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**100**

The guide to specialist  
arbitration firms **2014**

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Fully revised and updated  
7th annual edition

## White & Case

People in <i>Who's Who</i> :	12
Pending cases as counsel:	282
Value of pending counsel work:	US\$86 billion
Treaty cases:	37
Current arbitrator appointments:	64 (of which 34 are as sole or chair)
No. of lawyers sitting as arbitrator:	19

### A year of excellent results

White & Case's (now) huge international arbitration practice grew organically – as a result of its general work overseas. During the First World War, the firm handled all the legal work for the supply of US war materials to the British and French governments. (France would make one of the founding partners, Justin DuPratt White, a Knight of the Legion of Honour in gratitude.)

Post-war, a number of prominent international cases reached the firm. In the 1950s, it acted on *Saudi Arabia v Aramco* (a young associate named Stephen Schwebel took part).

In the 1970s, one Charles Brower (today a renowned international arbitrator) founded a Washington DC office, leading to early ICSID work (the firm estimates it worked on about a third of the earliest ICSID cases).

Since then both commercial and investment arbitration practices have boomed.

The firm's ICSID work is especially noteworthy. Its been responsible for:

- the first ICSID case against a Latin American state (*Santa Elena v Costa Rica*)
- one of the largest awards ever US\$877 million in *CSOB v The Slovak Republic* (the largest award until quite recently)
- Defending the first Energy Charter Treaty case – *AES v Hungary*, and the first Energy Charter Treaty case to reach a merits award (*Plama v Bulgaria*)
- 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 and others v Argentina*).

The practice is now more than 150-lawyers, spread all over the globe (including a number of spots where rivals don't have anyone specialised on the ground).

While a lot of work is for sovereigns, there are some sectoral and other specialities too. 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 have a Latin American focus, on top of the extensive ICSID work. Jonathan Hamilton in DC edits a website on Latin American arbitration law.

Michael Polkinghorne and others in Paris specialise in energy work.

The practice now collaborates with the School of International Arbitration at Queen Mary, University of London on a regular

international arbitration survey, and the firm is the long-time sponsor of the Jessup International Law Moot. It's also – it's worth mentioning – 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.

### Network

Twenty of the firm's 39 offices are home to international arbitration names. In addition to the usual centres – London, Paris, New York, DC, Singapore – the list includes Stockholm and Mexico City.

### Who uses it?

Or should that be reuses it? White & Case is one of those firms where the practice is so well-established it has repeat customers. Of course, that's partly a function of its work on the sovereign side of investment disputes.

Some of those regular customers are Bulgaria (instructing it in seven matters); the Philippines (two); Peru (five) Uzbekistan (two); and Georgia (eight).

Other names with which it's been associated include Naftogaz and Hochtief.

This year, it's emerged that the practice is also representing one of the world's richest individuals (in a European metals dispute). Unfortunately we're unable to name him – but the case in question is huge. That's indicative of another trend evident in White & Case's arbitral client list: there's much more work now coming from two regions – Latin America and the CIS.

### Track record

White & Case has a reputation around the market as a fearsome opponent. Deservedly – hence the examples of pioneering work earlier.

An equally ground-breaking jurisdictional win came in *Abaclat*, a class-action style investment claim. White & Case won a group of Italian bondholders the right to proceed en masse, the first time that's been seen. The outcome's not only significant for the country on the receiving end – Argentina – which now faces a billion-dollar claim, but for the arbitration market as a whole. It suggests a whole new chamber of disputes could be opened at ICSID.

Other good results recently include a US\$40 million plus win for SGS in an "umbrella clause" case against Paraguay – notable as SGS had attempted similar claims before (with different counsel, against different states) without success. (The state has since settled.)

And it helped a joint venture of South Korea's SK Engineering and Siemens win an ICC award worth US\$350 million against Pemex, the Mexican state oil company, in 2012 – a case that has also spawned US and Mexican litigation.

### Recent events

The year since our last edition has added to the firm's run of good results. The firm helped Peru defeat two ICSID cases (a US\$125 million treaty claim by an Argentine roadbuilder and a US\$90 million contract claim by a Spanish-owned power line company), winning costs each time. It also forced one of the claimants in another case against the state to withdraw.

It also helped a Lebanese-owned company, Commisimpex, that's been in difficulties in the Republic of the Congo for the best part of a decade to secure an ICC award worth US\$550 million against the state.

For Uzbekistan, the team won the complete dismissal of a US\$174 million ICSID claim by an Israeli metals investor on the ground that

the investment was tainted by corruption – only the second time this has ever happened at ICSID and the first time in a treaty case.

In another ICSID case, it helped a subsidiary of Florida's TECO Energy win US\$21 million in damages and a further US\$7.5 million in costs from Guatemala in a DR-CAFTA dispute over electricity tariffs (although the claimant had been seeking more in the region of US\$243 million).

There were also victories for Bulgaria in a commercial arbitration and arbitration-related litigation.

2013 brought plenty of new work on top of the good results. Two new \$5 billion cases arrived in the pipeline and three new instructions from states: Bulgaria and Uzbekistan. Latin American and CIS work appears to have boomed.

After a slightly up-and-down year on the personnel side in 2012, which included one notable departure at senior level (Patricia Nacimiento in Germany), 2013 saw three new promotions to the partnership: Hansel Pham in DC, Julia Zagonek in Moscow and Nandakumar Ponniya in Singapore. The London office also added Japanese academic arbitrator and legal academic Hiroshi Oda as counsel.

The firm opened a new office in Madrid – which is expected to boost the Latin American arbitration practice even more.

Speaking of which, Jonathan Hamilton moderated one of the centrepiece sessions of GAR Live New York – all about Latin America. As for Ank Santens, in New York, her year included being added to the new electoral committee of the world chess body, FIDE, at the behest of Gary Kasparov. Santens and White & Case represented Kasparov, the former world chess champion, in arbitration at CAS with the governing body. The electoral committee and various changes to FIDE's rules resulted from that action.

#### Client comment

Ivan Kondov from the Ministry of Finance in Bulgaria says the White & Case team as “first class, [...] hardworking and well organized.” In particular he says, he would “recommend Abby Cohen Smutny for her deep knowledge of public international law and international investment law, as well as for her extensive experience, reliable judgment, and excellent advocacy skills.”

Waddah El Chaer, of El Chaer Law Firm in Lebanon, retained White & Case to launch an arbitration claim against an African state and says the client has been “more than satisfied”. As well as getting a mass of documents archived so everything was easily accessible, the team offered El Chaer's client a “well thought-out legal approach which led us to win the first phase of the arbitration” – a peculiarly complicated matter he also explained.

“In a nutshell, the team was endowed with a very thorough legal background accompanied by extensive experience in the arbitration field which led to the rendering of a winning award. It is only fair to say that we are glad we chose White & Case.”

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	Large hearings	Mid-sized hearings	Cases settled in two years	Value of current portfolio as counsel
1 (1)	Freshfields Bruckhaus Deringer	15	49	66	16	11	18	38	8	US\$90 billion
2 (2)	White & Case	12	64	47	38	6	7	33	53	US\$86 billion
3 (3)	Shearman & Sterling	4	4	49	4	13	10	12	18	US\$194 billion
4 (10)	Hogan Lovells	5	37	49	19	4	5	31	58	US\$81 billion
5 (8)	Herbert Smith Freehills	14	35	36	10	3	4	25	28	US\$19.5 billion
6 (5)	WilmerHale	6	56	8	12	4	4	12	13	US\$99.4 billion
7 (9)	Debevoise & Plimpton	6	15	16	0	5	1	9	5	US\$209 billion
8 (4)	King & Spalding	13	46	26	6	4	3	16	9	US\$54 billion
9 (15)	Norton Rose Fulbright	8	46	82	7	3	2	39	N/A	US\$43 billion
10 (23)	Baker & Mckenzie	14	66	62	8	2	4	21	18	US\$56 billion
11 (13)	Clifford Chance	7	54	52	9	2	3	32	50	US\$35.7 billion
12 (11)	Dechert	5	8	21	7	6	4	13	10	US\$28.2 billion
13 (6)	Skadden, Arps, Slate, Meagher & Flom	7	7	11	2	2	4	7	14	US\$40.6 billion
14 (12)	Allen & Overy	4	36	16	2	2	3	11	2	US\$21.42 billion
15 (7)	Curtis, Mallet-Prevost, Colt & Mosle	5	7	13	8	6	5	0	0	US\$100 billion
16 (-)	Quinn Emanuel Urquhart & Sullivan	5	19	13	1	5	2	5	14	US\$20.1 billion
17 (20)	DLA Piper	4	27	40	7	3	3	20	12	US\$62.8 billion
18 (-)	Eversheds	3	16	27	4	1	2	12	25	US\$10.8 billion
19 (-)	Derains & Gharavi	3	49	25	5	1	1	8	5	US\$7.7 billion
20 (18)	Cleary Gottlieb Steen & Hamilton	1	14	16	2	3	5	4	4	US\$140 billion*
21 (24)	CMS	3	65	49	7	1	0	25	24	US\$8.8 billion
22 (-)	Jones Day	4	20	26	2	3	1	10	17	US\$34 billion
23 (25)	Clyde & Co	1	47	57	8	1	3	22	13	US\$35 billion
24 (-)	Dentons	5	39	19	6	0	1	20	35	US\$16 billion
25 (16)	Lalive	8	68	6	4	2	2	5	14	US\$274 billion†
26 (22)	Mannheimer Swartling	2	26	22	4	1	0	9	45	US\$33 billion
27 (17)	Baker Botts	6	9	18	1	2	0	10	0	US\$143 billion
28 (-)	King & Wood Mallesons and SJ Berwin	5	48	61	8	2	0	22	29	US\$6 billion
29 (27)	Weil, Gotshal & Manges	4	7	17	7	3	1	13	9	US\$5 billion
30 (-)	Cuatrecasas Gonçalves Pereira	1	18	46	0	1	5	22	0	US\$9 billion

Ranking also based on hours billed to arbitration (2 year period); small hearings omitted from ranking process

\* excludes CAS appointments

† includes a state-state matter worth hundreds of billions

