

Practices

Related Practices

Antitrust
Directors and Officers Liability
Litigation
Corporate Asset Affirmative Recovery
Practice
Bankruptcy and Insolvency Litigation
Professional Liability Litigation
Breach of Contract
Fiduciary Litigation
Environmental Litigation
Intellectual Property

Related Sectors

Energy and Natural Resources
Real Estate

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International Dispute Resolution

Diamond McCarthy's International Dispute Resolution Practice features a highly skilled, hands-on team focused on international arbitration and cross-border disputes with complex issues and substantial dollar amounts at stake. Our team includes lawyers with on-the-ground experience in jurisdictions around the globe, allowing us to build on decades of success in our transnational litigation and U.S.-based arbitration practice.

Diamond McCarthy's International Practice covers complex cross-border work where we provide advice and advocacy for private parties, sovereign States and State entities. This practice has developed from our business and insolvency litigation experience involving parties and claims in jurisdictions around the world. The firm regularly handles bet the company cases with disputed amounts in the billions of dollars. Our instructions range across a variety of industries and jurisdictions, including under all major international arbitration rules.

Diamond McCarthy's International Practice includes international arbitration (commercial and investment-treaty) and transnational litigation work, with a special focus on natural resources and energy, construction and infrastructure, telecommunications, media, and technology, and finance sectors.

Our focus within the energy and natural resources sectors has evolved significantly over decades of representing clients from our origins in the oil patch of Texas, to counsel representing clients in transnational disputes across the globe, with instructions in Latin America, Europe, Africa, the Middle East, the CIS, and Asia. Diamond McCarthy's international arbitration work is closely aligned with the firm's business and insolvency litigation practice and its domestic U.S. arbitration practice concentrating in arbitrations under AAA/ICDR and FINRA Rules. Some of our senior partners devote all of their practice to arbitrator work.

In addition to its international work, the firm has an established record of arbitration-related experience in U.S. courts, including in support of international proceedings through the enforcement or vacatur of arbitral awards and discovery under Section 1782.

Our diverse client list includes sovereign governments, Fortune 500 and FTSE 100 companies, multinational corporations, financial institutions, international liquidators, and various players in bankruptcy and insolvency proceedings, from trustees and receivers to creditors and investors.

Global Reach and Capabilities

Diamond McCarthy's international lawyers are multilingual, culturally diverse, and experienced in jurisdictions across the globe. Clients have access to our well-curated and vast global network of foreign counsel developed through decades of international practice. With our collaborative team approach, we provide end-to-end dispute resolution capabilities in key jurisdictions throughout the world.

Experience in Every Major International Arbitration Forum

- International Centre for Dispute Resolution (ICDR)
- International Chamber of Commerce (ICC)
- London Court of International Arbitration (LCIA)
- Singapore International Arbitration Centre (SIAC)
- Stockholm Chamber of Commerce (SCC)
- Hong Kong International Arbitration Centre (HKIAC)
- Hong Kong International Arbitration Centre (HKIAC)
- International Centre for Settlement of Investment Disputes (ICSID)
- United Nations Commission on International Trade Law (UNCITRAL)
- American Arbitration Association (AAA)
- Financial Industry Regulatory Authority (FINRA)

Representative Experience

International Arbitration

- Acting as part of international team of counsel to enforce and collect client's \$45 million international arbitration award arising from an ICC arbitration seated in London. Enforcement and related proceedings initiated in Cayman Islands, British Virgin Islands, U.S. District Court for the Southern District of New York, and U.S. District Court for the District of Massachusetts.
- Acting on behalf of a global mining company in claims against the Government of the Republic of Zambia under a development agreement. The international arbitration is brought under the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (ICSID Convention). Claims exceed more than \$2.5 billion.
- Acting on behalf of a global energy and construction company in two parallel litigations in New York State Court against numerous global financial institutions, investment funds, and the owner of a power plant in the Northeastern United States. Claims arise from alleged tortious interference with contract and fraudulent transfers to inter alia retain monies and avoid payment of a \$225+ million AAA/ICDR international arbitration award.
- Acting for a North American company and its Latin American subsidiary in an ICC arbitration seated in New York initiated by a Latin American construction contractor. Proceedings included emergency arbitration injunctive relief.
- Acting for a European contractor, claimant in an ICC arbitration in London brought against a Middle Eastern owner. The dispute arises from a contract for the conversion of a simple cycle power plant to combined cycle technology in Iraqi-Kurdistan.
- Acting for a leading global telecommunications and data services operator and its Middle Eastern parent, respondents in parallel LCIA arbitrations in London initiated by a Dutch subsidiary of an Asian international company arising out of the sale of a telecommunications network in Africa.

Cross-Border litigation

- Acting as lead trial counsel to Martin Trott and Christopher Smith, Joint Official Liquidators appointed in the Cayman Islands in connection with cross-border litigation proceedings in the United States and the Cayman Islands arising out of a billion dollar investment fund fraud.
- Acting as lead litigation counsel in connection with a cross-border litigation on behalf of a major energy company and various of its affiliates of Houston, Texas adverse to various Mexican based

- corporations and individuals. Hague proceedings are ongoing and ultimate judgment enforcement will be significantly in Mexico in connection with Mexican legal proceedings.
- Acting on behalf of a major energy company in a cross-border litigation in the U.S., Trinidad and Tobago, the British Virgin Islands, and the United Kingdom on behalf of a major oil and gas company based in Texas. This matter involved bringing liquidation proceedings in both Trinidad and Tobago, the BVI, and the United Kingdom against various defendants in connection with the of a \$38 million dollar judgment issued by a Texas court. We also brought international enforcement proceedings in Texas and New York in connection with post-judgment enforcement proceedings under 28 U.S.C. Section 1782. We served as both lead counsel and/or coordinating counsel in all of the litigations in the various jurisdictions.
 - Acting as global lead litigation counsel to the provincial government of Marinduque, Philippines in connection with the one of the largest toxic environmental disasters in the world. We acted as lead litigation counsel in the United States (Las Vegas, Nevada) and in Manila, Philippines (as well as actions in Canada) suing Barrick Gold for environmental cleanup costs and other damages of approximately \$1 billion. We took various issues in the case to the United States Supreme Court, The U.S. Court of Appeals for the 9th Circuit and the Supreme Court of the Philippines.
 - Acting as lead trial counsel for the post-confirmation Syntax/Brilliant Corporation Liquidating Trust arising out of this former publicly traded HDTV television manufacturer's losses in the hundreds of millions of dollars. Claims were investigated and pursued against financial institutions, corporations and professional firms in the federal courts of Los Angeles, Delaware and Arizona as well as international claims in Taiwan and China.

For more information on our representative experience please reach out to our initial contacts or email michael.evian@diamondmccarthy.com.