



# WOLF VON KUMBERG

## ARBITRATOR & MEDIATOR

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## OVERVIEW

Wolf is a leading internationally recognized arbitrator and mediator with over 30 years' experience in international legal practice and business. Before establishing his ADR practice he served as Legal Director and Assistant General Counsel to Northrop Grumman Corporation and before that to Litton Industries Inc. During his international career being located in their Toronto, Zurich and London offices.

Through his practice for Northrop he engaged with Governments and State Agencies in 52 countries dealing with trade, security and investment matters, and responsible for all international disputes including mediation, adjudication and arbitration.

Wolf is particularly knowledgeable in disputes related to the Aviation & Aerospace, Defence, Compliance, IP, Cyber Security and High Tech Industries. His Practice involved most regions of the World and includes commercial, government and state entities. He is now applying this accumulated knowledge to the field of global commercial conflict avoidance and resolution.

His expert analysis has covered all types of dispute management and resolution boards, adjudication systems, ADR guidelines and Model Clauses, ADR policies and procedures, Global conflict compliance and governance programs, arbitration programs, government procurement and supply chain dispute management.

Wolf has been involved in a variety of domestic and international arbitrations and mediations particularly concerning Aviation, Aerospace Defense, Cyber, Technology, Licensing, IP, Maritime, Company Boards, Government Procurements, Corporate Governance, Compliance (FCPA, Bribery Act, OECD), Regulatory Investigations, Insurance and Reinsurance, International Corporate and Commercial Law, Corporate Restructuring, International M&A, Global Banking, Financing, Taxation, Export Regulations, Intellectual Property and Licensing, Competition, Environmental and Employment. He is also experienced with the interpretation and application of force majeure clauses in an international context. Wolf has recently been named as a Master Mediator by the American Arbitration Association (AAA) in recognition of his expertise in the field.

### **Aviation expertise**

Wolf is a founding panelist of the Aerospace, Aviation and National Security panel of the AAA. Having worked for Northrop Grumman Corporation a major aircraft manufacturer for the US Airforce contributing to such iconic aircraft as the F15, B2 Bomber, the GlobalHawk and the F35, he is well versed in the design, manufacture and supply of aircraft systems globally. Having worked for Litton Industries, Inc. at one time a major supplier to airframe manufacturers globally, he is very familiar with global supply chains and the issues associated therewith.

His aviation disputes experience includes:

- Aircraft manufacturing and supply contracts
- Procurement issues
- Certification issues
- Aircraft joint venture, syndicate and partnering disputes
- Aircraft sale, leasing and financing agreements
- Aviation insurance and reinsurance claims
- Warranty and repair claims
- Aircraft crash investigations
- IP and licensing related claims

### **Investor State expertise**

He has been a leading international ADR figure working together with ICSID, CEDR and the Energy Charter Treaty Secretariat to develop protocols and policies, as well as training to enable the use of mediation in investor-state disputes. In the process he has helped to write the Investor State Mediation Guide for the Energy Charter Treaty Secretariat. He is active in developing the field of Investor State mediation together with ICSID, CEDR, IMI and the ECT. He has worked with several countries to put in place mediation protocols to be used in disputes with investors and has actively worked with them to resolve investor disputes through mediation.

Wolf's expertise also includes development and implementation of specialized global Early Issue Conflict Management (EICM) programs such as Investor/State conflict avoidance structures, single and co mediation programs, board room and partnership dispute programs.

He is if fluent in English and German, has a good working knowledge of Italian and French.

### **PRACTICE AREAS**

- Aviation & Aerospace
- Satellite Technology
- Cyber
- Engineering
- Technology
- Maritime
- Investor State
- Insurance & Reinsurance

## APPOINTMENTS

### As Arbitrator

Wolf has been involved in AAA, ICDR, ICC, LCIA and AIAC as well as ad hoc cases. He has served as sole arbitrator and on tribunals. The seats he has been involved in are Geneva, London, New York, Singapore and Kuala Lumpur.

- Aerospace claim for failure to achieve airworthiness certification.
- Aviation/Aerospace claim for return of faulty aircraft engines.
- Engineering/Technology claim by MOD for non-performance of engine control unit in frigate
- Engineering/Technology claim for improper design of radar installation.
- Commercial Contracts claim regarding breach of contract for late delivery of machines to a major infrastructure project.
- Commercial Contracts termination for convenience claim on a large Middle Eastern project.
- Insurance dispute over the payment of a reinsurance claim at shipyard damaged by hurricane.
- Intellectual Property dispute concerning breach of software license agreement on a large South Korean project.
- Property dispute concerning major environmental indemnification claim under a transaction agreement.
- Sale of goods and services claim for sale of faulty switches to be used in an engine control system.
- Sale of good and services claim for delivery of faulty construction equipment.

### As Counsel

- Aviation/Aerospace claim by major aircraft manufacturer for deficient system design leading to crash of aircraft.
- Aviation/Aerospace claim by NATO for non-performance of aircraft design.
- Aviation/Aerospace claim by UK MOD related to early warning system on military jet.
- Aviation/Aerospace claim by French MOD related to Tracker Aircraft.
- Engineering/Technology claim for improper software design for the London Ambulance services.
- Commercial contracts dispute concerning breach of contract for failure to deliver a working software program on an emergency response system.
- Commercial contracts claim for consequential damages for delivery of faulty switches to a major City communication system.
- Investor State claim against Government of Egypt for expropriation.
- Investor State claim against Government of Libya for expropriation.
- Investor State claim against Government of Venezuela for expropriation.
- Corporate Fraud claim for payment of bribe in a public procurement contract.
- Corporate Fraud claim concerning money laundering in a complex multi-national commercial deal.
- Employment and workplace dispute over scope of duties provision in an employment agreement.
- Insurance dispute over calculation of a major property claim.
- Intellectual property dispute over conversion of a proprietary design by a competitor.
- Intellectual property patent infringement claim respecting an aircraft guidance system.
- Property claim involving remediation under a property lease agreement.
- Sale of goods and services claim for improper installation of a ship's guidance system.
- Shipping/Maritime dispute over design provisions in a shipbuilding contract.
- Major Italian Tax case involving the payment of dividends to a European holding company.
- Dutch case on tax jurisdiction of a European multinational company.

## MEDIATION & DISPUTE BOARDS

Wolf has been involved in the implementation of Dispute Boards in various regions of the World. These boards have been used in the aerospace and technology sectors where long term commitments and relationships required conflicts to be dealt with expeditiously and cost effectively, permitting projects to be delivered.

As Assistant General Counsel at Northrop, Wolf was responsible for developing a dispute management process including an ADR Policy, Guidelines and International Dispute Clauses. In addition, he was involved in its international compliance program and complex regulatory investigations. He was responsible for international disputes including mediation, adjudication and arbitration.

Wolf is also a certified CEDR mediator. He has mediated numerous types of commercial disputes and sits on the mediation panels of CEDR, AIAC, WIPO, SCCA and the AAA/ICDR. He has also been active in the DIFC in Dubai and the ADGM in Abu Dhabi. Disputes have largely been cross-border and include locations in Singapore, Kuala Lumpur, Hong Kong, New York, Abu Dhabi, Washington, Toronto, Frankfurt and London. In 2020 Wolf was appointed as a Master Mediator by the American Arbitration Association (AAA).

Recent examples of his mediation experience include:

- Aviation/Aerospace claim against supplier for deficient navigation devices.
- Aviation/Aerospace claim related to the interpretation of an aircraft leasing contract.
- Engineering/Technology claim for improper design of a security monitoring system.
- Engineering/Technology claim for improper installation of radar masts.
- Commercial contracts supply chain issue respecting sale of counterfeit parts.
- Corporate Fraud claim against finance director for fraud.
- Employment & Workplace claim for bullying against manager.
- Employment & Workplace dispute over termination of a company director.
- Insurance dispute over interpretation of policy wording in a business interruption cover.
- Intellectual Property claim for breach of intellectual property agreement by a subcontractor.
- Intellectual Property software license dispute related to a defence project in the Middle East.
- Partnership & Shareholder dispute over termination provision in a shareholder agreement.
- Partnership & Shareholder dispute between JV partners over settlement of a major contracts claim.
- Partnership & Shareholder dispute between shareholders over sale of a business.
- Partnership & Shareholder dispute by doctors in a medical partnership over revenue sharing.
- Property claim respecting water pollution on a former industrial site in Paris.
- Sale of goods and services claim for design inappropriate computer equipment.
- Shipping/Maritime dispute over installation of bridge system on a cruise ship.
- Shipping/Maritime claim for damage caused to a super yacht for deficient engine controls.
- Shipping/Maritime dispute respecting a Charter party Contract.
- Tax dispute over tax provision in an employee multi jurisdiction employment contract.

## PROFESSIONAL & ACADEMIC QUALIFICATIONS

### Career History:

- April Member Int-Arb
- 2015 – March 2020 – Member ArbDB Chambers – London, England
- 2015 -March 2020 - Consulting Counsel Bird & Bird- London
- 2000- 2015 European Legal Director Assistant General Counsel Northrop Grumman Corporation European HQ – London, England
- 1992 – 2000 European Legal Director Litton International SA European HQ – Zurich, Switzerland Litton Industries Inc.
- 1987 - 1992 Vice President, Counsel and Assistant Secretary to Litton Systems Canada Limited (a subsidiary of Litton Industries, Inc.), a 3'000 employee aerospace electronic manufacturer having facilities in Toronto, Ottawa and Halifax, Canada.
- 1985 - 1987 Litigation Associate - Smith, Lyons, Torrence, Stevenson, & Mayer Toronto, Ontario, Canada

### Education:

- 1974 - 1977 York University, Toronto, Ontario - B.A. History and Political Science
- 1977 - 1980 Osgoode Hall Law School, Toronto, Ontario - LL.B. Bachelor of Law
- 1981 - 1982 Law Society of Upper Canada, Toronto, Ontario Bar Admission Course Barrister and Solicitor - April, 1982
- 1984 - 1985 University of Cambridge, United Kingdom - LL.M. Master of Law International Commercial Law
- 1989 Solicitor's Final Examination - The Law Society England and Wales

## PROFESSIONAL ASSOCIATIONS

- Former Chairman and former Director of the International Mediation Institute (IMI)
- Director American Arbitration Association (AAA)
- Director the Centre for Effective Dispute Resolution (CEDR)
- Former Chair of the Board of Management Chartered Institute of Arbitrators (CIArb)
- Former Member of the Steering Committee of the CCIAG (Corporate Counsel International Arbitration Group)
- Appointed Co-Chair of the Mediation Committee American Arbitration Association (AAA)

### Mediation and Arbitral Panels

- Centre for Effective Dispute Resolution (CEDR)
- Asian International Arbitration Centre (AIAC)
- World Intellectual Property Organisation (WIPO)
- Saudi Centre for Commercial Arbitration (SCCA)
- The American Arbitration Association/ The International Centre for Dispute Resolution (AAA/ICDR)
- London Court of International Arbitration (LCIA)
- Dubai International Financial Centre (DIFC)

## PUBLICATIONS

- “Investor State Mediator Training” July 12, 2017
- “The Energy Charter Treaty and ADR in the context of Investor-State and other Disputes” January 21, 2016
- Corporate ADR Systems; “Implementing a Corporate ADR Policy and Formulating ADR Guidelines
- “Investor-state dispute settlement reconceptualized: Regulation of disputes, standards and mediation” [Vol. 18: 467, 2017]
- “What the Nordic Banking Scandals Can Teach us about Corporate Culture”
- Boeing 737: “Mediation and the Resolution of Complex Supply Chain Issues”
- GC Insider: Aviation and Aerospace Supply Chains- At the Tipping Point
- GC Magazine Winter/Spring 2020
- The Time for Investor State Mediation has Come: A Concept Paper, June 2020