

Rising Star: Gibson Dunn's Rahim Moloo

By **Caroline Simson**

Law360, New York (April 15, 2016, 3:47 PM ET) -- Gibson Dunn's Rahim Moloo has represented some of the world's largest multinational corporations in arbitrations that often seek hundreds of millions of dollars in compensation and is working to enforce a \$1.4 billion award issued to a mining company in a dispute with Venezuela, earning him a place among the top international arbitration attorneys under 40 honored by Law360.

As counsel of record for the mining company Crystallex International and the co-leader of the team responsible for the matter, the Rising Star is working on a \$2.8 billion fraudulent transfer action in federal court against Venezuela's national oil company and Citgo to ensure that Crystallex will be able to enforce and execute its arbitration award, which was issued by the International Centre for Settlement of Investment Disputes.

Crystallex claimed that its gold mine had been improperly expropriated by the Venezuelan government, and the ICSID tribunal agreed, finding that Venezuela had violated a bilateral treaty with Canada when it reneged on expected mining permits in the southeast region of Las Cristina.

Involvement in such proceedings is not unusual for Moloo, who said he's been lucky in his career to largely bypass any age discrimination since he's typically judged on merit. Nevertheless, showing off exactly what you bring to the table doesn't necessarily happen overnight, he said.

"I think to a certain extent when a younger person walks into the room, clients or other attorneys alike are not going to expect necessarily that they're going to want to hear what that person has to say, and you obviously have to be patient," he said. "There are still age dynamics that come into play, especially when you're in a negotiation or you're trying to pitch a matter. But I think that ultimately, over time, clients and colleagues appreciate merit."

And it's clear, clients have not taken issue with Moloo's youth. He's serving as co-lead counsel for WalAm Energy Inc. in a multi-hundred-million-dollar ICSID arbitration against the Kenyan government over the alleged wrongful termination of the company's geothermal license, and he's responsible for



directing overall strategy on the case, overseeing and directing the associate team working on the matter — based in New York, London and Dubai — and coordinating the work of local counsel.

He's also represented Saint-Gobain Performance Plastics Europe as co-counsel with Freshfields Bruckhaus Deringer LLP and Hughes Hubbard & Reed LLP in an arbitration against Venezuela that arose out of the country's expropriation of the company's proppants plant, serving as the primary drafter of the main substantive pleadings in the case and the day-to-day lead on the case.

Gibson Dunn is global arbitration counsel to Global Telecom Holdings, and Moloo has been involved in directing local litigation ancillary to a \$200 million ICSID claim against Zimbabwe and coordinating the overall strategy in assisting the company to resolve the dispute amicably. In another matter, Moloo is working as co-lead on an investment treaty dispute with a foreign state in relation to its multibillion-dollar investment.

Of all the multimillion- and multibillion-dollar disputes that Moloo's been involved in, though, he says the one that's proved the most satisfying over the years was one that he was able to resolve quickly, relying on a strictly legal argument.

The matter, which involved a multinational mining company, is confidential, but the dispute stemmed from a long-term supply contract in which the pricing clause had become stale. He and his colleagues were able to convince the opposing party in the dispute to give in before the matter was brought to arbitration based on an argument that the entire contract would be void under that circumstance, ultimately giving his client significant leverage due to the risk of losing the contract.

"When a client's in the middle of negotiations it's a bit of a dance, so you have to be really careful because the law is just one of the tools that the client has available to it and it's not always going to be most compelling tool," he said. "But in this case the law was the tool that compelled a settlement, and that was really satisfying, and I think that's what keeps clients coming back — if you're able to think outside the box and if you're able to resolve the dispute expediently and creatively, you can really add value."

--Editing by Aaron Pelc.