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The international journal of
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Gibson Dunn & Crutcher

People in <i>Who's Who Legal</i> :	1
Pending cases as counsel:	22
Value of pending counsel work:	US\$20 billion
Treaty cases:	6
Current arbitrator appointments:	8 (of which 0 are as sole or chair)
Lawyers sitting as arbitrator:	2

A lateral hire in London has brought work on a US\$16 billion treaty claim, while the firm acts on Yukos-related matters

Gibson Dunn is one of the current heavyweights of the US litigation scene. Not long ago, it was declared litigation department of the year by a well-known US magazine for its regular appearances on high-stakes matters. Although not at the same level – and in some ways having to swim against the tide of the firm's interest – the international arbitration group has been making some headway.

The core of the current practice formed between 2007 and 2008, with the lateral hires of Cyrus Benson from White & Case and Lord Falconer, the United Kingdom's former secretary of state for justice. Laurence Shore joined in 2008, serving as co-head of the international arbitration practice until his return to his former firm, Herbert Smith Freehills, in March 2013.

After bolstering its UK and US practices with Benson, Falconer and Shore, the firm took its first steps into Asia, opening an office in Hong Kong staffed by Kelly Austin, a former GE compliance and litigation counsel. The practice also gained a footing in Dubai with the arrival in 2012 of partner Peter Gray from the defunct Dewey & LeBoeuf.

Away from mainstream commercial work, Gibson Dunn enjoys a franchise for sports-related arbitration thanks to Maurice Suh, a partner in Los Angeles. Suh has defended numerous sports stars accused of doping violations, including disgraced Tour de France winner Floyd Landis.

Meanwhile, Gibson Dunn's litigation team continues to be one of the first names on the list for anyone who needs litigation to enforce or resist foreign judgments and awards.

Network

East and West Coast United States, London, Paris and Hong Kong for international arbitration. The firm has also recently opened an office in Singapore – it was granted a qualifying foreign law practice licence by the city-state in 2013.

Who uses it?

UBS, Marriott International, MMX, IBM and General Electric have all used the firm on arbitration-related court work in the United States. Yukos International, a Dutch subsidiary of the defunct Russian oil company, is also using Gibson Dunn & Crutcher to defend it in a US\$250 million ICC claim brought by Polish oil company PKN Orlen over a Lithuanian refinery.

Hong Kong mining company SouthGobi Resources turned to the firm to advise on an investment treaty claim against Mongolia

over coal mining rights in the Gobi Desert. On the state side, the Republic of Djibouti has relied on the firm as well.

Cy Benson (together with Larry Shore, initially) is also representing the controversial Russian politician Ashot Egiazaryan, who is embroiled in various LCIA arbitrations about a Moscow hotel.

The firm is lead counsel to Chevron in multiple litigations in the United States, Argentina, Brazil and Canada arising from the well-known Ecuadorean oil pollution case brought by a group of Amazon plaintiffs.

Track record

A team lead by Cy Benson helped an affiliate of Yukos Oil Company fend off a US\$250 million ICC claim brought against it by Poland's PKN Orlen over the sale of a Lithuanian refinery. PKN challenged the award in the English courts, but the group defeated this too and the case was dismissed.

In another *Yukos* matter, litigators in New York persuaded a court to confirm a US\$74 million award that Luxembourg-based Yukos Capital won against Rosneft subsidiary Samaraneftgaz in compensation for unpaid loans. The firm had already obtained an attachment order against Rosneft (and a US\$600 million security) pending the award.

In 2014, the firm continued its winning streak for Yukos when it convinced a New York court to issue an order against Samaraneftgaz, restraining it from moving assets until it satisfied an ICC award worth US\$186 million. Gibson scored another win when it ensured that a circuit court threw out Samaraneftgaz's appeal to overturn an earlier district court judgment confirming the award.

Some of the firm's best-known victories have been in litigation for Chevron. The US oil company asked the firm to obtain out-takes from *Crude* – the documentary charting the environmental litigation against Chevron in Ecuador. Gibson Dunn duly succeeded in the US courts and has gone after other evidence located in the United States by making numerous successful section 1,782 discovery applications. The evidence is being used by Chevron in its investment treaty arbitration against Ecuador (King & Spalding is running the arbitration), as well as its efforts to block enforcement of the multi-billion dollar local court judgment rendered against it, and its high-profile RICO litigation in the United States against the Ecuadorean plaintiffs' lead counsel, Steven Donziger.

The litigation team also scored a victory for a group of holdout creditors from Argentina's 2001 sovereign debt default in a

well-known US appeals court action against the state, *NML Capital v Argentina*. The court told Argentina in October 2012 that if it continues paying creditors that accepted its bond swap packages, it must also pay holdout creditors what they are owed in line with an equal treatment clause in the original bond contracts. The US Supreme Court has since refused Argentina's requests for an appeal.

The arbitration team, meanwhile, obtained what was seen as a favourable settlement for Brazilian mining company MMX in a commodities dispute with a Turkish opponent.

Recent events

Rahim Maloo joined the firm's New York office as of counsel from Freshfields Bruckhaus Deringer in 2014.

After five years at Gibson Dunn, practice co-head Lawrence Shore rejoined his old firm Herbert Smith Freehills in March 2013 to help it launch a new office in New York.

But the firm bounced back with the hire of partner Penny Madden in London from Skadden Arps Slate Meagher & Flom, who brought with her of counsel Sarah Wazen and a junior associate, Besma Grifat. She has also brought a US\$16 billion investment treaty claim against Algeria, in which Gibson Dunn is now co-counsel to Egyptian claimant Orascom Telecom with Skadden. The claim was stayed in 2014, as Orascom (now renamed Global Telecom Holding) agreed to transfer a 51 per cent stake in the mobile phone operator Djezzy to Algeria.

While at Skadden, Madden also won a US\$60 million ICC award for a Cayman entity, Belport Development Limited, against Chimichanga Corporation in the British Virgin Islands. Gibson Dunn is now counsel for Belport and obtained a victory for its client in 2014 when a court in the British Virgin Islands refused to block enforcement of the award.

2014 also saw the firm receive instructions from the east African state of Djibouti, which has filed an LCIA arbitration against DP World, alleging that the Dubai company secured its concession over the continent's biggest container terminal through bribery.

Benson was a member of the International Bar Association task force that issued the guidelines on party representation in international arbitration, which were adopted by the IBA council in May, and has become a thought leader on ethics in international arbitration.