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WHITE & CASE

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The guide to specialist  
arbitration firms **2013**

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Fully revised and updated  
6th annual edition

# White & Case

People in <i>Who's Who</i> :	14
Pending cases as counsel:	223
Value of pending counsel work:	US\$73 billion
Treaty cases:	35
Current arbitrator appointments:	49 (25 as sole or chair)
No. of lawyers sitting as arbitrator:	17

## Asia punched above its weight, financially, in 2012

Now 25 years old, White & Case's huge international arbitration practice grew from the firm's work in the international affairs. As far back as the First World War, White & Case had provided the documentation underpinning the supply of US munitions to the Allies. France made the firm's founding partner Justin DuPratt White a Knight of the Legion of Honour in gratitude.

In the 1950s, the firm acted on one of the biggest arbitrations of the 20th century: *Aramco v Saudi Arabia* (a young associate named Stephen M Schwebel took part).

In the early 1990s, it became one of the first to undertake ICSID work – defending Indonesia against a claim. Then partner Charles N Brower (now an internationally renowned arbitrator) led the work.

Other “firsts” at ICSID followed – such as bringing the first claim against a Latin American state (*Santa Elena v Costa Rica*); and defending the first Energy Charter Treaty cases to reach a merits hearing (*AES v Hungary* and *Plama v Bulgaria*); and bringing one of the earliest NAFTA cases (*Mondev v US*).

More recently, it's become the first firm to run a class-action style BIT claim – on behalf of 60,000 Italian holders of Argentine sovereign debt (*Abaclat & Others v Argentina*).

Over the years the practice has grown naturally in multiple locations: Paris; London; Washington, DC; Stockholm; Mexico City; and, more recently, Singapore. Sometimes the different offices haven't been brilliant at talking to each other (those days are a thing of the past).

The fact remains, wherever it is, White & Case enjoys a reputation as a formidable opponent – and results to match.

Some offices have developed a particular speciality. The Paris and London teams undertake a lot of project and construction work. Christopher Seppälä in Paris is long-standing legal adviser of the International Federation of Consulting Engineers (FIDIC). Phillip Capper in London is also revered in construction circles.

Meanwhile the Washington, DC, and Mexico offices handle a lot of matters in Latin America. Michael Polkinghorne in Paris specialises in energy work.

All in all, some 150 full-time lawyers now work full-time or nearly full-time in the area – making it one of the largest in this book. The practice is also one of the least male-dominated: senior female partners include Carolyn Lamm (a recent past president of the American Bar Association), Abby Cohen Smutny, Andrea Menaker and Ank Santens.

That should perhaps be “re-uses” it. White & Case is one of those firms that has repeat clients. Some of those are: Bulgaria (instructing it in seven matters); Philippines (two matters); Peru (five matters); Ukraine (five matters); Uzbekistan (two matters); and Georgia (eight matters); not to mention Naftogaz (two matters); Sistema (two matters); Germany's Hochtief; and numerous Georgian state entities.

## Track record

First class. White & Case has more than justified its reputation over the years. Examples include: winning US\$877 million for a Czech bank against Slovakia in 2004 (then the largest-ever ICSID award); numerous cases for states at ICSID (usually with costs), including, during one sequence, three cases on the bounce for Romania; and winning a case for Ukraine by summary dismissal (the first time that had been done at ICSID).

Recently it won the jurisdictional phase of *Abaclat & Others v Argentina* – the Italian bondholder case and first use of a class-action style procedure at ICSID. The claim is potentially worth US\$1 billion.

In 2012, the firm achieved the notable feat of winning a case for import inspection services provider SGS built on a BIT's umbrella clause. SGS had attempted similar claims twice before (with different counsel, against different states) without success.

It also won one of the largest awards ever obtained against Pemex, the Mexican state oil company, on behalf of two engineering clients.

## Recent events

2012 saw a strong performance White & Case's Asian team. Despite a low head count, lawyers in the region contributed 15 per cent to the practice's total revenue. The Russian-and Eastern European practice posted excellent figures.

On the personnel side, the team added five partners (one lateral and four promotions). Of those, the best known are Andrew McDougall in Paris (returning to the firm), Dipen Sabharwal in London and Rafael Llano Oddone in Mexico City. It promoted Nicolas Boucharde to counsel in Paris and recruited Melody Chan as counsel in Hong Kong.

Carolyn Lamm, was named one of the “100 Most Powerful Women” by *Washingtonian Magazine*.

The practice also launched its second international arbitration surveys, undertaken in conjunction with the School of International Arbitration at Queen Mary, University of London.

Jonathan Hamilton meanwhile edited *Latin American Investment Protections: Comparative Perspectives on Laws, Treaties, and Disputes for Investors, States, and Counsel* (Martinus Nijhoff/Brill).

But the practice said farewell to Patricia Nacimiento, its highly respected German partner, who headed for Norton Rose; and Christophe Seraglini, who set up his own boutique with a former Hogan Lovells partner. In Stockholm, senior partner Claes Zettermarck left to set up an arbitrator boutique.

Rank	Firm	No. in Who's Who Legal	Pending cases (as arbitrator)	Merits hearings completed in two years	Jurisdictional hearings completed in two years	Bet-the-company hearings	Pending cases as counsel	Value of current portfolio as counsel (US\$ billion)
1 (1)	FRESHFIELDS BRUCKHAUS DERINGER	15	69	57	3	8	280	80
2 (2)	WHITE & CASE	14	49	51	14	7	223	73
3 (3)	SHEARMAN & STERLING	5	21	31‡		11	85	155*
4 (4)	KING & SPALDING	12	36	24	3	3	61	47
5 (5)	WILMER CUTLER PICKERING HALE & DORR	5	51	8	16	2	81	84
6 (11)	SKADDEN ARPS SLATE MEAGHER & FLOM	5	11	15	4	5	48	58
7 (14)	CURTIS MALLETT-PREVOST COLT & MOSLE	3	7	8	6	6	57	120
8 (10)	HERBERT SMITH	10	23	34	9	1	82	25
9 (7)	DEBEVOISE & PLIMPTON	6	20	8	2	3	53	49
10 (8)	HOGAN LOVELLS	1	20	44	13	2	96	37.3
11 (21)	DECHERT	4	64	17	12	2	48	Unknown
12 (12)	ALLEN & OVERY	6	36	22	2	0	101	"Several billion dollars"
13 (6)	CLIFFORD CHANCE	6	31	60	8	1	150	35
14 (-)	COVINGTON & BURLING	4	16	14‡		3	23	15
15 (19)	NORTON ROSE FULBRIGHT	10	45	49	6	2	258	38
16 (13)	LALIVE	7	69	11	0	1	48	250†
17 (30)	BAKER BOTTS	5	6	12	N/A	2	18	125*
18 (-)	CLEARY GOTTLIEB STEEN & HAMILTON	1	13	14	2	1	63	120*
20 (19)	SCHELLENBERG WITTMER	5	61	11	1	0	28	4
20 (15)	DLA PIPER	3	24	33	4	2	121	64.4
21 (-)	ARNOLD & PORTER	2	10	13	0	1	21	10
22 (22)	MANNHEIMER SWARTLING	3	19	20	5	1	68	31
23 (9)	BAKER & MCKENZIE	6	43	48	5	1	220	45
24 (16)	CMS	2	71	57	6	0	85	21
25 (17)	CLYDE & CO	1	29	66	5	1	500§	25
26 (-)	DE BRAUW BLACKSTONE WESTBROEK	0	0	17	0	2	30	6.5
27 (-)	WEIL GOTSHAL & MANGES	3	8	16	7	0	40	7
28 (-)	FOLEY HOAG	2	4	7	5	2	31	59
29 (-)	WONGPARTNERSHIP	1	20	12	2	0	40	4.5
30 (-)	SQUIRE SANDERS	1	10	11	N/A	2	27	13

#### Footnotes

\* includes the Yukos claim of US\$114 billion

† includes one state-state matter valued at "hundreds of billions"

‡ includes jurisdictional hearings

§ includes maritime and commodities work

