

## Jeffrey Golden KC (Hon)

Call Date: 1978 | Silk Date: 2022

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Jeffrey Golden KC (Hon) is a specialist arbitrator, mediator and expert with broad experience of a wide range of capital markets matters, including swaps and derivatives, international equity and debt offerings, US private placements and listings, and mergers, acquisitions and joint ventures.

He has acted extensively for the International Swaps and Derivatives Association (ISDA), was a principal author of ISDA's master agreements and has appeared as an arbitrator and as expert witness in several high profile derivatives cases. He was formerly the founding partner of the US law practice at Allen & Overy LLP and senior partner in the firm's global derivatives practice. Before joining Allen & Overy as a partner in 1994, he practiced for more than 15 years in the New York and London offices of the leading Wall Street firm of Cravath, Swaine & Moore.

He currently serves as Founder and Chair Emeritus of The P.R.I.M.E. Finance Foundation in The Hague and is a member of the Foundation's Panel of Recognised International Market Experts in Finance. He is also an Honorary Fellow and Member of Court at the London School of Economics and Political Science, where he previously held an appointment as Visiting Professor.

Jeffrey, his projects and his legal teams have received numerous awards. He recently featured in the Legal 500's inaugural International Arbitration Powerlist UK of leading arbitration practitioners, and he has topped the rankings for derivatives lawyers and drawn accolades from all leading law firm directories, including, among others, having been hailed as "*Mr Derivatives*" (Chambers) and "*legendary*" (Legal 500) and credited with having "*written the law on derivatives*" (Legal 500).

In 2017, Jeffrey was called as an Honorary Master of the Bench at the Honourable Society of Middle Temple, in 2019, he was awarded the American Bar Association International Lifetime Achievement Award, and in 2020, he received the inaugural Lifetime Contributor – Private Practice Award at Law.com/Legal Week's Legal Innovation Awards 2020 ceremony.

On the 23rd July 2021, Jeff was on the panel of presenters for a webinar the Federal Bar Association gave on the [Private International Law Bodies and the Panel of Recognized International Market Experts \(P.R.I.M.E.\) in Finance](#).

Jeffrey was joint Head of Chambers (with [Simon Davenport KC](#)) from 2018 to April 2022.

## Legal Services

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### Derivatives

Expert Testimony at Trial or by Deposition in Derivatives Cases:

#### Notable Derivatives cases

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Lehman Brothers Holdings Inc., et al. v Citibank, N.A., Citigroup Global Markets Ltd., Citigroup Financial Products Inc., Citigroup Energy Inc., Citi Canyon Ltd. And Citi Swapco Inc.

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Case no. 08-13555 SCC, Ad. Proc. No. 12-01044 (2017) by expert report and deposition.

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Lehman Brothers Holdings Inc., et al. v Federal Home Loan Bank of New York

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Case No. 08-13555 SCC, Ad. Proc. 15-01110 (S.D.N.Y. Bankr.) (2017) by expert report and deposition.

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In re Lehman Holdings, et al., Debtors

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Case No. 08-13555 SCC, (Claimants QVT Fund LP and Quintessence Fund L.P.) (2017) by expert report and deposition.

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Lehman Brothers Holdings Inc., et al. v Federal Home Loan Bank of Cincinnati

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Case No. 08-13555 SCC, Ad. Proc. 13-01330 (S.D.N.Y. Bankr.) (2016) by expert report and deposition.

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Lehman Brothers Holdings Inc., et al. v Intel Corporation

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Case No. 08-13555 SCC, Ad. Proc. 13-01340, 2015 WL 7194609 (S.D.N.Y. Bankr. Sept. 16, 2015) by expert report and deposition.

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Lehman Brothers Commodity Services Inc. v. Crédit Agricole Corporate and Investment Bank

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Case No. 2010 Folio 79 (2011) (English High Court of Justice, Queen's Bench Division, Commercial Court).

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HSBC Life (UK) Ltd v Stubbs (Inspector of Taxes) (2002) (English Special Tax Commission)

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Griffin (Inspector of Taxes) v Citibank Investments Ltd. (Jan. 2000)

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(English Special Tax Commission), affirmed on appeal (Nov. 2000) (English High Court, Chancery Division).

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## Commercial

Jeffrey's commercial expertise draws on more than 40 years of broad experience from a wide range of corporate and capital markets matters, including swaps and derivatives, international equity and debt offerings, US private placements and listings, and mergers, acquisitions and joint ventures

## Insolvency

### Notable Insolvency cases

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Lehman Brothers Holdings Inc., et al. v Citibank, N.A., Citigroup Global Markets Ltd., Citigroup Financial Products Inc., Citigroup Energy Inc., Citi Canyon Ltd. And Citi Swapco Inc.

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Case no. 08-13555 SCC, Ad. Proc. No. 12-01044 (2017) by expert report and deposition.

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Lehman Brothers Holdings Inc., et al. v Federal Home Loan Bank of New York

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Case No. 08-13555 SCC, Ad. Proc. 15-01110 (S.D.N.Y. Bankr.) (2017) by expert report and deposition.

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Lehman Brothers Commodity Services Inc. v. Crédit Agricole Corporate and Investment Bank

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Case No. 2010 Folio 79 (2011) (English High Court of Justice, Queen's Bench Division, Commercial Court).

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## International Arbitration

Published Financial Market Arbitral Decisions and Expert Determinations:

### Notable International Arbitration cases

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[In re Sears Roebuck Acceptance Corp.](#)

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External Review Panel Determination on referral from the ISDA Determinations Committee, decided December 21, 2019

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[In re Caesars Entertainment Operating Company, Inc.](#)

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External Review Panel Determination on referral from the ISDA Determinations Committee, decided February 9, 2015

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## International

Jeffrey's more than 40 years of legal practice has focused almost exclusively on international matters, and his prior appointments include service on the Financial Stability Board's Market Participants Group for Reforming Interest Rate Benchmarks, the Federal Trust's working group on European securities regulation; the European Commission's study group and City of London joint working group on the legal aspect of monetary union; ISDA task forces on the legal aspects of monetary union, including advising ISDA's Market Practice Advisory Committee; and the European Bank for Reconstruction and Development Local Capital Market Development Legal and Regulatory Assessment Advisory Panel; and his chairmanship of the American Bar Association Section of International Law.

## Other Expert Appearances

Non-Litigation-Based Expert Appearances:

- Appointed as an international expert at the People's Bank of China (China's Central Bank).
- Provided expert testimony before the Russian Duma (Russia's Parliament).
- Acted as a consultant for the European Bank for Reconstruction and Development in law reform projects in Hungary, Poland, Slovakia and the Czech Republic.
- Appeared as ISDA counsel before the UK Parliament Treasury Select Committee.

## Publications

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### Editorships

- Consultant Editor of the second editions of C Jordan, *International Capital Markets: Law and Institutions* (Oxford University Press, 2021)
- General Editor of the *Capital Markets Law Journal* (Oxford University Press).
- Series Editor, *Financial Law and Practice* series (Edward Elgar Publishing).
- Editor of and contributor to *The International Capital Markets Review* (Law Business Research, annual hardback publication, 2011-2019 editions).
- Consultant Editor for C Jordan, *International Capital Markets: Law and Institutions* (Oxford University Press, hardback publication, 2014).

### Treatises and Collections

- *International Financial Disputes: Arbitration and Mediation* (with Carolyn Lamm and contributions by Lord Woolf, Lord Collins, Sir William Blair and others, Oxford University Press, hardback publication, 2015).
- The chapter "The Future of Financial Regulation: The Role of the Courts," in *The Future of Financial Regulation* (MacNeil & O'Brien, eds., London, 2010).
- The chapter "Do We Need a World Court for the Financial Markets?," in *The Hague: Legal Capital?* (D. Vriesendorp et. al., eds., Hague, 2008).
- The chapter "Demystifying the Career of an International Derivatives Lawyer," in *Careers in International Law* (Swartz, ed., Chicago, third edition 2008; fourth edition 2012).

### Recent Articles

- "Interpreting ISDA terms: when market practice is relevant, as of when is it relevant?" *Capital Markets Law Journal* (July 2014).
- "Financial Market Dispute Settlement: Making Sense Out of a Current Nonsense," *Hague Yearbook of International Law* (Vol.XXV, 2014).
- "Judges and Systemic Risk in the Financial Markets," *Fordham Journal of Corporate & Financial Law* (Vol.XVIII, No.2, 2013).
- "Introducing P.R.I.M.E. Finance – The Hague Based Dispute Resolution Facility for Financial Market Disputes," *CapLaw* (No.1/2013).
- "*Experientia Docet*: The Special Contribution of Henderson on Derivatives, 2nd Edition," *International Banking and Financial Law* (September 2011).
- "We Need a World Financial Court with Specialist Judges" *Financial Times* (September 9, 2009).
- "The Courts, the Financial Crisis and Systemic Risk," *Capital Markets Law Journal* (July 2009).

## Memberships

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- American Bar Association (former Chairman, ABA Section of International Law and Section Delegate, ABA House of Delegates)
- Fellows of the American Bar Foundation (Life Fellow and former International Co-Chairman)

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- American Law Institute
- International Bar Association (former Trustee, IBA Foundation)
- Society of English and American Lawyers (SEAL) (former Chairman)
- Society of Legal Scholars
- Commercial Bar Association (COMBAR)
- Judiciary of England and Wales Financial List Users Committee

## Qualifications

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- Admitted to practice in the State of New Jersey (1978), the State of New York (1979), and before the Supreme Court of the United States (1983).

## Appointments

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- Joint Head of Chambers (from 2018 to April 2022)
- Honorary Master of the Bench, Honorary Society of Middle Temple.
- Honorary Fellow, London School of Economics and Political Science.
- Governor and Member of Court, London School of Economics and Political Science.
- Founder and Chair Emeritus of P.R.I.M.E. Finance Foundation in The Hague.
- External Review Pool Member, ISDA Americas Determinations Committee.

## Prior Appointments include:

- The Financial Stability Board's Market Participants Group for Reforming Interest Rate Benchmarks. Served on the Law Society of England & Wales Special Task Force on BREXIT.
- Financial Markets Law Committee's working groups on amicus briefs, emergency powers legislation and Enron v TXU (Chairman).
- Financial Law Panel's working groups on agency dealings by fund managers and other intermediaries and building societies legislation.
- Federal Trust's working group on European securities regulation
- European Commission's study group and City of London joint working group on the legal aspect of monetary union.
- ISDA task forces on the legal aspects of monetary union, including advising ISDA's Market Practice Advisory Committee.
- Commissioner, American Bar Association Commission on Ethics 20/20
- Co-Chairman of ABA Section of International Law's Financial Engineering for Economic Development (FEED) and International Criminal Court Task Forces and International Securities and Capital Markets and U.S. Lawyers Practicing Abroad Committees.
- Board of the ABA Rule of Law Initiatives and Steering Committee of the ABA/UNDP International Legal Resource Center.
- ABA working group on the rule of law and economic development (Chairman).
- European Bank for Reconstruction and Development Local Capital Market Development Legal and Regulatory Assessment Advisory Panel.

- Chairman of the London School of Economics Global Alumni Association.
- Judge, Financial News Awards for Legal Excellence.

## Articles

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- “[Hedging Planetary Risks: ‘From Weapons of Mass Destruction to Tools of Massive Social and Ecological Innovation,’](#)” (with S Brunnhuber, M Bozesan, G Jacobs and P Koundouri), *Cadmus* (Vol. 4, Issue 4, June 2021).
- “[Sailing into the rules of smart contracts . . .](#),” (with A Dato), *International Banking and Financial Law* (Vol.36, No.6, June 2021).
- “ISDA and ADR: A Brief History of a Long Relationship,” *Swedish Yearbook of Arbitration* (November 2020).
- “Interpreting ISDA terms: when market practice is relevant, as of when is it relevant?” *Capital Markets Law Journal* (July 2014).
- “Financial Market Dispute Settlement: Making Sense Out of a Current Nonsense,” *Hague Yearbook of International Law* (Vol.XXV, 2014).
- “Judges and Systemic Risk in the Financial Markets,” *Fordham Journal of Corporate & Financial Law* (Vol.XVIII, No.2, 2013).
- “Introducing P.R.I.M.E. Finance – The Hague Based Dispute Resolution Facility for Financial Market Disputes,” *CapLaw* (No.1/2013).
- “Experientia Docet: The Special Contribution of Henderson on Derivatives, 2nd Edition,” *International Banking and Financial Law* (September 2011).
- “We Need a World Financial Court with Specialist Judges” *Financial Times* (September 9, 2009). “The Courts, the Financial Crisis and Systemic Risk,” *Capital Markets Law Journal* (July 2009).

## Selected Earlier Articles on Public International Law Subjects

- “The World Court: The Qualifications of the Judges,” *Columbia Journal of Law and Social Problems* (Vol.14, No.1, 1978).
- “National Groups and the Nomination of Judges of the International Court of Justice: A Preliminary Report,” *International Lawyer* (Vol.9, No.2, 1975).
- The chapter “Force and International Law,” in *The Use of Force in International Relations* (Northedge, ed., Faber and Faber Limited, London, 1974).
- “The Sociology of International Law,” *Millennium: Journal of International Studies* (Vol.3, No.2, LSE, 1974). “The International Court of Justice,” *Millennium: Journal of International Studies* (Vol.1, No.1, LSE, 1971).

## Awards

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- Lifetime Contributor – Private Practice Award, Law.com/Legal Week’s Legal Innovation Awards 2020
- American Bar Association International Lifetime Achievement Award
- Honorary Bencher, The Honourable Society of Middle Temple
- Honorary Fellow, London School of Economics and Political Science

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- Other recent awards (including for led projects and law firm teams) include The Halsbury Rule of Law Award 2020 – P.R.I.M.E. Finance; The Legal 500 Inaugural Arbitration Powerlist 2018; Best Arbitration Development of the Year 2016 (runner up), Best Published Arbitration Decision of the Year 2015 (runner-up) and Best Newcomer 2012 – P.R.I.M.E. Finance (Global Arbitration Review); Derivatives Law Firm of the Year 2009 (RISK); 2008, 2007, 2006, 2005 (Derivatives Week); FT Innovative Lawyers Award 2007 (Financial Times); and Capital Markets Team of the Year 1998 (Legal Business).
- Listed in Best Lawyers (United Kingdom Edition).