



PARTNER

Louis B. Kimmelman

Global Arbitration, Trade and Advocacy

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BENNO KIMMELMAN acts as lead counsel in complex commercial and investment treaty disputes under all the major international arbitration rules and serves as an arbitrator in international and domestic disputes. He also represents parties involved in litigation in aid of the arbitration process, such as compelling parties to arbitrate and enforcing arbitration awards.

Benno is an adjunct professor of law at Brooklyn Law School and Georgetown University Law Center, where he teaches International Commercial Arbitration, as well as an adviser to the American Law Institute project on the Restatement of the U.S. Law of International Commercial and Investment Arbitration. He is also the co-chair of the Fordham International Arbitration and Mediation Conference.

Benno is listed as a leading practitioner of international arbitration in *The Legal 500 United States*, *The Legal 500 Latin America*, *Latin Lawyer Magazine*, *Chambers USA*, *Chambers Global* and *Chambers Latin America*, where clients and peers note that he is "a widely respected practitioner who attracts plaudits for his 'wonderful advocacy skills' and 'superior analytical ability.'" Additionally, Benno has been named "Thought Leader" for Arbitration in *Who's Who Legal* 2019. Benno is recognized as a Litigation Star in the United States in the 2014 and 2017 editions of *Benchmark Litigation* and the 2016 Alternative Dispute Resolution Champion by *The National Law Journal*. He was also recognized by *Best Lawyers in America* 2020 for his work in International Arbitration - Commercial Law.

REPRESENTATIVE MATTERS

International Arbitration

Energy/Oil and Gas Disputes

- Lead counsel for a subsidiary of a government-owned electricity producer in two LCIA arbitrations relating to the operation of a natural gas pipeline system. Both disputes were successfully settled.

- Arbitration counsel in an *ad hoc* arbitration arising from a dispute between investors in an oil and gas concession in Africa.
- Lead counsel for a national oil company in two arbitrations (ICC and LCIA) relating to a failed joint venture to construct and operate a gas-to-liquids project in the Caribbean. Both arbitrations resulted in awards in favor of our client that were then confirmed by a federal court in New York.
- Lead counsel for a LNG producer in a series of contract sales price reviews under long-term LNG supply contracts with purchasers in Europe and in the resulting arbitrations that resolved the pricing disputes between the parties.
- Lead counsel for a national oil company in two arbitrations arising from disputes concerning a joint venture to explore for oil in Siberia. Both disputes were settled by the parties.

Construction Disputes

- Lead counsel for a U.S. hotel builder and operator in two parallel arbitrations relating to significant delays and cost overruns in the construction of an international hotel project in Panama. In the principal arbitration, the arbitral tribunal rejected all of the claims and concluded that our client had fulfilled its contractual obligations and was not liable for any of the delays or cost overruns.

Patent Licensing Disputes

- Lead arbitration counsel for an Asian telecommunications equipment manufacturer in an arbitration administered by the AAA/ICDR in which the tribunal determined the FRAND terms of a license for a patent portfolio.
- Lead arbitration counsel for an Asian telecommunications equipment manufacturer in an arbitration administered by the AAA/ICDR involving claims of fraud and breach of contract in relation to a patent license agreement.

Financial Institution Disputes

- Lead counsel for a subsidiary of two global financial institutions in an ICC international arbitration against the Republic of Uruguay. The tribunal rendered an award in favor of our clients for US\$100 million in damages plus interest and attorneys' fees. The award was then confirmed in federal court in New York.
- Lead counsel for a global financial institution in an ICC international arbitration against the Republic of Uruguay involving claims for more than US\$700 million. The tribunal rendered an award in favor of our client, dismissing all of the Republic's claims. The award was then confirmed in federal court in New York.

Investment Treaty Disputes

- Lead counsel for a Latin American country in an investment treaty arbitration before ICSID. We successfully challenged three of the four claims asserted on jurisdictional grounds. As to the remaining claim, the tribunal awarded the investor a small fraction of the damages sought.

Corporate Acquisition Disputes

- Counsel for a European life sciences company in the acquisition of a life sciences company in the United States and in the arbitrations and litigation that followed.

Enforcement of International Arbitration Awards

- Lead counsel in three separate arbitration award enforcement proceedings brought in federal court in Washington, D.C. against the Government of Belize. All of these proceedings resulted in the confirmation of the arbitration awards, and those decisions were then affirmed on appeal.

International Litigation

- Lead counsel for the International Court of Arbitration of the ICC and sole arbitrator in a lawsuit brought by the losing party to an international arbitration. We successfully obtained an order dismissing the case and imposing sanctions on the attorney who filed the case.
- Lead counsel for the International Court of Arbitration of the ICC in a lawsuit brought by a party to an ICC arbitration. We successfully obtained a dismissal of this case based on the ICC Rules of Arbitration.
- Lead counsel for a financial institution in a joint venture dispute pending in federal court in New York in connection with a project in Mexico. This dispute was resolved after mediation.
- Counsel for an oil and gas company in a lawsuit alleging human rights violations arising from the construction of a natural gas pipeline in Myanmar. This case was resolved after mediation.

**Some of the above matters were handled by Benno prior to joining Sidley.*

MEMBERSHIPS AND ACTIVITIES

Benno serves as a director and member of the executive committee of the New York International Arbitration Center (NYIAC). He is a member of the ICC Commission on Arbitration and ICC Latin American Arbitration Group. Benno also is a member of the Executive Advisory Committee for CPR International Institute for Conflict Prevention and Resolution.

He is former chair of the International Commercial Disputes Committee of the Association of the Bar of the City of New York and of the Arbitration Committee of the United States Council for International Business (the ICC National Committee for the United States).

PUBLICATIONS

- Co-author, "Arbitration of International Commercial Disputes," *Successful Partnering Between Inside and Outside Counsel* (Robert L. Haig, ed. 2018).
- Co-author, "Litigating International Disputes in Federal Courts," *Business and Commercial Litigation in Federal Courts* (Robert L. Haig, ed., 4th ed. 2017).
- "Warranties," *Commercial Litigation in New York State Courts* (Robert L. Haig, ed., 4th ed. 2015).
- Co-author, "The Impact of the UNCITRAL Arbitration Rules," *Interim and Emergency Relief in International Arbitration* (Diora Ziyayeva, ed. 2015).
- Co-author, "How to Make a Project Come Alive for a Tribunal: The Use of Demonstrative Evidence in

International Construction Arbitration," *Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2012* (Arthur W. Rovine, ed. 2013).

- Co-author, "Document Production in the United States," *Document Production in International Arbitration* (ICC International Court of Arbitration Bulletin, 2006).

EVENTS

Speaker at international arbitration conferences on various topics, including arbitration in the oil and gas industry and the enforcement of international arbitration awards.

SERVICES

Alternative Dispute Resolution

Global Arbitration, Trade and Advocacy

International Commercial Arbitration

Investment Treaty Arbitration

ADMISSIONS & CERTIFICATIONS

New Jersey

New York

EDUCATION

Yale Law School, J.D., 1975

Yale University, B.A., 1972

CLERKSHIPS

Leonard I. Garth, U.S. Court of Appeals, 3rd Circuit (1975 - 1976)