International Arbitration/Dispute Resolution

Arbitration of investor/state disputes is an emerging and increasingly expanding aspect of international trade law. More than 2,400 bilateral investment treaties (BITs) have been negotiated, typically providing that the host state to an investment will consent to arbitrate investment disputes with private investors from the other party to the treaty. Wiley Rein has a proven track record assisting multilateral companies and other clients in BIT-related matters and is experienced in international commercial arbitration, both as counsel and arbitrator:

- In a recent, high-profile case, we successfully represented the claimants—a coalition of 12 Dutch farmers—in a dispute with the government of Zimbabwe, advising the claimants on all levels of the case and obtaining a landmark award for breach of the Netherlands-Zimbabwe BIT.
- In another matter, we were lead counsel in the International Centre for Settlement of Investment Disputes (ICSID) investor/state arbitration between Trans Global Inc. and the Hashemite Kingdom of Jordan.
- On behalf of the U.S. Chamber of Commerce, we filed an amicus brief before an UNCITRAL Tribunal in UPS v. Canada (NAFTA Chapter XI).
- We also served as lead U.S. counsel for Winterthur Swiss Insurance Company in an $850 million "baseball arbitration" regarding valuation of outstanding and incurred but not reported claims of two insurers divested by Winterthur.

A Team of Experienced Counsel

Alan H. Price, chair of Wiley Rein’s International Trade Practice has both extensive international legal and arbitration-related experience. He is a frequent party to multilateral and bilateral negotiations and has been called upon by the United States Trade Representative (USTR) to provide guidance on arguments before international dispute resolution panels. Mr. Price also has negotiated various trade agreements and represented both government and individual interests in multiple trade disputes.

In addition to Mr. Price, our Team includes Ambassador David A. Gross, who served as the senior U.S. government official responsible for representing the United States on global telecommunications issues and possesses an extensive understanding of worldwide market issues and unparalleled experience in dealing with decision-makers in other countries around the globe.

Further bolstering the firm’s capabilities is Timothy C. Brightbill, who has experience in international arbitration matters and regularly advises clients on international trade law, trade remedies, and trade negotiations, including the WTO, U.S. Free Trade Agreements (FTA) and BITs. As a member of the Industry Trade Advisory Committee on Services, he provides USTR and the U.S. Department of State with advice on ongoing BIT negotiations with major U.S. trading partners.

Also, Nova J. Daly, who served at the National Security Counsel as Director for International Trade and Investment, worked closely with officials from USTR, the State Department, and other agencies regarding BIT disputes and negotiations. An international investment and trade policy expert, he has held senior leadership positions at the
International Arbitration/Dispute Resolution Continued

U.S. Departments of the Treasury and Commerce, the White House, and the U.S. Senate and can provide high-level insight to clients on cross-border business activities and the surrounding trade and investment policy and regulatory environment.

Together, our Team is one of the most active and well versed in serving the needs of clients in the arena of arbitration of investor/state disputes—one of the most exciting and challenging legal practices to emerge in decades.

Contact Us

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