



David Zaslowsky

Partner

New York, USA

Tel: +1 212 891 3518

Fax: +1 212 310 1718

david.zaslowsky@bakermckenzie.com

Global areas of practice

Litigation

Mr. Zaslowsky is the chairman of the Litigation Department of the firm's New York office and practices in the area of general commercial litigation and arbitration. He is the editor of the Firm's blockchain blog and co-editor of the Firm's International Litigation & Arbitration Newsletter. David has a degree in computer science and has worked on numerous technical-related disputes. He has also worked on many cases involving issues of international litigation, including matters related to the Foreign Sovereign Immunities Act, enforcement of foreign arbitral awards, the Alien Tort Claims Act, forum non conveniens, obtaining discovery in aid of foreign proceedings under 28 U.S.C. Section 1782, and foreign attachments.

Mr. Zaslowsky has appeared in various Federal and State courts (trial and appellate) throughout the country and has participated in arbitrations, both inside and outside the United States, before the American Arbitration Association, International Chamber of Commerce, Iran-United States Claims Tribunal, International Centre for Dispute Resolution, Hong Kong International Arbitration Centre, General Arbitration Council of the Textile and Apparel Industry and NASD, as well as in *ad hoc* arbitrations. Mr. Zaslowsky has been included in the *Chambers USA Guide* and *Chambers Global Guide* for his expertise in International Arbitration. He also sits as an arbitrator and is on the roster of arbitrators for a number of arbitral institutions, including the AAA and ICDR. As detailed below, Mr. Zaslowsky has been writing and lecturing about arbitration for more than 30 years.

Practice focus

Commercial litigation and arbitration, specializing in international litigation and arbitration issues.

Representative Matters

- *Contractor v Oil Company* – Represented consortium of oil companies in an ICC arbitration concerning a dispute under an EPC contract for the construction of oil platforms.
- *Insured v Insurer* - Represented an insurance company in defending against a claim under a first party property damage insurance policy (*ad hoc* arbitration).

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452 Fifth Avenue
New York, NY 10018
United States

- *Owens Illinois v. Venezuela* - Represented this global Fortune 500 company in enforcing a \$500 million ICSID arbitration award against Venezuela.
- *Mascis v SG Capital* - Represented Canadian company in New York state court and obtained an asset restraining order in support of a related Canadian arbitration. Also represented the Company in the Canadian arbitration under the Ontario Arbitration Act.
- *Hospitality Management & Food Service Company v. Restaurant Company* - In a case in which the claimant rejected our client's offer to make a payment to settle, defended this ICDR arbitration, defeated the claim in its entirety and prevailed on a counterclaim.
- *Asperbrás Tecnologia Industrial e Agronegócios Ltda v. Good Hope Development LLC* - Represented a Brazilian company in connection with enforcing a foreign arbitral award under the New York Convention.
- *Internet Company v. Sellers from China* - In an HKIAC arbitration, represented an Internet company in a claim against the sellers of a Chinese Internet company for overpayment.
- *U.S. Utility v Insurance Company* - Represented a captive insurance company in an *ad hoc* arbitration in connection with a dispute with an insured concerning whether certain damage at nuclear power plants are covered under the policy.
- *U.S. Bank Executive v German Bank* - Represented a German bank in a claim (ICDR arbitration) by the former President of its U.S. Representative Office for breach of a bonus provision in his employment contract.
- *High Tech U.S. Company v Foreign Chemical Company* - In this ICC arbitration, represented an entity that was part of one of the largest chemical companies in the world in connection with a dispute arising out of the termination of a long-term relationship with a U.S. company under which the parties developed certain state of the art technology.
- *Foreign Multinational v U.S. Distributor* - In this American Arbitration Association international arbitration, represented a foreign company under a manufacturing/distribution agreement that called for the development and subsequent sale of Surface Mount Technology machines. The U.S. company failed to perform its obligations under the development portion of the agreement and then entered into a distribution agreement with our client's competitor.
- *Foreign Distributor of Medical Products v U.S. Manufacturer* - In this American Arbitration Association case, represented foreign distributors of medical products who brought claims for breach of a distribution agreement.

- *DMFR v Jay Reich* - NASD arbitration arising out of the sale of a broker-dealer to a group of Italian investors.
- *Oil Service Company. v. Hayel Saeed Anam* - Represented a major, international oil services company in a ICC arbitration with one of the largest companies in Yemen arising out of the company's activities in Yemen.
- *Europcar Italia, S.p.A. v. Maiellano Tours, Inc.* - On behalf of this European car rental company, enforced in the United States an arbitral award that arose out of an Italian arbitration procedure known as "arbitrato irrituale."
- *Electric Utility v. Captive Insurance Company* - Defense of a claim for damages of over \$100 million under an insurance policy providing for the cost of replacement power in nuclear power plants. Multi-week hearings before a three-person arbitral panel in an ad-hoc arbitration.
- *Brown & Root v State Oil Companies of Iraq* - Represented this major oil service company and obtained a judgment in its dispute with an entity of the Iraqi government arising out of the first Gulf War.
- *Far East Utility v. Domestic Coal Companies* - Third in a series of International Chamber of Commerce arbitrations involving a dispute over the price of coal under a price re-opener clause.
- *Roy Carlson v. The Government of Iran* - In this Iran-U.S. Claims Tribunal arbitration, Represented a U.S. claimant in a case involving the expropriation of shares of the largest footwear and leather conglomerate in Iran.
- *Far East Utility v. U.S. Coal Supplier* - In this International Chamber of Commerce arbitration, represented a U.S. coal supplier in a dispute regarding the interpretation of a long-term coal supply agreement.
- *Taiwan Power Company v. Angel Mining Co. and Diversified Fuels, Inc.* - International Chamber of Commerce arbitration concerning a dispute over the price of coal under a price re-opener clause. Along with the arbitration, there was ancillary litigation concerning provisional relief in aid of arbitration.
- *Seismograph Service Corporation v. National Iranian Oil Company* - In this arbitration before the Iran-United States Claims Tribunal, represented a U.S. oil service company in its claims for breach of contract and taking of equipment by the National Iranian Oil Company.
- *Iranian Phone Company v. Major U.S. Telephone Company* - Represented a U.S. company in a breach of contract arbitration brought by the Iranian phone company before the International Chamber of Commerce arising out of the installation of a phone system in Iran.

- *Government Iron Ore Company v. Foreign Government* - Represented a Government owned iron ore company in its \$1 billion International Chamber of Commerce arbitration claim concerning the breach of a major construction contract between it and a foreign government.
- *Far East Utility v. Domestic Coal Companies* - Represented domestic producers of steam coal in dispute with government power company over "market price" of coal under long-term contracts. This international Chamber of Commerce case involved 17 days of hearings and numerous expert witnesses.
- *In re Bruno Scheidt, Inc.* - State court petition to enforce arbitral award.
- *Combustion Engineering v. Iran* - Represented this major U.S. engineering company against various entities of the Iranian government concerning a case for breach of construction contracts and license agreements.
- *LoCasio v. AJJ Properties Corp.* - American Arbitration Association arbitration case concerning the value of a closely held corporation arising in connection with the forced dissolution of the corporation.
- *J.I. Case Company v. Iran* - In this arbitration before the Iran-United States Claims Tribunal, represented a U.S. supplier in a case regarding breach of a contract to supply heavy equipment to Iran.
- *Domestic Coal Company v Japanese Trading Company* – In this AAA arbitration, represented a met coal seller in a dispute under a long-term supply agreement.

Publications, presentations and articles concerning arbitration matters

- Editor, Baker & McKenzie Blockchain Blog
- Co-Editor, Baker & McKenzie International Litigation & Arbitration Newsletter (bi-monthly electronic newsletter).
- Speaker, "Drafting Arbitration Clauses: Choosing Between Litigation and Arbitration and Tips for Drafting Effective Clauses," New York State Bar Association, webinar, June 23, 2020
- "A Tale of Two Arbitral Sites: International Disclosure Slowly Expands," New York Law Journal, May 27, 2020
- "Courts Do Not Always Defer to Arbitrators," New York Law Journal, March 25, 2020
- Co-author, "USMCA Restricts Access to International Arbitration," Baker McKenzie Client Alert, February 13, 2020
- "The Spaniards Address International Commercial Arbitration in the 21st Century," New York Law Journal, January 22, 2020

- "Have the Courts Opened the §1782 Door Wider?," *New York Law Journal*, November 20, 2019
- Speaker, Juris Conferences, Third Annual Conference on Enforcement of Arbitration Awards, Boston, September 26, 2019
- "The Persistent Black Swan: Manifest Disregard of the Law Continues To Be Respected in NY Federal Courts," *New York Law Journal*, May 23, 2019
- Speaker, "The Benefits of International Arbitration," Global Offset and Countertrade Association Spring Conference, Lansdowne, Virginia, May 6, 2019
- Guest Lecturer, "Forum Non Conveniens in Enforcement of Arbitral Awards Under the New York Convention," NYU Law School, April 16, 2019
- "Competence-Competence: A Comparative Analysis," *New York Law Journal*, March 20, 2019
- Speaker, "Discovery in Aid of International Arbitration," City Bar Association Arbitration Committee, February 20, 2019
- "Fraud as a Defense Against the Enforcement of International Arbitral Awards," *New York Law Journal*, January 23, 2019
- "Fine-Tuning Your Service of Process Clause" *New York Law Journal*, November 28, 2018
- Speaker, "Use of Section 1782 in Arbitration," International Arbitration Club of New York, November 28, 2018
- Speaker, "'Assessing Judicial Support of Int'l Commercial Arbitration,'" New York International Arbitration Center, New York, October 31, 2018
- "Where in the U.S. Can One Obtain Attachments in Aid of Foreign Arbitrations?" *New York Law Journal*, September 26, 2018
- Speaker, "Damages in International Arbitration," New York State Bar Association In Camera Breakfast Series, New York, April 26, 2018
- "Litigating Smart Contract Disputes," *Law 360*, April 4, 2018
- "Rico Response to Fraud and Corruption in International Arbitration," *New York Law Journal*, December 21, 2017
- Speaker, International Arbitration Workshop, Turnberry, Florida, November 2-3, 2017
- "An Update on Enforcing ICSID Arbitration Awards," *New York Law Journal*, September 28, 2017

- Speaker, "Enforcement of Arbitral Awards," Juris Conferences, New York, September 28, 2017
- "CPLR 7502: An Underused Weapon," *New York Law Journal*, January 29, 2017
- Speaker, "Provisional Remedies in Aid of Arbitration," City Bar Association, New York, January 29, 2017
- "Foreign Arbitral Awards: To Enforce or Not to Enforce," *New York Law Journal*, November 23, 2016
- Speaker, "Enforcing an International Arbitration Award," Practising Law Institute, New York, New York, June 10, 2016
- Speaker, Association of Corporate Counsel/B&M Houston Office, "Enforcing Arbitral Awards and Judgments," Houston Texas, May 5, 2016
- "Doing Business With China: Is Your Arbitration Clause Worth The Paper on Which It Is Written?" *Israel Institute of Commercial Arbitration Newsletter*, Spring 2016
- "Awarding Costs in International Arbitration," *New York Law Journal*, January 28, 2016
- "A Model Arbitration Subpoena," *Law360*, January 29, 2016
- Case Note, "Mobil Verro v Venezuela," *New York Dispute Resolution Lawyer*, Fall 2015
- Speaker, "Getting Non-Party Evidence For Arbitration in the U.S.: The New Model Arbitration Summons", New York International Arbitration Center, New York, New York, 28 October 2015
- "When Arbitrators Stray: Ex Parte Communications," *New York Law Journal*, September 25, 2015
- "A BIT of Confusion in Enforcing Investment Treaty Awards," *New York Law Journal*, July 23, 2015
- "More on the Fourth Arbitrator," *New York Law Journal*, May 28, 2015
- Speaker, New York State Bar Association, Fundamentals of International Practice, New York, New York, May 12, 2015
- "Avoiding Time Bar for Enforcing International Arbitral Awards", *New York Law Journal*, October 1, 2014
- "Litigation and Arbitration in International Technology Business," *Bloomberg BNA webinar*, July 16, 2014
- "Awards of Interest in International Arbitration," *New York Law Journal*, May 22, 2014

- "Bribery In Investor-State Arbitration: All or Nothing for Investors," *New York Law Journal*, September 26, 2013
- Association of Corporate Counsel/B&M Houston Office, "An Inside View of the ICC: The Nuts and Bolts of Surviving an International Arbitration," Houston Texas, May 21, 2013
- New York State Bar Association International Section's *Global Law Week*, "Cross-Border Litigation and Dispute Resolution," New York, New York, May 14, 2013
- Arbitration Academy, The Walt Disney Company, Burbank, California, May 8, 2013
- "Important Considerations in Drafting Dispute Resolution Clauses," Association of Corporate Counsel Newsletter, April 3, 2013
- "The Clash Between the New York Convention and the U.S. Constitution," *New York Law Journal*, March 28, 2013
- "Manifest Disregard' and International Arbitration Awards," *New York Law Journal*, January 24, 2013
- "The Fourth Arbitrator: Contrasting Guidelines on Use of Law Secretaries," *New York Law Journal*, November 29, 2012
- "Who Decides Arbitrability?" *New York Law Journal*, October 3, 2012
- "Enforcing Arbitration Awards Under Investment Disputes Convention," *New York Law Journal*, July 26, 2012
- Speaker, Spring Meeting of the ABA Section of International Law, "Cross Border Litigation and Dispute Resolution," April 17, 2012, New York, New York
- Speaker, Roundtable Panel of New York City Bar and Bar of England and Wales, "Recent Developments in International Arbitration," April 16, 2012, New York, New York
- Speaker, Israel-America Chamber of Commerce, "Are You Ready For Your Next International Arbitration"? June 2, 2011, Tel Aviv, Israel
- Speaker, Israel Bar Association Annual Meeting, "What are the Limits? Ethics in Alternative Dispute Resolution for Arbitrators, Mediators and Counsel," May 31, 2011, Eilat, Israel
- "New York, the International Arbitration Capital of the World?" *New York Law Journal*, May 26, 2011
- Speaker, New York State Bar Association, "Fundamentals of International Practice," May 10, 2011, New York, New York
- "Soft Law Guides Parties on Procedures In International Arbitration," *New York Law Journal*, March 24, 2011

- Speaker, International Centre for Dispute Resolution, "The International and Domestic ADR: *Legal Updates - New Initiatives and Clause Design for Corporate Counsel*," November 11, 2010
- Speaker, International Law Weekend, Fordham Law School, "Non-Party Discovery in Aid of Arbitration under the FAA and U.S. Discovery in Aid of Foreign and International Tribunals under Section 1782," October 22, 2010
- "New York State vs. Federal Arbitration Procedure," *New York Law Journal*, September 23, 2010
- "Courts Award Sanctions for Unsuccessful Challenges to Arbitral Awards," *InsideCounsel Magazine*, August 5, 2010
- "Ways to Appeal Arbitral Awards," *InsideCounsel Magazine*, July 22, 2010
- Speaker, Israel Bar Association, Foreign Affairs Committee, Tel Aviv, Israel, "Using International Arbitration to Resolve Disputes," July 12, 2010
- Speaker, Egypt-American Chamber of Commerce, Cairo, Egypt, "Management Decision to Settle Business Disputes: Arbitration vs. Litigation," July 7, 2010
- "Tribunal Efficiency in International Arbitration," *New York Law Journal*, May 27, 2010
- "Use of Section 1782 in Aid of International Arbitration: The View from the Fifth Circuit," *New York Dispute Resolution Lawyer* (publication of the New York State Bar Association) Spring 2010
- Speaker, Baker & McKenzie Breakfast Briefing Series, "Drafting Effective Dispute Resolution Clauses," April 22, 2010
- "Jurisdiction to Challenge International Arbitration Awards," *New York Law Journal*, March 25, 2010
- Moderator, "Business Arbitration: Addressing the Practical Concerns of In-House Counsel," City Bar Association, New York, New York, March 3, 2010
- "Assessing Costs in International Arbitration," *New York Law Journal*, January 29, 2010
- Speaker, Resolving Global Disputes: Current Hot Topics in International Arbitration, Houston, Texas, October 28, 2009
- "Grappling with Damages in International Arbitration," *New York Law Journal*, September 29, 2009

- "The Party Appointed Arbitrator Dialectic," *New York Law Journal*, July 29, 2009
- Recent Decisions Affecting International Arbitration," *New York Law Journal*, March 30, 2009
- "The Role of the Chairman In International Arbitration," *New York Law Journal*, January 30, 2009
- Speaker, West Legal Education Center, "Third Party Witnesses and Document Production in Arbitration," September 19, 2008
- "Preliminary Remedies Under New York Law in Aid of International Arbitration," *New York Law Journal*, September 29, 2008
- "Use of Section 1782 in Aid of International Arbitration," *New York Law Journal*, July 28, 2008
- "International Arbitration: Witness Statements - Good Or Bad?", *New York Law Journal*, May 27, 2008
- "A Challenge by Any Other Name: The 'Gulf Petro' Case," *New York Law Journal*, April 7, 2008
- "Predictability In International Arbitration," *New York Law Journal*, January 30, 2008
- "Corruption in International Dispute Resolution," *New York Law Journal*, November 26, 2007
- Speaker, CPR International Institute for Conflict Prevention & Resolution, "Advanced Arbitrator Training," Instructor, New York City, October 12, 2007
- "Disclosure of Conflicts by Arbitrators," *New York Law Journal*, September 27, 2007
- "Enforcing Arbitral Awards Against Sovereigns," *New York Law Journal*, July 30, 2007
- "Cross-Examination in International Arbitration," *New York Law Journal*, March 26, 2007.
- Speaker, PRACTISING LAW INSTITUTE, International Business Arbitration, New York City, March 26, 2007.
- "Resolving Global Disputes: Are you Ready for Your Next International Arbitration?" Deloitte & Touche USA LLP, New York City, March 5, 2007.
- "Intel §1782: Discovery in International Arbitration," *New York Law Journal*, January 29, 2007.

- "International Arbitration - Pitfalls for Participants," *New York Law Journal*, September 29, 2006.
- "'Manifest Disregard' in International Arbitration," *New York Law Journal*, July 31, 2006.
- Speaker, PRACTISING LAW INSTITUTE, International Business Litigation and Arbitration, New York City, March 27, 2006.
- "International Arbitration: Looking Back, Looking Ahead," *New York Law Journal*, January 30, 2006, p. 3.
- "Enforcing International Arbitration Agreements," *New York Law Journal*, November 28, 2005, p. 3.
- "Arbitration Against Foreign States - Enforcement of Awards," *New York Law Journal*, September 29, 2005, p.3.
- "Obtaining Evidence From Third Parties For Use in International Arbitration," *New York Law Journal*, July 25, 2005, p.3.
- SPEAKER, INTERNATIONAL CHAMBER OF COMMERCE INTERNATIONAL DISPUTE RESOLUTION CONFERENCE, Obtaining Evidence From Third Parties For Use in Arbitration, Charlottesville, Virginia, June 7, 2005.
- Speaker, PRACTISING LAW INSTITUTE, International Business Litigation and Arbitration, New York City, March 28, 2005.
- "Cultural Predictability in International Arbitration," *New York Law Journal*, May 25, 2004, p. 3.
- Speaker, PRACTISING LAW INSTITUTE, International Business Litigation and Arbitration, New York City, March 15, 2004.
- Co-author, chapter, "Post-Hearing Matters" in *International Arbitration Checklists* (Juris Press 2003).
- "The Standard for Challenging Arbitration Awards," *New York Law Journal*, September 30, 2003, p. 3.
- "International Arbitration in Brazil," *New York Law Journal*, August 6, 2003, p. 3.
- "Jurisdiction To Enforce Arbitral Awards", *New York Law Journal*, April 30, 2003, p. 4.
- "Circuits are Split on Review of Arbitration," *New York Law Journal*, February 11, 2002, p. S8.
- Newman, Lawrence W. and Zaslowsky, David, *Litigating International Commercial Disputes* (West 1996).

- "Arbitrability of Statute of Limitation Defenses," *New York Law Journal*, November 27, 1996, p. 1.
- Co-author, chapter, "Special Considerations in Cases Involving Foreign Parties," in *Federal Civil Practice* (New York State Bar Association, 1989; Supplement, 1993).
- Co-author, "Transnational Litigation in U.S. Federal Courts," in *Kokusai Shoji Homu* (Journal of the Japanese Institute of International Business Law), Vol. 21, Nos. 4, 5 & 6 (1993) (in Japanese).
- Co-author, *Transnational Litigation in U.S. Federal Courts* (Baker & McKenzie 1989).

Professional affiliations

David is a founding member of the International Arbitration Club of New York and is on the Executive Committee, Board of Directors, the finance committee and nominating committee of the New York International Arbitration Center. David is also a member of New York City Bar Association, where he serve on the International Commercial Disputes Committee. He is also a member of the New York State Bar Association's International Arbitration Committee and the Arbitration Committee of the American Bar Association's Litigation Section and International Section. And, David is on the Arbitration Committee of the International Institute for Conflict Prevention Resolution (CPR)

Education and admission

Mr. Zaslowsky received his J.D. from Yale Law School in 1984. He received his B.S. in computer science, *summa cum laude*, from Brooklyn College in 1981. He is admitted to practice in the States of New York and New Jersey, as well as in numerous federal district courts and appellate courts.