

## International Arbitration Group Of The Year: Squire Patton

By **Emma Whitford**

*Law360 (December 17, 2020, 10:55 PM EST)* -- Squire Patton Boggs LLP attorneys led Turkmenistan to a rare unanimous arbitration dismissal under the International Centre for Settlement of Investment Disputes arbitration rules by identifying a "fundamental flaw" in claims brought by a Turkish investor, landing the firm a spot among Law360's 2020 International Arbitration Practice Groups of the Year.

Squire Patton's international dispute resolution practice group is large and growing, composed of more than 140 lawyers across 20 offices around the world. "We are something like plus-15 new partners just in the last two years," partner and practice co-chair Stephen Anway told Law360.

The firm has grown strategically, he added, focusing its hiring efforts on offices in New York, Singapore, Dubai, Paris, Brussels and Milan.

Despite the group's size and large geographic reach, co-chair George von Mehren described a level of cohesion he said is rare in large firms. "We always try to staff cases from several offices," he said. "We always ask, 'Who do we have anywhere in the world who has the skills to serve this case, to serve this client?' So people are constantly working with each other despite geographical differences."

Within the international arbitration community, Squire Patton has carved out a reputation for its investment treaty arbitration practice, as well as natural gas price review and construction arbitrations.

Von Mehren established the group in 2000 and recalls that he and Rostislav Pekař, co-head of the firm's investment arbitration practice, picked up the Czech Republic as a client shortly afterward, taking on an investment treaty arbitration arising out of the country's privatization transactions that established the firm's treaty work.

Around the same time, von Mehren and Anway won the first natural gas price review arbitral award in history, according to the firm. "Steve and I worked on that, and we were successful, and that has spawned a very significant representation we still have, especially strong in Europe but now becoming very strong in Asia," von Mehren said.



Squire Patton said this year it's particularly proud of the efforts of its New York office, led by partner Miriam Harwood, co-head of the firm's investment arbitration practice. Harwood is part of a larger team that joined Squire Patton in early 2019 from Curtis Mallet-Prevost Colt & Mosle LLP, along with Ali Gursel.

"When we joined Squire we came over with Turkmenistan and about six active arbitrations for that client," Harwood told Law360. "It's just very exciting to be able to continue really what's been a long winning streak for this client."

In April, Harwood helped lead Turkmenistan to victory in *Lotus Holding AS v. Turkmenistan* before the International Centre for Settlement, in a win that centered on Article 41(5) of the ICSID arbitration rules.

Article 41(5) is a strategy that "defense counsel for states always like to try and very rarely win," Harwood said. "So we were very excited."

Similar to a motion to dismiss in U.S. courts, this type of application has to be made quickly, within 30 days of the arbitral tribunal being constituted. "There isn't a lot to go on," Harwood explained. "You have to basically take the pleading as it is and just spot a very clear legal issue."

In this case, "the claimant was asserting the right to payment under certain contracts, but it wasn't a signatory to the contracts. It was a wholly-owned subsidiary."

The subsidiary was also in bankruptcy proceedings, Harwood said. "It would have had to have bankruptcy authorities in Turkey bring or authorize those claims, and that had not happened," she added. "What had really happened was the claimant was trying to circumvent the bankruptcy proceedings and get the money for itself."

Also this year, in an October decision, Squire Patton defeated a \$166.3 million damages claim for the Slovak Republic, in an Institute of Arbitration case brought by a Polish water company called Muszynianka.

The tribunal concluded that Slovakia had breached its investment treaty with Poland by keeping a permit application for a water-transport project in limbo while it finalized a 2014 constitutional amendment banning the cross-border transport of unbottled water.

But the tribunal also concluded that the country didn't owe Muszynianka any damages, since the project would never have gone through once the amendment was in place.

"It was a very important case for the country because it involved their ability to protect their water rights, and in particular their drinking water in the age of climate change," said Anway, who worked on the case. "So quite a lot was at stake."

Looking ahead to 2021, Anway said that he's confident his group will maintain the intangible qualities that set it apart.

"This is a very, very collegial, nonterritorial group of friends that treat each other like valued colleagues and not simply a number on a piece of paper," he said. "I think that's relatively unique, in big law generally but in international arbitration specifically."

--Additional reporting by Caroline Simson. Editing by Gemma Horowitz.  
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