

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, investor-State, and inter-State arbitrations, including the successful prosecution of one of the largest ICC cases in history. Luke also has more than 20 years of experience litigating international issues in U.S. courts.

Luke's practice experience spans a variety of sectors, with a focus on the energy, financial, and technology industries. He is active in pro bono matters, including work for Equality Now and the Penobscot Nation.

Luke is also a Senior Lecturer on Law at Harvard Law School and an adjunct professor at the University of Miami School of Law. Among other publications, he is the co-author of the second edition *International Arbitration: Three Salient Problems* (Cambridge University Press, 2020) and *General Principles of Law and International Due Process* (Oxford University Press, 2017).

Luke is ranked by *Chambers*, which describes him as an “extraordinarily intelligent” attorney who “draws extensive praise for his advocacy skills, with clients affirming that ‘his analysis and strategic view is outstanding.’” *Who's Who Legal* has recognised him a “sharp intellectual” who “is praised for his fantastic analytical and writing abilities”. *The Legal 500* writes that Luke “is extremely smart and a great strategic thinker” and is “an excellent draftsman”.

Luke previously worked in the Office of Legal Counsel at the U.S. 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.

He earned his law degree from the University of Chicago Law School, after which he clerked for 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 technology company in an ICC arbitration in a multibillion-dollar dispute pertaining to sole-source supply agreement.
- Acting for a US private equity firm in an ICC arbitration relating to allegations of corruption and fraud in the share purchase agreement of Brazilian company.
- Acting for a US multinational apparel company in HKIAC and SIAC arbitrations concerning a dispute under a joint venture agreement involving several Asian countries.
- Acting for a US multinational aviation company in an AAA-ICDR dispute over the termination of a \$4 billion merger and acquisition agreement.
- 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 mining company in an ICC arbitration involving a global patent cross-licensing 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 an ICSID investment treaty arbitration against a Latin American State for the expropriation of more than \$8 billion in assets.
- Acting for a US multinational energy company in an 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 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 ad hoc investment arbitration arising out of a breach of a tax stabilisation provision by an Asian country.
- Acting for a US multinational energy in a \$9 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 country.
- Acting for Boeing in a US Supreme Court case involving scope of discovery under 28 U.S.C 1782.

Admissions

- California
- New York
- District of Columbia

Languages

- English

Education

- JD, University of Chicago Law School (1999)
- BA (English), 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)
- 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

- *International Arbitration: Three Salient Problems*, 2nd ed., with S. Schwebel and R. Manton (Cambridge University Press, 2020)
- *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

- “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)
- “Assessing the ongoing changes in investment arbitration,” 8th Annual ITA-IEL-ICC Joint Conference on International Energy Arbitration, Houston, TX (January 2020)
- “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)

- “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,” CI Arb (April 2018).
- “General Principles of Law and International Due Process,” Yale Law School’s Center for Global Legal Challenges (March 2018)