

## Timothy L. FODEN

Partner



### Admission

England & Wales, 2010

District of Columbia,  
2008

First admitted in  
Maryland, 2005

### Nationality

American, British

### Languages

English

### Practices

International Commercial Arbitration

Investment Arbitration

Public International Law

### Areas of focus

Energy and Mining

Technology and Telecom

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## BIOGRAPHY

Timothy ("Tim") Foden joined LALIVE in 2018 and is a partner of LALIVE (LONDON) LLP. His practice focuses on investor-treaty and complex commercial arbitrations in the mining and energy sectors, with additional experience in technology licensing, commodities and hospitality.

Over the last 10 years, he has represented dozens of investors in bringing claims against States under the Energy Charter Treaty and various bilateral investment treaties and represented multiple global mining and energy corporations. Tim also has extensive commercial arbitration experience, having represented, *inter alia*, international chemical engineering firms, global mining concerns, a leading international hospitality management company and a major aluminium smelter.

He has acted in proceedings under the ICSID, ICC, SCAI, UNCITRAL, LCIA and ICDR arbitration rules and has extensive experience in the enforcement of commercial and ICSID arbitration awards in the courts of the United States, England and Belize.

Tim currently serves as a board member of American Qualified Lawyers in London. He acted as co-Chair of Young ICCA (2011-2014), deputy editor of the European International Arbitration Review (2011-2016) and speaks regularly on international arbitration matters around the world. He has been recognised by Global Arbitration Review and Who's Who Legal as a "Rising Star in International Arbitration" for the past two years.

Before joining the firm, Tim Foden worked as Of Counsel of the International Arbitration Group of a leading U.S. firm in London and prior to that as an associate in the arbitration department of a Magic Circle law firm (2011-2013). Before that, Tim was an associate in the International Arbitration Group of a prominent U.S. law firm (2008-2011). Tim began his legal career working as a Staff Attorney for the Eleventh Circuit Federal Court of Appeals in Atlanta, Georgia (2006-2008). He holds a J.D. (Juris Doctor) *magna cum laude* from the American University (2005) and a B.A. *magna cum laude* from the George Washington University (2002).

## PUBLICATIONS

### **Burden of Proof Regarding Jurisdiction**

Timothy Foden, Hafsa Zayyan, Baiju Vasani

In: Katia Yannaca-Small (Ed.), *Arbitration Under International Investment Agreements: A Guide to the Key Issues*, Second Edition, Oxford University Press, 2018

### **The Global Arbitration Review Guide to Advocacy**

Timothy L. Foden, 2018

Editor and Contributing Author, *The Global Arbitration Review Guide to Advocacy*, Second Edition, Business Research Ltd, London, January 2018

### **The Global Arbitration Review Guide to Advocacy**

Timothy L. Foden, 2016

Deputy Editor and Contributing Author, *The Global Arbitration Review Guide to Advocacy*, Law Business Research Ltd, London, December 2016

### **Back to Bricks and Mortar: The Case for a “Traditional” Concept for Investment that Never Was**

Timothy L. Foden, 2016

In: Laird et al (Ed.), *Investment Treaty Arbitration and International Law*, Volume 8, Juris, 2015

### **Selected Essays on International Arbitration**

Timothy L. Foden, 2014

Book Review, *Transnational Dispute Management*

### **Review of C.J. Tams and A. Tzanakopoulos (Eds.), Basic Documents on the Settlement of International Disputes**

Timothy L. Foden, 2013

Book Review, *Transnational Dispute Management*

### **Burden of Proof Regarding Jurisdiction**

Baiju Vasani, Timothy Foden, 2010

In: Katia Yannaca-Small (Ed.), *Arbitration Under International Investment Agreements: A Guide to the Key Issues*, Oxford University Press, 2010

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## CONFERENCES

### **Quadrant Chambers**

International Arbitration Panel Debate: ICSID arbitration in the age of populism; the case for reform  
London, 12 November 2019

Moderator: Why the populists have got it wrong

### **KNECT 365: The Future of International Arbitration**

Technology & Arbitration – In Danger of Being Too Comfortable Bedfellows?  
London, 26 March 2019

Panellist

### **CARDS’ 3<sup>rd</sup> Tour de Arbitration**

Effective Advocacy in International Arbitration: What Exactly to Do?

Paris, 1 February 2019

Panellist

## **6th ITA-IEL-ICC Joint Conference on International Arbitration**

The Future of Investor State Dispute Settlement and the Implications for the Energy Industry

Houston, 25 January 2019

Panellist

## **International Bar Association – IBA African Regional Forum and the IBA Litigation Committee**

Litigation and Dispute Resolution in Africa

Accra, 15-16 November 2018

Speaker: Human rights and public interest litigation

## **ICC Young Arbitrators Forum (ICC YAF)**

How to be a good 'Second Chair'

London, 5 November 2018

Panellist

## **Permanent Court of Arbitration, Ministry of External Affairs (Government of India)**

The Permanent Court of Arbitration, India Conference

New Delhi, 27-28 October 2018

Speaker: Avoiding Investment Treaty Disputes & Defences of Investment Disputes

## **American University, Washington College of Law**

Salient Issues in International Commercial Arbitration in Europe

Washington, 14 November 2017

Panellist

## **Science Po University**

Cross-Examination in Investment Treaty Arbitration

Paris, 20 March 2017

Lecturer

## **ICC YAF**

Cambridge International Arbitration Day

Cambridge, 17 March 2017

Panellist: Clash Between the Common Law and the Civil Law Approach in International Arbitration

## **Blacks of the American Society of International and Young ICCA Joint Workshop**

Getting into and getting ahead in International Arbitration

Washington D.C., 26 September 2016

Panellist

## **The Irish Arbitration Association**

Dublin International Arbitration Day

Dublin, 5 November 2015

Speaker: Conduct of counsel before arbitral tribunals

## **HKIAC-ICCA Summit**

The Young ICCA Soap Box

Hong-Kong, 13 May 2015

Moderator: Transparency in International Commercial Arbitration: the Way of the Future or the Beginning of the End?

## **The Irish Arbitration Association**

Dublin International Arbitration Day

Dublin, 7 November 2014

Speaker: Document Production in International Arbitration: Is it worth the cost and effort?

## **The Young ICCA Seminar**

The Psychology of Persuasive Argument: Do's and Don'ts for Successful Advocacy.

Miami, 10 April 2014

Panellist

## **ICCA Congress**

Opening Ceremonies

Miami, 6-7 April 2014

Speaker: A-1 Proof: A Plea for Precision

## **AFSIA / DAV Conference**

The Process of International Arbitration: Are Procedural Practices still divergent or are they converging?

Frankfurt, 10 March 2014

Lecturer

## **Juris Conferences LLC**

8th Annual Juris Conference on Investment Treaty Arbitration

Washington D.C, 28 March 2014

Lecturer: New Developments in Definition of "Investment": what is the role of the Concept of "Property" in Investment Arbitration?

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