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THE GUIDE TO SPECIALIST INTERNATIONAL  
ARBITRATION PRACTICES

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FULLY REVISED AND UPDATED 15TH ANNUAL EDITION

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# Curtis Mallet-Prevost Colt & Mosle

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|----------------------------------|------------------------|
| People in <i>Who's Who Legal</i> | 2                      |
| People in <i>Future Leaders</i>  | 4                      |
| Pending cases as counsel         | 117                    |
| Value of pending counsel work    | US\$161.9 billion      |
| Treaty cases as counsel          | 37                     |
| Third-party funded cases         | 0                      |
| Current arbitrator appointments  | 9 (5 as chair or sole) |
| Lawyers sitting as arbitrator    | 6                      |

## Defending Congo in some monumental mining disputes and notching another win for Libya

This New York-based firm has built its reputation as a champion for governments facing serious claims under investment treaties.

That is partly thanks to its policy of representing only states in such claims, never investors. According to the international arbitration group chair, George Kahale III, it is not feasible for the same practice to represent claimants and states because of the recurring legal issues. Members of the firm are also forbidden from acting as arbitrators in investor-state cases.

Kahale, who is also the firm's chair and former managing partner, began as a transactional attorney and built his reputation representing state oil companies of Kazakhstan, Mexico and Venezuela. He has become a vocal critic of the investment arbitration system, which he regards as "seriously flawed" and biased in favour of investors.

Although strongly identified with BIT work, the firm takes its commercial arbitration offering equally seriously. Its Paris office is led by partner Peter Wolrich, who has strong links with the ICC, having formerly chaired its commission on arbitration and ADR for 11 years and overseen the latest revisions to the ICC arbitration rules.

Some long-serving partners have left the firm for rivals in the past few years, but Curtis still fields an impressive team, including Mark O'Donoghue in New York, Charles Buderl in London, Geoffroy Lyonnet in Paris and Claudia Frutos-Peterson, a former ICSID counsel who heads the practice in Washington, DC. Simon Batiforhas recently relocated from New York to help the firm launch an office in Brussels.

## Network

The practice is concentrated in Paris, London, Milan, Mexico City, New York and Washington, DC, though it also has boots on the ground in Brussels, Geneva, Almaty, Astana, Buenos Aires, Dubai and Muscat. It also has a new office in Riyadh. There used to be an office in Ashgabat before the team there decamped to another firm.

## Who uses it?

States, states and more states. The firm reckons it represents more states in more ICSID cases than all other GAR 30 firms combined.

Many of those are repeat clients. It has acted for Venezuela and its national oil and gas company PDVSA in nearly 25 arbitrations, some worth many billions of dollars; Kazakhstan has instructed the firm at least 15 times; and Libya has used it in at least nine cases. It has acted for India in several major telecoms-related treaty cases with a combined value in the billions.

Most recently, instructions have come from Argentina, Colombia, Comoros, Panama, Uzbekistan, South Sudan and the Republic of the Congo. It has also acted for Albania, Algeria, Cameroon, Cyprus, the Dominican Republic, Ecuador, Indonesia, Kuwait, Laos, Macedonia, Nigeria, Romania, Saudi Arabia, Spain, Tanzania and Vietnam.

It has also advised state entities such as Sonatrach, Pemex, KazMunayGas and the Nigerian National Petroleum Corporation in commercial arbitration matters.

## Track record

For Libya, the firm has defeated a €560 million ICC claim over an airport terminal in Tripoli, and overturned a €450 million award in the French courts on the basis that it rested on a fraudulent settlement agreement. The firm has also helped Libya's National Oil Corporation (NOC) see off three ICC arbitrations worth over US\$1.6 billion and win a US\$116 million counterclaim in one.

Curtis has also secured a US\$1.3 billion payment for Kazakhstan from an international consortium to settle an arbitration over an oil and gas field, knocked out a pair of ICSID claims worth US\$1.3 billion brought by mining investors against Indonesia and led India to victory in a US\$400 million treaty claim brought by telecoms investors.

It also defeated a US\$1.4 billion ICC claim against Cyprus, a US\$2.8 billion claim against Saudi Arabia and a US\$90 million claim against Kuwait.

It's also been involved in some landmark ICSID annulment proceedings, overturning a €128 million award against Spain because of an arbitrator's ties to an expert witness, and reducing a US\$1.6 billion award against Venezuela to US\$188 million.

Successes in commercial cases include helping Turkmenistan's national gas company win over €1.5 billion in an ICC claim against the Iranian National Gas Company, and defeating a US\$1.5 billion ICC claim brought by ConocoPhillips against client PDVSA.

## Recent events

There was yet another win for Libya's NOC when an ICC panel ruled that Curtis's client could buy out its Emirati partner in a refinery venture. A majority of the panel said NOC had validly triggered a call option.

The firm helped Kazakhstan's road authority see off the bulk of a US\$200 million ICC claim brought by Turkish contractors, and successfully defended a US\$18 million SIAC award in the client's favour in the French courts.

The Republic of the Congo has retained the firm to defend it in at least three arbitrations brought by mining companies whose iron ore licences have been revoked. The amount in dispute in those cases is an eye-watering US\$45 billion.

Other African state clients include Nigeria in an ICSID claim filed by Italian oil producer Eni over allegations the company paid bribes to secure oil field rights, South Sudan in an ICSID dispute with a bank part-owned by Qatar's sovereign wealth fund and Uganda in a US\$900 million contractual rail dispute.

Colombia, Argentina, Cyprus and Kuwait are also using the firm for pending ICSID matters.

In the Milan office, Tullio Treves and Renato Treves withdrew as counsel to Russia in two state-to-state arbitrations with Ukraine under the UN Convention on the Law of the Sea. They and the rest of Russia's foreign counsel team withdrew in the wake of the Russian invasion of Ukraine.

Curtis continues to represent the administration of Venezuela opposition leader Juan Guaidó in proceedings to have Conoco's

record-breaking US\$8.7 billion ICSID award against the state annulled.

Lise Johnson joined Curtis as counsel in London after almost a decade at the Columbia Center on Sustainable Investment.

Curtis promoted Juan Perla in New York, Serena Boscia Montalbano in London and Marie-Claire Argac in Paris to the partnership, and Lisa Arpin-Pont and Loujaine Kahaleh were named counsel.

There were some senior departures. Benard Preziosi retired from Curtis after four decades and later joined a third-party funder in New York. Gabriela Álvarez-ávila left the Mexico City office after 14 years for DLA Piper. And Timi Balogun left the London office for Squire Patton Boggs.

### Client comment

A state client says the firm was engaged at relatively short notice to assist in a hearing. "Despite the fact that the Curtis team had

not participated in the written stages of the case, its lawyers demonstrated an impressive capacity to assimilate quickly a very complex set of facts, evidence and regulatory framework."

The firm's track record representing states was "demonstrated by the ease with which their teams integrated seamlessly with the government's". The team's Spanish language skills "were a plus".

Another government client praises the firm. "As a government we are a repeat party in ISDS cases and have to be consistent in our arguments in our submissions to arbitrations in past and future cases, as well as negotiations and interpretation of investment treaties. We also have other political concerns. The firm is very proactive and attentive in identifying and addressing our concerns to serve our best interests."

A senior executive at a North African state-owned oil and gas company says the Curtis team was impressive in their ability to rapidly grasp complex issues, and also compliments their "exceptional work ethic."