

Rising Star: White & Case's Nicolle Kownacki

By Caleb Symons

Law360 (June 16, 2022, 2:02 PM EDT) -- Nicolle Kownacki of White & Case LLP is a veteran of arbitration enforcement battles, having helped Saudi Aramco successfully defend against an \$18 billion award and counseling the Indian government on its ongoing bid to block a sprawling, cross-border dispute, earning her a spot among the international arbitration attorneys under age 40 honored by Law360 as Rising Stars.

WHY SHE'S AN INTERNATIONAL ARBITRATION ATTORNEY:

The granddaughter of Polish immigrants, Kownacki said she's long been interested in global affairs. Following a stint at the U.S. Department of Justice, where she worked on extradition requests tied to Mexico and Central America, Kownacki spent a semester during law school assisting a prosecution at the International Criminal Tribunal for the former Yugoslavia.

"The international component of my life was there from the beginning," she said. "Once I started working at the Department of Justice on extraditions, the idea of doing a legal aspect, rather than diplomacy or cultural, really solidified."

International arbitration offers a "nice cross-section" of global affairs and legal issues, Kownacki said, adding that she enjoys the field's multiculturalism.

"I think it tends to be more diverse than some other areas of U.S. law, and I love that," she said.

THE BIGGEST CASE OF HER CAREER:

Kownacki is on the White & Case team helping India defend against two arbitral awards, totaling hundreds of millions of dollars, that stem from its defunct contract with the satellite communications firm Devas Multimedia Pvt. Ltd.

Her responsibilities in the litigation — which is taking place in several countries — cover a \$150 million award that Devas shareholders in

2022

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Nicolle Kownacki
White & Case

Age: 39

Home base: Washington, D.C.

Position: Counsel

Law school: University of California, Los Angeles

First job after law school:
Associate at White & Case

Mauritius seek under a bilateral investment treaty, as well as a German telecom's bid for its own hefty payout. Together, those two cases involve active proceedings in the U.S., Canada, the Netherlands, Switzerland and Singapore, according to Kownacki.

"Every week, the number of jurisdictions seems to go up," she said, with a laugh.

Late last year, Kownacki said, her team learned that the Devas shareholders were targeting assets held by the state-owned Air India, shortly before the airline was slated for privatization. Given her familiarity with the case and favorable time zone, Kownacki played a leading role in coordinating India's defense strategy with its counsel across the world — a task she called both "dynamic" and "challenging."

"Almost everything is still at the immunity stage," she said of the Devas litigation. "So the case is, in some respects, very nascent and will be a long-running dispute."

In the Saudi Aramco case, Kownacki helped the state-owned energy giant ward off an \$18 billion award issued by the Egypt-based International Arbitration Center. After a Texas federal court dismissed the enforcement suit for lack of an arbitration pact, the Fifth Circuit upheld that ruling, also finding Saudi Aramco immune under the Foreign Sovereign Immunities Act.

OTHER NOTABLE LITIGATION SHE'S WORKED ON:

Kownacki has helped represent the Republic of Sudan in its U.S.-based cases as the country sought in recent years to rejoin the international community after its turbulent civil war.

That meant trying to undo a number of default judgments against the Sudanese government, she said. In one such case, Kownacki's team helped secure an 8-1 victory before the U.S. Supreme Court, vacating a \$350 million penalty against Sudan for its alleged support of terrorist activity.

"Many of those cases culminated with a negotiated bilateral settlement with the U.S. government," she said. "That could only be achieved after years of very sophisticated, interesting litigation about difficult topics."

ON THE FUTURE OF HER PRACTICE:

As international arbitration expands globally, Kownacki said she expects more collaboration across national borders — a trend she said is already occurring.

"Some of these global enforcement disputes are becoming multiform and multijurisdictional, and you have to have local counsel on the ground who know this area of the law," she said.

Kownacki added that the subject matter will surely change, too, referencing the sprawling Devas Multimedia litigation that concerns cellular communications technology from a decade ago.

"Ten years from now, I think we'll learn Bitcoin law and cryptocurrency law and NFT law," she said.

HER ADVICE FOR ASPIRING GLOBAL DISPUTES ATTORNEYS:

Kownacki, who speaks Spanish in addition to her native English, encouraged young lawyers to hone their legal writing, calling the field "heavily dependent" on that skill.

"Things have to get translated and be very clear in multiple languages," she said. "So learning to be a clear writer is so critical to the practice."

— As told to Caleb Symons

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.

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