Patrick W. Pearsall

Partner

ppearsall@gibsondunn.com
T: +1 202.955.8516
Washington, D.C.



Patrick W. Pearsall is an international arbitration and disputes partner in the Washington D.C. office of Gibson Dunn. He is Global Co-Chair of the Geopolitical Strategy and International Law practice. Patrick is *Chambers* ranked in multiple practice areas and focuses on helping clients resolve complex disputes, respond to crises, and protect themselves in dozens of jurisdictions throughout the world. He has litigated in U.S. courts at the highest levels and has practiced under all of the world's leading arbitral rules. Patrick regularly advises sovereign states and Fortune 500 companies and is widely regarded as one of the foremost experts in the world on international law. Clients describe Patrick as a "rockstar" with an "unmatched razor-sharp mind" who is an "incredible," "terrific advocate and a real thought leader."

Patrick's experience cuts across several industries, including energy, mining, pharmaceuticals, telecommunications, maritime, fisheries, financial services, infrastructure, geographic boundaries, consumer products, emergent technology, and manufacturing. Clients reach out to Patrick at all stages of a potential or active dispute. In addition to his commercial and treaty disputes work, Patrick is often called upon to assist companies, executives, and sovereign states when they are struggling with exposure from a geopolitical crisis. Patrick is a recognized specialist in investment protection and dispute avoidance. He has successfully resolved claims involving tens of billions of dollars for clients.

Patrick is widely recognized, including by *Chambers USA*, *Chambers Global*, and *Lexology* as a "Global Elite Thought Leader." He is also listed by *Latinvex* as one of the ten best disputes lawyers in Latin America and is recommended by *Legal 500*. He was previously named to *Global Arbitration Review's* "45 under 45" list, which features global leaders in the field of international arbitration under 45. Patrick has also been recognized by *The Best Lawyers in America* year after year for his work, one of the youngest to hold this peer-ranked distinction at the time of his first recognition.

For nearly a decade, Patrick served in the U.S. State Department, working on economic and natural resources diplomacy, and trade and dispute resolution. He departed in 2017 as Chief of Investment Arbitration, responsible for defending the United States in various international fora. In addition to his representations, Patrick was on the drafting committee for the revision of the ICC Rules, an advisor on the revision of the AAA and ICDR Rules, and led the negotiations of several bilateral and multilateral treaties on behalf of the United States. He sits on the Panel of Arbitrators for the International Center of the Settlement of Investment Disputes (ICSID) as well as for the Hong Kong International Arbitration Centre (HKIAC) and the Korean Commercial Arbitration Board (KCAB).

Select Representative Experience*:

Commercial Disputes and Geopolitical Crisis Management

Capabilities

International Arbitration
Artificial Intelligence
Crisis Management
Energy Regulation and Litigation
Energy and Infrastructure
Fintech and Digital Assets
Geopolitical Strategy and International Law
Government Contracts
Infrastructure
International Trade Advisory and Enforcement
Litigation
Media, Entertainment, and Technology
Mining and Metals
National Security
Oil and Gas
Power and Renewables
Privacy, Cybersecurity, and Data Innovation
Public Policy
Tech and Innovation
Technology Litigation
Transnational Litigation
Transportation and Space

Credentials

Education

Columbia University - 2005 Juris Doctor
Columbia University - 2002 Bachelor of Arts

Admissions

District of Columbia Bar
New York Bar

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- Representing a large multinational bank in four related ICC arbitrations in Brazil.
- Representing a large multinational bank in an ICC arbitration against a European telecommunications company.
- Representing a global mining company in a dispute concerning intellectual property and trade secrets.
- Representing large electronics manufacturing company in an ICC arbitration arising from a failed joint venture agreement and an intellectual property dispute.
- Representing a multinational Asian-headquartered client in a series of ICC and ICDR arbitrations arising out of a joint venture agreement.
- Representing a large construction company and private equity firm in a series of disputes under the ICDR arising out of a large municipal infrastructure project.
- Representing a global technology company on a sensitive geopolitical matter and internal international governance issues.
- Advising a Latin American state on a crisis concerning administrative actions in a key sector of its economy.
- Representing one of the largest companies in the world on a series of disputes arising from alleged competition violations in several jurisdictions.
- Representing Luxshare Ltd. at the United States Supreme Court on the question of how section 1782 of the United States Code should be interpreted to apply to discovery in aid of arbitration.

Public International Law and Investment Arbitration

- Representing a Latin American state before the Permanent Court of Arbitration on a claim concerning alleged breaches in relation to a large metallurgical complex.
- Representing a renewable energy company in an investment under ICSID claim against a European state.
- Representing a Fortune 500 company in two separate investment arbitrations against two separate Latin American states under ICSID.
- Representing a large European energy company against a Latin American state to protect against an expropriation.
- Representing a Latin American state in a billion-dollar arbitration under ICSID concerning a bond issuance.
- Representing a European multinational energy company in an ICSID annulment proceeding and follow-on U.S. federal court enforcement proceedings.
- Representing the Kingdom of Sweden in a multibillion-dollar claim brought by an energy company under the Energy Charter Treaty.
- Representing a European state in an investment claim brought through the Energy Charter Treaty under the SCC Rules.
- Representing the United States in a UNCITRAL arbitration arising from the alleged expropriation of a gold mine.
- Representing the United States in a multibillion-dollar ICSID arbitration arising out of a permit denial for a large cross-border infrastructure project.

Treaties Assisted in Negotiating

- Comprehensive and Progressive Trans-Pacific Partnership (CPTPP Investment Chapter)
- Trans-Atlantic Trade and Investment Partnership (Investment & Environmental Chapters)
- United States Mexico Canada Agreement (USMCA)

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- United States – China Bilateral Investment Agreement (US-China BIT)
- North America Free Trade Agreement (NAFTA)
- Central American Free Trade Agreement (CAFTA-DR)
- Korea United States Free Trade Agreement (KORUS)
- United States Panama Free Trade Agreement (US-Panama FTA)
- United States Peru Free Trade Agreement (US-Peru FTA)
- International Centre for the Settlement of Investment Disputes (ICSID Rule Revisions)

Patrick has earned degrees from Columbia Law School, the Parker School of Foreign and Comparative Law, and Columbia College. He graduated from Columbia Law School with honors and from Columbia College *magna cum laude,* where he received the Robert Lincoln Carey prize, which is awarded annually to one student college-wide who achieved the highest academic achievement. Prior to practice, Patrick worked at the ICC Secretariat and for the Honorable Sonia Sotomayor on the United States Court of Appeals for the Second Circuit.

Patrick is a member of the adjunct faculty at Columbia Law School, where he directs the International Claims and Reparations Project, and at Georgetown University Law Center, where he teaches on international dispute resolution. He regularly lectures at several other leading law schools and conferences around the world, and has published several articles and chapters on international arbitration and litigation, international investment law, and public international law, many of which have been cited in international arbitration decisions, courts around the world and leading treatises. He is the co-author of two books: *Reflections on International Arbitration* and *International Claims Commissions*, the leading treatise on the subject.

Patrick has served as an officer to the IBA Arbitration Committee in various roles for nearly a decade, is a member of the Academic Council of the Institute for Transnational Arbitration, co-chairs the Mid-Atlantic Committee of the United States Council for International Business, and is the incoming Vice President of the American Society of International Law (ASIL) where he has also served on the Executive Council, the Executive Committee, and co-chaired the ASIL Annual Conference. Patrick was also co-chair of the 75-member international delegation to Ukraine for the 75th anniversary of the Universal Declaration of Human Rights, which became the subject of an award-winning film.

Patrick is admitted to practice law in the District of Columbia and New York and is a registered foreign lawyer in England and Wales.

Recent Publications:

- Patrick W. Pearsall, *Causation and the Draft Articles on State Responsibility*, 37 ICSID Rev. - Foreign Inv. L. J. 192 (2022).
- Patrick W. Pearsall, *The Role of the State and the ISDS Trinity*, 112 AJIL Unbound 249 (2018).
- Patrick W. Pearsall et al., *International Litigation*, 44 Int'l Lawyer 167 (2010).
- Patrick W. Pearsall, *Article 26 of the VCLT: Pacta Sunt Servanda*, *in* General International Law in International Investment Law: A Commentary, 64 (Andreas Kulick & Michael Waibel eds., 2024).
- Patrick W. Pearsall, David Ingle & Gary Smadja, *The Energy Charter Treaty: A Friend or Foe of Decarbonisation?*, *in* Investment Arbitration and Climate Change 245 (Anja Ipp & Annette Magnusson, eds. 2024).
- Chiara Giorgetti & Patrick W. Pearsall, *Creating an International Compensation Mechanism for Ukraine*, *in* Research Handbook on International Claims Commissions, 292 (Chiara Giorgetti, Patrick W. Pearsall & Hélène Ruiz-Fabri eds.,

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- Chiara Giorgetti & Patrick W. Pearsall, *International Claims Commissions: Learning from the Past, Looking at the Future*, *in* Research Handbook on International Claims Commissions, 1 (Chiara Giorgetti, Patrick W. Pearsall & Hélène Ruiz-Fabri eds., 2023).
- Patrick W. Pearsall, *The New Invisible College*, *in* Pro-Arbitration Revisited: A Tribute to Professor George Bermann from his Students Over the Years, 33 (Elora Neto Godry Farias, Gino Rivas, Gustavo Favero Vaughn & Mateo Verdías Mezzera eds., 2023).
- Patrick W. Pearsall & Craig D. Gaver., *Guarantees Against the Stay of Enforcement*, *in* Provisional and Emergency Measures in International Arbitration, 228 (Julien Fouret ed., 2023).
- Timothy Nelson et al., *Should Costs Go with the Cause in Investment Treaty Arbitration?*, *in* Investment Treaty Arbitration and International Law, 265 (Meriam Al-Rashid, Kabir Duggal, Miriam K. Harwood & Todd J. Weiler eds., vol. 13 2020).
- Patrick W. Pearsall et al., *Parallel Proceedings: A Right or Wrong?*, *in* Investment Treaty Arbitration and International Law, 247 (Meriam Al-Rashid, Kabir Duggal, Miriam K. Harwood & Todd J. Weiler eds., vol. 12 2019).
- Patrick W. Pearsall & J. Benton Heath, *Causation and Injury in Investor-State Arbitration*, *in* Contemporary and Emerging Issues on the Law of Damages and Valuation in International Investment Arbitration, 81 (Christina L. Beharry ed., 2018).
- Robert Reyes Landicho et al., *Full Protection and "Cyber" Security?*, *in* Investment Treaty Arbitration and International Law, 133 (Ian A. Laird, Borzu Sabahi, Frédéric G. Sourgens & Todd J. Weiler eds., vol. 11 2018).
- Ian A. Laird et al., *Promoting and Protecting Investment in the Asia-Pacific Region: What Is the Role for Investment Agreements?*, *in* Investment Treaty Arbitration and International Law, 61 (Ian A. Laird, & Todd J. Weiler eds., vol. 4 2012).
- Patrick W. Pearsall, *International Investment Agreements in the Asia-Pacific Region and the Promotion Objective*, *in* Investment Treaty Arbitration and International Law, 35 (Ian A. Laird & Todd J. Weiler eds., vol. 4 2012).
- Research Handbook on International Claims Commissions (Chiara Giorgetti, Patrick W. Pearsall & Hélène Ruiz-Fabri eds., 2023).
- Reflections on International Arbitration: Essays in Honour of Professor George Bermann (Julie Bédard & Patrick W. Pearsall eds., 2022).
- Patrick W. Pearsall & Kyle R. Rice, *United States-Mexico-Canada Agreement (USMCA): Investment Protection and Arbitration*, Thomson Reuters Practical Law
- Chiara Giorgetti & Patrick Pearsall, *A Significant New Step in the Creation of An International Compensation Mechanism for Ukraine: The Council of Europe Establishes A Register of Damages Caused by Russia's Aggression Against Ukraine*, Just Sec. (July 27, 2023),
- Patrick W. Pearsall & Guled Yusuf, *United Nations General Assembly Seeks Historic Climate Change Opinion from International Court of Justice*, JDSupra (May 4, 2023),
- Chiara Giorgetti, Markiyan Kliuchkovsky, Patrick W. Pearsall & Jeremy K. Sharpe, *Historic UNGA Resolution Calls for Ukraine Reparations*, Just Sec. (Nov. 16, 2022),
- Chiara Giorgetti, Markiyan Kliuchkovskyi and Patrick W Pearsall, *Launching an International Claims Commission for Ukraine*, EJIL: Talk! (May 20, 2022),
- Patrick W. Pearsall, *The Biden Administration Approach to Investment Arbitration? Retail Multilateralism*, Kluwer Arb. Blog (Nov. 9, 2020)
- *International Finance Corp.: May International Organizations Violate Rights with*

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Impunity?, Just Sec. (Oct. 30, 2018)

- Patrick W. Pearsall & Thomas Wingfield, *A View Toward the Post-Brexit Future: The UK in the NAFTA? Part II*, Kluwer Arb. Blog (Feb. 13, 2018)
- Patrick W. Pearsall & Thomas Wingfield, *A View Toward the Post-Brexit Future: The UK in the NAFTA? Part I*, Kluwer Arb. Blog (Feb. 11, 2018)
- Patrick W. Pearsall, Note, *Means/Ends Reciprocity in the Act of State Doctrine*, 43 Colum. J. Transnat'l L. 999 (2005).

**Includes matters handled prior to joining Gibson Dunn*

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