

Steptoe & Johnson

Pending cases as counsel	11
Value of pending counsel work	US\$1.5 billion+
Treaty cases	8
Third-party funded cases	1
Current arbitrator appointments	4 (3 as chair or sole)
Lawyers sitting as arbitrator	1

Has strengthened its investor-state team with some significant hires and is now instructed on a US\$350 million ICSID claim against Colombia

US-based Steptoe & Johnson has worked on arbitrations for a number of years, but 2016 marked a turning point after it achieved outstanding results in a pair of ICSID cases against Zimbabwe. The firm picked up a GAR Award in that year in the “international arbitration practice that impressed” category, and featured for the first time in the GAR 100 in 2017.

The modern arbitration practice took root when Steven Davidson in Washington, DC helped Motorola launch multiple claims against Turkish businessman Cem Uzan, his family and companies. That dispute led to successful enforcement proceedings and the second ICSID claim ever filed against Turkey, which the firm settled in the mid-2000s.

The firm went on to hire Lucinda Low in Washington, DC, who acted in some early NAFTA cases and was among the first US lawyers to argue a case before the Iran-US Claims Tribunal. In addition to her work as arbitration counsel and head of the firm's compliance, investigations, trade and enforcement practice, Low is increasingly visible these days as an investment arbitrator.

In 2007, the firm recruited partner Matthew Coleman in London, who now heads the investment treaty arbitration practice. Coleman brought with him three cases against Zimbabwe, including one that featured the largest ever number of claimants in a single ICSID case at that time.

The practice received a further boost in 2019 with the hire of Teddy Baldwin from Baker McKenzie, who brings a busy portfolio of investor-state work. Commercial disputes specialist Chris Paparella joined the firm's New York office as partner, arriving from Hughes Hubbard & Reed.

Another big hire came in February 2020 as the firm recruited Christophe Bondy – who previously led the Canadian government's defence in NAFTA investor-state cases – from Cooley in London.

Other names to know in DC include Mark Moran, who has experience in international trade disputes before the WTO; and Brian Egan, a former legal adviser to the US Secretary of State who joined the firm in 2017.

Network

London and DC are the main offices for arbitration, with other practitioners in New York and Beijing.

Who uses it?

Steptoe & Johnson's private clients include ConocoPhillips, ExxonMobil, GlaxoSmithKline, Cigna Insurance, Canada's Northern Dynasty Minerals, Motorola, British satellite company Inmarsat Global and South Korean consumer electronics group LG.

The firm is representing investors in claims against Montenegro, Tanzania and Venezuela, having previously acted in claims against Turkey and Jordan.

It helped Canada defeat two NAFTA claims in the mid-2000s. Other government clients are Argentina, the Dominican Republic, Guatemala and South Korea. The firm has also been helping China to negotiate an investment treaty with the EU.

Track record

Steptoe & Johnson's most impressive results to date have been for the von Pezolds, a Swiss-German family of farmers, in a pair of ICSID claims against Zimbabwe concerning the controversial land reform programme of former president Robert Mugabe. The firm won a pair of awards in 2015 requiring the state to return land it had expropriated or pay US\$195 million in compensation. An ICSID annulment committee upheld the awards in November 2018. It was one of the first ICSID matters to consider discrimination on the basis of race, and one of the few where restitution was ordered as a remedy.

It also acted for African regional bank Ecobank in a dispute with its disgraced former CEO Thierry Tanoh that played out in an UNCITRAL arbitration, as well as litigation in Togo (where Ecobank is based), Ivory Coast and the UK. The dispute settled in 2016.

It defended South Korea's LG from a US\$500 million claim brought by Microsoft at the Finland Arbitration Institute. The firm says the case was successfully resolved on confidential terms.

Recent events

In 2019, Steptoe helped British satellite company Inmarsat Global settle a dispute with Houston-based technology company RigNet, under which the firm's client received a payment of US\$51 million.

A big instruction came from US tech company Neustar for a US\$350 million ICSID claim against Colombia over its rights to manage the “.CO” domain name. Partner Teddy Baldwin is leading the team on that case.

The firm represented Medusa, a subsidiary of Scotland's Sea Energy, in a US\$100 million UNCITRAL claim against Montenegro concerning an oil and gas concession in the Adriatic Sea. In 2019, a divided tribunal declined jurisdiction over the claim, which had been brought under a treaty signed by the former Yugoslavia.

Other pending cases include representing real estate investors in their bid to set aside an UNCITRAL award in favour of the Dominican Republic in the US courts; an investment treaty claim against Tanzania over a large agricultural estate; and an LCIA dispute over the recovery of US\$500 million worth of loans.

Client comment

Heinrich von Pezold, one of the claimants in the ICSID cases against Zimbabwe, says the commitment of partner Matthew Coleman has been “exemplary” and that he has provided excellent legal advice throughout the dispute.

One client who used Steptoe & Johnson in an arbitration concerning the contamination of an oil product on-board a vessel says the firm is “very experienced in commodities and shipping” and “responsive and commercial.”

Steve Remp, chairman of Seawind Capital, singled out Steven Davidson in DC. “He's a real international statesman, and has pleaded and won some very big investor-state cases,” Remp says.



Step toe

Representing clients in commercial and investor-state arbitrations and WTO disputes.



Teddy Baldwin
Partner, Washington
ebaldwin@step toe.com



Christophe Bondy
Partner, London
cbondy@step toe.com



Matthew Coleman
Partner, London
mcoleman@step toe.com



Steven Davidson
Partner, Washington
sdavidson@step toe.com



Neil Dooley
Partner, London
ndooley@step toe.com



Amy Lentz
Partner, Washington
alenz@step toe.com



Lucinda Low
Partner, Washington
llow@step toe.com



Susan Munro
Partner, Hong Kong
smunro@step toe.com



Chris Paparella
Partner, New York
cpaparella@step toe.com



Mathew Yeo
Partner, Washington
myeo@step toe.com

www.step toe.com

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