

THREE CROWNS



Luke Sobota

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A founding partner of Three Crowns, Luke represents private and sovereign clients in some of their largest and most important commercial and investor-State arbitrations, including the successful prosecution of one of the largest ICC cases in history. He also has more than 25 years of experience litigating international issues in US courts. Luke's cases span a variety of sectors, including, energy, technology, aerospace, financial, and construction.

Luke is a Lecturer on Law at Harvard Law School and an adjunct professor at the University of Miami School of Law. He is also a member of the SIAC Board and a Vice President of the ITA's Executive Committee. Among other publications, Luke is the co-author with former ICJ President Stephen Schwebel of *International Arbitration: Three Salient Problems* (2nd edition, Cambridge University Press 2020), and with Professor Charles Kotuby of *General Principles of Law and International Due Process* (Oxford University Press 2017).

Luke previously worked in the Office of Legal Counsel at the US Department of Justice, where he advised and prepared formal legal opinions for executive branch officials on a range of constitutional, international, and administrative law issues. After law school, he served as a law clerk to Judge Pamela Ann Rymer of the Ninth Circuit Court of Appeals and Chief Justice William H. Rehnquist of the US Supreme Court.

Selected Experience

- Acting for a US multinational aviation company in an AAA-ICDR dispute over the termination of a \$5 billion M&A agreement.
- Acting for US multinational technology company in \$450 million CIETAC arbitration concerning disruption of long-term supply contract due to export restrictions.
- Acting for a US multinational energy company in a SIAC arbitration arising out of alleged nondisclosure prior to a \$1.5 billion asset sale in a Southeast Asian country.
- Acting for a US multinational technology company in an ICC arbitration in a multibillion-dollar dispute pertaining to underutilization under a long-term supply agreement.
- Acting for a US private equity firm in an ICC arbitration relating to post-M&A dispute concerning allegations of corruption and fraud within a Brazilian technology company.
- Acting for a US multinational apparel company in HKIAC and SIAC arbitrations concerning a JV management dispute involving several Asian countries.
- Acting for a large Middle Eastern construction company in an ICC arbitration with respect to a \$500 million subcontractor agreement.
- Acting for US artificial intelligence start-up in JAMS arbitration concerning governance dispute with series A investor.
- Acting for a Hong Kong alternative asset investment firm in an AAA-ICDR arbitration concerning the rights and obligations of a seed-fund investor under a project agreement.
- Acting for a US multinational technology company in an ICC patent-licensing dispute over royalties allegedly owed for derivative works.
- Acting for an Indian multinational technology manufacturer in an ICC arbitration involving

a global patent cross-licensing agreement.

- Acting for a UK multinational energy company with respect to indemnities relating to a \$2 billion M&A agreement.
- Acting for a Middle Eastern State in a PCA arbitration for alleged expropriation of a foreign-owned bank arising from its numerous violations of AML/CFT laws.
- Acting for a US multinational energy company in parallel ICSID and ICC arbitrations against a Latin American State and its state-owned oil company for the expropriation of concessions valued at more than \$8 billion.
- Acting for a US multinational energy company in a \$2 billion ad hoc investment arbitration arising out of a change to decommissioning laws in an Asian country.
- Acting for a UK renewable energy company in a \$200 million LCIA arbitration over a concession dispute with an African State.
- Acting for a Greek banking conglomerate in an ICSID arbitration against a Mediterranean State in fair and equitable treatment claims arising out of measures taken against the bank during the 2008 financial crisis.
- Acting for a US multinational energy company in an PCA investment arbitration arising out of a breach of a tax stabilization provision by an Asian country.
- Acting for UK multinational energy company in PCA arbitration concerning curtailments under a long-term LNG sales contract.
- Acting for a US multinational energy in a \$9.5 billion PCA investment treaty arbitration concerning denial of justice by a Latin American country.
- Acting for a Middle Eastern State in a treaty water-rights dispute with a neighbouring State.
- Acting for US multinational aerospace company in a US Supreme Court case involving scope of discovery under 28 U.S.C 1782.
- Acting for European multinational energy companies in discovery application in US court with respect to unitization litigation in Ghana under 28 U.S.C 1782.
- Acting for European investor in enforcement in US court of \$350 million ICSID award against European State.
- Acting for European multinational construction companies in US set-aside proceedings of ICC arbitration awards relating to the Panama Canal.
- Acting for US Chamber of Commerce as *amicus* in US Supreme Court case concerning the application of international comity to a foreign State's litigation position.

Admissions

- California
- New York
- District of Columbia

Languages

- English

Education

- JD, University of Chicago Law School (1999)
- BA, Pomona College (1996)

Professional Affiliations

- Member of the Board of Directors, Singapore International Arbitration Centre (SIAC) (2021 – present)
- Vice President of the Executive Committee, Institute for Transnational Arbitration (ITA) (2020 – present)
- Faculty, Delos's Remote Oral Advocacy Program (ROAP) (2020 – present)
- Member of the Advisory Board, American Review of International Arbitration (ARIA) (2019 – present)
- Director, Wilderness Leadership & Learning Inc. (WILL) (2019 – present)
- Member of the Arbitration Committee, CPR International Institute for Conflict Prevention and Resolution (2017 – present)
- Member of the International Arbitration Editorial Advisory Board, Law360 (2019 – 2020)

Publications and Speaking Engagements

Publications

- Co-author, "General International Law in International Investment Law – A Commentary" (OUP, 2024)
- Contributor, A Global Perspective: M&A Deals and Disputes Heading into 2022, Berkeley Research Group (December 2021)
- *International Arbitration: Three Salient Problems*, 2nd ed., with S. Schwebel and R. Manton (Cambridge University Press, 2020)
- Co-author, "ICSID Rules 29-34," *The ICSID Convention, Rules and Regulations: A Practical Commentary* (Elgar 2019)
- *General Principles of Law and International Due Process*, with C. T. Kotuby Jr. (Oxford University Press, 2017)
- "Alien Tort Statute," *International Aspects of U.S. Litigation*, James E. Berger ed. (ABA, 2017)
- "Repeat Arbitrator Appointments in International Investment Disputes," *Challenges and Recusals of Judges and Arbitrators in International Courts and Tribunals*, Chiara Giorgetti ed. (Brill, 2015)
- "Practical Suggestions to Promote the Legitimacy and Vitality of International Investment Arbitration," with C. T. Kotuby Jr., *ICSID Review*, Vol. 28 No. 2 (July 2013)

Speaking Engagements

- "Emerging Trends in Arbitration: A New York and Singapore Perspective," New York Arbitration Week (SIAC) (November 2024)
- "Is London Catching Up to New York? An Examination of US Arbitration Law in Light of the Recent Proposed Amendments to the English Arbitration Act," New York Arbitration Week (NYIAC and CIArb) (November 2024)
- "Current Perspectives on US Brazilian Corporate Law and Capital Markets: Discovery,"

New York Arbitration Week (Harvard Law School Brazilian Studies Association) (November 2024)

- “Enforcement of Arbitral Awards: Theory & Practice – USA,” SIAC Academy, Virtual (October 2024)
- “Coffee, Code & Conflict: Disputes in the Digital Economy,” Singapore Convention Week (AAA-ICDR) (August 2024)
- “Panel Discussion on ISDS,” Singapore Convention Week (VYAP) (August 2024)
- “Closing Dialogue: Can We Agree on What Due Process Requires, or on the Need for a Re-Set?” 36th Annual International Institute for Transnational Arbitration (ITA) Workshop (June 2024)
- “Arbitrating in Time of Trade War,” California Arbitration Week (March 2024)
- “TechTalk: Unraveling the Tapestry – AI’s Influence on International Arbitration,” Columbia Arbitration Day (March 2024)
- “Investment Arbitration 101: A Primer,” SIAC Academy (February 2024).
- “Business Contracts and Arbitration Proceedings,” CBAr 22nd International Arbitration Conference (September 2023).
- Co-chair, “International Arbitration Skills Masterclass,” American Bar Association (ABA) International Law Section (June 2023)
- “Arbitration in the Era of Modern Technology,” 9th Harvard International Arbitration Conference (March 2023)
- Guest speaker, University of Chicago Law School Rubenstein Scholars Winter Dinner (February 2023)
- “Energy Projects and Investment Disputes: Complex Issues,” Bucharest Arbitration Days 2022 (June 2022)
- Guest Lecturer on International Commercial Arbitration, University of Notre Dame Law School (December 2021)
- “Compliance with Investment Awards” webinar, Delos Dispute Resolution (December 2021)
- “Enforcement of arbitral awards,” GAR Live: New York 2021 (October 2021)
- “The Resolution of Complex Technology Disputes: What’s Next?” webinar, International Institute for Conflict Prevention and Resolution (CPR)’s International Conference 2021 (October 2021)
- “The Multi-Million Dollar Question: Will the pandemic and governments’ responses to it lead to a spike in investor-State arbitrations?” Singapore International Arbitration Centre (SIAC) Virtual Congress 2021 (September 2021)
- “International Arbitration Disputes Arising out of COVID-19, Defenses and Damages,” webinar, Practising Law Institute’s International Arbitration 2021 conference (June 2021)
- “Getting to the truth about witness evidence: Practitioners confess,” webinar, 15th International Chamber of Commerce (ICC) New York Conference on International Arbitration (September 2020)

- “International arbitration: Investment and commercial arbitration in the mining sector,” PDAC 2020 (March 2020)
- “Charting Recent Changes in Damages,” Harvard International Arbitration Conference (February 2020)
- “Understanding Fast and Slow Thinking and Unconscious Emotional Decision Making,” CPR Annual Meeting (February 2020)
- Co-chair, “Assessing the ongoing changes in investment arbitration,” 8th Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration, Houston, TX (January 2020)
- “GAR Live Question Time,” GAR Live New York (October 2, 2019)
- “Complex Cross-Border Arbitration,” International Law Institute (October 2019)
- “What Does It Mean to be Pro-Arbitration?” 10th Columbia Arbitration Day (March 2019)
- “Strategies to Improve Cross-Cultural Advocacy,” Harvard International Arbitration Conference (February 2019)
- Guest Lecturer on International Commercial Arbitration, Columbia Law School (October 2018)
- “What is next for the Brazilian infrastructure sector?” NYU Law School Brazilian Legal Society (April 2018)
- “Arbitrating Disputes with Foreign Sovereigns and Sovereign-Owned Entities,” CIArb (April 2018)
- “General Principles of Law and International Due Process,” Yale Law School (March 2018)