WHITEFORD



Mohamed F. Sweify

COUNSEL

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BIOGRAPHY

Mr. Sweify is an international arbitration practitioner and New York litigator, with more than a decade and a half of experience representing clients in international arbitration, complex litigation and alternative dispute resolution involving complex domestic, cross-border and international transactions. A bilingual, dual-qualified attorney in both common and civil law jurisdictions, his international arbitration practice is global in scope, with particular emphasis on disputes connected to the Middle East and Africa.

Mr. Sweify has represented and advised several corporations and individuals in commercial arbitrations in both English and Arabic, before tribunals seated in different jurisdictions in arbitration proceedings administered under the auspices of the AAA/ICDR (USA), the ICC (France), JAMS (USA), the LCIA (UK), the SCCA (Saudi), DIAC (Dubai/UAE), CRCICA (Egypt), the UNCITRAL Arbitration Rules, and subject to different governing laws in the U.S., Europe, and the Arab Middle East. He has also advised and represented clients in investor-state disputes before the International Centre for Settlement of Investment Disputes (ICSID), including advising on third-party funding

PRACTICES & INDUSTRIES

International Arbitration and Litigation

Securities Litigation and Enforcement

Alternative Dispute Resolution

International Sanctions and White Collar Criminal Defense

Business Litigation

Appellate Practice

International

Energy & Natural Resources

Renewable Energy & Technologies

EDUCATION

Fordham University School of Law, 2021, S.J.D., International Arbitration

Pepperdine University, 2015, LL.M., International Commercial and Investment Arbitration

Cairo University, 2009, L.L.B.

arrangements for ICSID claims. His arbitration-related court work encompasses parallel proceedings, anti-suit injunctions, international discovery, attachment of assets, and the annulment and enforcement of arbitral awards.

Beyond his role as counsel, Mr. Sweify serves as a sole, party-appointed, and presiding arbitrator in complex commercial disputes under major arbitral rules, applying a diverse array of governing laws, including the laws of Delaware, New York, California, England and Wales, Egypt, Saudi, UAE, Kuwait, U.S. federal laws and others.

Mr. Sweify's practice spans a wide range of sectors and practices, including commercial, financial and investment disputes; construction, engineering and infrastructure; banking and finance; creditor-debtor relationships; oil and gas; energy and mining; environment; private equity and private funds; telecommunications and technology, including interconnection and access agreements, and fair competition; hospitality and hotel management; exclusivity, non-compete and confidentiality covenants; intellectual property; securities; shareholder and partnership; joint ventures; lenders-related disputes; mortgage-servicing relations; Islamic financial laws; data privacy and AI; foreign direct investments; state instrumentalities; cybersecurity; fintech and e-commerce platforms; cryptocurrency and digital assets; mergers & acquisitions; real estate and property development projects; and insurance and reinsurance. He regularly appears before U.S. federal and state courts, including New York appellate courts. Early in his career, Mr. Sweify served as a judicial extern at the New York Court of Appeals, the highest court in the State of New York.

Mr. Sweify lectures on law at Fordham Law School and other U.S. universities. He has an extensive list of publication in international arbitration, including an internationally acclaimed book on "Third Party Funding in International Arbitration," which has become a seminal reference in the international arbitration field. He previously served as a public prosecutor in Egypt, where he handled high-profile governmental corruption and white-collar crime investigations.

Mr. Sweify is a Fellow of the Chartered Institute of Arbitrators (FCIArb). He has been appointed as a Delegate of the ICC Commission on

ADMISSIONS

New York

U.S. District Court: Eastern District of New York

U.S. District Court: Southern District of New York

Egypt

Arbitration and is considered one of the youngest arbitrators in the history of the AAA/ICDR to be listed on the AAA/ICDR National Roster of Arbitrators. Currently, Mr. Sweify serves as the Secretary General of the International Section of the New York State Bar Association.

RECOGNITIONS

- *Arab America Foundation*, 40 Under 40, 2024
- *Africa Arbitration Academy*, Africa's 30 Most Promising Arbitration Practitioners, 2022
- *Middle East Policy Council* (MEPC), 40 Under 40, 2021
- Pepperdine University School of Law, CALI Award, Ethics of International Arbitration

MEMBERSHIPS & ACTIVITIES

- Fellow: The Chartered Institute of Arbitrators (FCIArb)
- Delegate: International Chamber of Commerce (ICC) Commission on Arbitration and ADR (2022 – 2024)
- Executive Member: New York State Bar Association (2024 – present)
  - International Section, Secretary General, 2026 - 2027; Executive Member (2024 - present)
  - International Arbitration & ADR Committee; Co-Chair (2026)
  - Egypt Chapter, Chair-Elect, 2024 – 2026
  - Dispute Resolution Section, International Dispute Resolution Committee, Chair (2021 – 2025)
  - Task Force on New York Law in International Matters (2021 – 2022)
- Board Member: ICDR Young & International Board (2026 - 2029)
- Arbitrator: American Arbitration Association – The ICDR®—International Centre for Dispute Resolution® (AAA–ICDR)
- Arbitrator: Dubai International Arbitration Center (DIAC)
- Arbitrator: Saudi Center for Commercial Arbitration (SCCA); Scientific Committee
- Arbitrator: Singapore International Arbitration Centre (SIAC)
- Arbitrator: World Intellectual Property Organization (WIPO)

- Co-Chair: Campaign For Greener Arbitrations, Global Steering Committee, Outreach & Events Task Force
- Member: International Institute for Conflict Prevention & Resolution (CPR), Y-ADR Steering Committee of the Young Leaders in Alternative Dispute Resolution (2023 – 2026)
- Member: New York City Bar Association, Arbitration Committee (2021 – 2025)
- Member: Muslim Bar Association of New York

SELECT INTERNATIONAL ARBITRATION REPRESENTATIONS

- Represented a U.S. client against a UAE company in a New York-seated ICC arbitration involving fraudulent-misrepresentation claims over cryptocurrency and digital assets
- Advised a Kuwaiti construction company on dispute-avoidance strategy and FIDIC-related arbitration issues arising from a major project in the Kingdom of Saudi Arabia
- Advised a Middle East-based construction company on enforcing a foreign arbitral award in the New York courts, collecting against the debtor's assets, and obtaining third-party subpoenas for financial-institution records
- Advised a U.S. wholesale importer and distributor of agricultural products on enforcing a U.S.-issued ICDR award against an Indian company in Dubai, UAE
- Advised a foreign investor seated in the Middle East on a third-party arbitration funding agreement related to investor-state claims against one of the Arab Middle Eastern countries before the International Centre for Settlement of Investment Disputes (ICSID).
- Represented a global telecom operator in institutional arbitrations totaling $1.3 billion. The case involved a breach of the interconnection agreement and equal treatment against a global mobile operator.
- Represented a construction company in an institutional arbitration involving allegations of delays in executing a significant project in the steel and energy manufacturing sector.
- Represented a hotel management company in an institutional arbitration concerning a breach of the exclusive management agreement.

- Advised a Middle Eastern investor in a potential ICSID arbitration against a Middle Eastern country regarding a denial of justice claim based on termination of the investor's "call option" shares by the host state.
- Represented a global company in an ad hoc New York-seated arbitration, involving breach of contractual obligations under insurance and reinsurance policy agreements, where the governing law was contested between New York Law and the Laws of England and Wales.
- Successfully representing a Fortune 500 Financial Institution in a New York-seated arbitration administered by the AAA/ICDR involving claims for breach of contract, common law negligence, and violations of the Electronic Funds Transfer Act (EFTA), Delaware Uniform Commercial Code Article 4A, the Delaware Consumer Fraud Act, the Delaware Identity Theft and Breach of Security Monitoring Act, the Delaware Banking Code, and the Gramm-Leach-Bliley Act (GLBA)
- Represented a CEO and shareholders of an Agricultural and Reclamation Shareholders Company in an institutional arbitration involving claims for breach of shareholders agreements and failure to complete the company's initial public offering
- Represented a regional distributor in an ad hoc arbitration involving claims for a non-exclusive agency agreement and unlawful termination of a contractual agency relationship
- Represented a consortium of companies in an institutional arbitration, which included claims for breach of contract, debt refinancing, foreclosure of properties, and sale of shares
- Represented investors, brokerages, and investment firms in securities arbitrations concerning securities fraud claims and claims of suitability of investments

SELECT ARBITRATOR'S APPOINTMENTS

- Presiding arbitrator over a Saudi-seated institutional arbitration involving claims for breach of Equipment Sale and Purchase Contract
- Presiding arbitrator over a New York-seated institutional arbitration over claims for breach of a technology-transfer agreement between a start-up and a global technology and social-media platform

- Presiding arbitrator over a New York-seated institutional arbitration over claims for breach of a subscription agreement between a Delaware-based financial-technology platform and a healthcare-brand start-up
- A party-appointed arbitrator in an arbitration administered by the Kuwait Commercial Arbitration Centre (KCAC) involving real-estate dispute arising from a resort development in Bosnia and Herzegovina, including whether Kuwaiti law or the law of Bosnia and Herzegovina governed
- A Delaware-seated arbitration involving breach of commercial financial agreement between international parties, governed by the law of the State of Delaware
- An arbitrator in a panel of three in an appellate arbitration involving financial disputes governed by New York law under the AAA-ICDR
- A Saudi-seated arbitration, administered by the Saudi Center for Commercial Arbitration (SCCA), and involving breach of contract claims of an engineering consultancy agreement related to a construction dispute in the Kingdom of Saudi Arabia (KSA)
- A New York-seated arbitration involving violations of cryptocurrency regulation and cybersecurity breaches
- A Cairo-seated arbitration involving a shareholder dispute and breach of financial loan agreements governed by Egyptian law.
- A New York-seated arbitration, involving the manufacturing defects of a global company's products under the laws of the State of New York

SELECT REPRESENTATION OF U.S. AND ARBITRATION-RELATED LITIGATION

- Successfully obtained a temporary restraining order (TRO) from the New York Court to stay an arbitration seated in New York, after proving no valid agreement existed to govern the dispute
- Successfully obtained an order from a U.S. federal court compelling arbitration in a dispute involving violations of federal financial laws where the plaintiff contested the existence of the arbitration agreement

- Represented a global company in concurrent legal action before a U.S. federal court involving an anti-suit injunction to enjoin the opposing party from commencing an arbitration proceeding in England
- Obtained a unanimous appellate decision from the New York State Court, Appellate Division, First Department, affirming the trial court's dismissal of breach of contract and tort-related claims in a real estate development dispute
- Successfully prevailed on a dispositive motion in a complex commercial partnership dispute before the New York State Court
- Successfully obtained a dismissal of a case brought by a foreign company against a Fortune 500 company in a U.S. federal court alleging breach of contract and UCC violations
- Represented a Fortune 500 company in disputes before state and US federal courts involving claims for fraud, banking and finance laws

INSIGHTS

SELECT SPEAKING ENGAGEMENTS

"Energy and Minerals Disputes, Full Cycle: From Term Sheet to Tribunal: Practical Insights from Both Sides of the Table" Egypt Arbitration Days, CRCICA & NYSBA International Section, Cairo, Egypt (October 15, 2026)

"Arbitral Institutions: International Perspectives on Handling International Arbitration Cases", CLE Program, JAMS & International Section of the New York State Bar Association, New York, (May 6, 2026)

"Investment & Economic Climates for International Investors: Perspectives from the U.S.A, U.A.E, and Kuwait," International Section, New York State Bar Association (NYSBA), Webinar, (February 2, 2026)

"International Commercial Arbitration and the Rule of Law: Perspectives from Around the World - Damages and Causations in Arbitration," International Arbitration Conference, International Section, New York State Bar Association, Hamburg, Germany, (October 15, 2025)

"Investment Arbitration," Comprehensive Arbitration Course, Arbitration Club, American University of Baghdad, Virtual Event, (October 4, 2025)

“Nuances of Intellectual Property & Tech-Related Disputes Before WIPO,” New York State Bar Association (NYSBA), Virtual CLE, (August 20, 2025)

“Hot Topics and Recent Developments in International Arbitration - Privileges and Res Judicata in International Arbitration,” Practicing Law Institute, Virtual and New York, New York, (June 23, 2025)

“New York Is Supportive of Arbitration at Every Stage of the Proceeding,” New York Arbitration Week, International Institute for Conflict Prevention & Resolution (CPR), New York, New York, (November 18, 2024)

“Professional Standards, Ethics, and the Use of AI in Dispute Resolution,” CPR Institute’s Y-ADR Steering Committee and the CPR Technology Advisory Alliance, CLE Webinar, (May 14, 2024)

“International Commercial Arbitration Law and Practice - A Deep Dive for American Litigators and In-House Counsel,” AAA/ICDR, New York, New York, (January 18, 2024)

“Power in Mediation—Shifting Sands of Getting to Yes,” New York State Bar Association, New York, New York, (January 16, 2024)

“The Role of Arbitral Institutions and the Future of *Ad Hoc* Arbitration in Africa,” 2023 Global Conference: Africa Arbitration Day – New York, New York, (December 8, 2023)

“Third-Party Arbitration Funding,” Recent Developments in Arbitration Conference, Center on Civil Justice at NYU School of Law in partnership with the Center for Transnational Litigation, Arbitration, and Commercial Law at NYU School of Law and the Center for International Commercial & Investment Arbitration at Columbia Law School, New York, New York, and Virtual, (November 12, 2022)

“Counsels Ethics in International Arbitration,” Arbitration Committee of the New York City Bar Association, (September 2020)

SELECT PUBLICATIONS

‘A Practical Guide to Navigating Foreign Investors’ Claims in Egypt’s Energy and Minerals Sector’. *Journal of International Arbitration* 43, no. 3 & 4 (2026 Kluwer Law International): 441–466

"Third Party Arbitration Funding in Egypt: Doctrines & Practices," *International Journal of Arab Arbitration* (IJAA), Volume 16, No. 2 - 2024, 2025

"Third Party Funding in International Arbitration: A Critical Appraisal and Pragmatic Proposal," *Edward Elgar Publishing*, 2023

"State Regulatory Power," *Jus Mundi*, 2022

"Third Party Arbitration Funding and Islamic Shari'a: Friends Not Foes," *Journal of Dispute Resolution*, Vol. 22(2), 2022

"Domestic Courts' Impact on Arbitral Awards: Pragmatic Reflections on the New York Convention," Journal of Dispute Resolution, 2021

"Third-Party Funding in the United States: A Systematic Judicial Analysis," *Columbia American Review of International Arbitration*, Vol. 32 (2), 2021

"Arbitrator Disclosure: In Defense of The Second Circuit Approach," 44 *Fordham International Law Journal*, 529, 2020

"Denationalizing Counsel Ethics in International Arbitration," *World Arbitration and Mediation Review (WAMR)*, Vol. 12(4), 2018

"Investment-Environment Disputes: Challenges and Proposals," *DePaul Business and Commercial Law Journal*, Vol. 14, Issue 2, Winter 2016