representative for France, Contract Working Group of the European International Contractors “EIC” (1989-1998) on FIDIC International contract forms*

*One of 5 international experts (*Liaison committee*) selected by the International Bar Association international construction committee (T) to advise FIDIC(*Fédération Internationale des Ingénieurs-Conseils*) on the drafting of FIDIC model construction forms-(1996-1998)*

## JUDGE AND MEMBER OF JURIES

Member of Jury, « Plume de L'Economie et du Droit » journalism awards at annual Business and Legal Forum main event in mid- October (2015-16 & 2018)

Judge, Jessup International Moot Court Competition, 2012-16 French national rounds in Paris and 2018 International rounds in Washington, DC

Member of Juries, Team reports for certification, EDF-ESCP Contract Management Program (2013-2017)

Member of Jury, Mémoire de Master Juriste d'Affaires franco-anglais, Faculté de Droit, Université Paris-Sud) "Paris-Saclay" (June 20, 2013) 7 Mémoires

Member of Jury, Candidates for Admission, ESSEC Mastère Droit des Affaires Internationales et Management (« DAIM ») May 14, 2013-synthesis of "Defending US Intellectual property; Foreign Theft of American innovation costs jobs-Rob McKenna-The Washington Times- 26 April 2013

Member of Jury, 2006 Freshfield's prize for "Meilleur Etudiant Juriste d'Affaires (best French Business-oriented law student)

Member of Jury, *Final Report* submission for the HEC Executive MBA (CPA) diploma on several occasions, notably, *La stratégie pour l'avenir de THUASNE* by Elisabeth Ducottet, CEO (mid 1990's)

## FACULTY THESIS ADVISOR

### AUP

*Petra Kroupova, Corruption in Sports Management with a special focus on FIFA (Honors) May, 2017 (Honors, Honorable Mention Shaw Prize)*

*Abdulla Al-Thani, Directed Study for International Law course credit, Humanitarian law in the context of the Syrian conflict, May 2017*

*David Bloom, Honors Thesis, Regulating Entrepreneurship, May 2012*

### ESSEC-DAIM -Masters in International Business Law and Management

Aosiyah PATEL, *Prévention et Gestion des Conflits d'Intérêt Dans L'Industrie Pharmaceutique (CELGENE)*, July 2<sup>nd</sup>, 2016

Arnaud RIOU, *Le Rôle des sûretés dans les opérations de financement de projet (MAYER BROWN)*, January 15, 2015

Nina Wu, *The Charging of Heavy Goods Vehicles: A Comparative Study of Different European Systems, Their National Reception and Their Effects (VINCI Concessions)* October 8, 2014

Haitian CUI, *Legal Risks of Cross-Border Mergers and Acquisitions (LINKLATERS LLP)* December 17, 2013

Ombalie Aussedat, *Quelle Stratégie contractuelle peuvent d'appréhender le risque juridique liés au 'co-sourcing' ? (May, 2010)*

## **REVIEW OF PEER PROCEEDINGS AND PUBLICATIONS**

Articles (7) proposed for Publication in 2020 for the American Journal of Business Law (publication of the Academy of Legal Studies in Business)

Annual Meeting of the Academy of Legal Studies in Business 2017 Proceedings, Savannah, Georgia

Midwest Academy of Legal Studies in Business 2017 Proceedings, Chicago

## **AWARDS**

*Second prize\_Category -established academics, #STOP CORRUPTION Award presented by President, François Hollande and Minister, Michel Sapin on December 18, 2019 for Corruption Abroad: From Conflict to Co-Operation: A Comparison of French and American Law and Practice later published, after further editing and updating in ICPEL (spring 2020-actual sept. 2020)*

## **FACULTY GRANTS**

2019 -

- *Speaker, Annual meeting of the Academy of Legal Studies in Business “ALSB” held in Montreal during the first week of August, 2019 “Work in Progress’ for peer review and discussion-Assaulting the New Citadel: Individual Responsibility vs. Corporate Irresponsibility: Addiction, lack of consent and Fraud as bases for legal redress for Third Parties*
- *Speaker at the Annual meeting of the American Society of Comparative Law held at the University of Missouri College of Law in mid-October, 2019 to present my article for peer review and discussion- Mass Torts: Dispute Resolution in France and the United States-The Vioxx and Mediator Cases Compared*

2014-2016

- *Speaker, Panelist, Integrity and Transparency in PPP Procurement, Implementing the UN 2030 Agenda for Sustainable Development through effective, people-first Public-Private Partnerships, Geneva, March 30, 2016*
- *Attendee, The First Northern European Conference on Emergency and Disaster Studies University of Copenhagen, December 9-11, 2015*
- *Attendee, XIX International Congress of Comparative law & the Annual Meeting of the American Society of Comparative Law, Vienna, July 2014*

## **SERVICE AT AUP (Details and narrative provided in the SERVICE DOSSIER)**

- A. Intermittent Service Occasions (see Service Dossier)
- B. FACULTY COMMITTEES (see Service Dossier for details, appraisal and narrative for RP and Library)
  - 1. RANK and PROMOTION Committee (12 years-2014-2017 & 1991-1999)
  - 2. LIBRARY Committee (2012-present & 1979-1985)  
  
*for information only as pre-1986:*
    - 3. FACULTY COUNCIL (1981-1984)
    - 4. FACULTY GRIEVANCE COMMITTEE, Chair -Drafted Procedures (1983-86)
- C. SERVICE-OTHER INSTITUTIONS (see Service Dossier)
  - 1. PARIS-SACLAY Law Faculty (2012-present)
  - 2. ESSEC Business School “DAIM” (1999-present)
  - 3. HEAD law school (2012-2017)
  - 4. BRADLEY UNIVERSITY (2017-18)
  - 5. ESCP (2013-2018)
- D. SERVICE TO THE COMMUNITY
  - 1. ASSOCIATION OF AMERICANS RESIDENT OVERSEAS “AARO” VP Advocacy (2016-present)

Personal Data :

Date and place of birth :	March 10 <sup>th</sup> , 1952 – Chicago, Illinois, USA
Nationalities:	USA and French (by naturalisation-2011)
Marital and Family status:	Married to Martine Milliet-Einbinder, Retired OECD Senior Advisor, Center for Tax Policy and Administration Two daughters, Emily (35) and Mary (31, AUP Alumnus)
Languages:	French (fluent) and English (native); Beginning level in Spanish
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