

SAMUEL PAPE

Samuel Pape is an associate in Latham & Watkins' London office. He is a solicitor advocate and member of the firm's International Arbitration Practice. He advises on international arbitration, public international law, and complex litigation in England and overseas.

Profile

Mr. Pape is recognized as a "Rising Star Lawyer" by *Legal 500* and a "Future Leader" in Arbitration by *Who's Who Legal 2021*. His cases have featured in *The Lawyer's Top 20 Cases of the Year*.

He has appeared as a trial advocate in both commercial and investor-State arbitrations. His experience includes representing companies and sovereigns across a range of industry sectors including energy and natural resources, banking, private equity, manufacturing, technology, telecommunications, and aviation.

His cases have included disputes concerning joint ventures, post M&A matters, company law, banking law, environmental issues, public international law and human rights law.

His arbitration experience also includes acting as tribunal secretary in ICC proceedings.

In addition to his arbitration practice, Mr. Pape has extensive experience acting in international commercial litigation, including complex commercial disputes, transnational tort class actions and company law litigation. Clients have also turned to Mr. Pape as a trusted source of advice for managing exposure and commercial risk in times of crisis, including the COVID-19 pandemic.

Mr. Pape is the UK Chair of Young Institute for Transnational Arbitration (ITA) and a member of the Executive

Committee of the Asia-Pacific Forum for International Arbitration (AFIA).

He is also managing editor of the *European Investment Law and Arbitration Review*. He is frequently invited to lecture and to chair conferences or panels on subjects relating to international arbitration. He is co-author of a book chapter on procedural issues related to damages in international arbitration.

Experience

Mr. Pape's experience includes representing:

- A syndicate of banks in an LCIA arbitration enforcing equity support and completion guarantees
- A state-owned oil company in defending a US\$1 billion HKIAC arbitration concerning alleged events of default under a loan agreement
- The Republic of Colombia in three ICSID arbitrations under the Canada – Colombia Free Trade Agreement relating to the adoption of regulatory measures in the gold mining sector intended to protect páramo (moorland) ecosystems
- The Republic of Colombia in an ICSID arbitration against Gran Colombia under the Canada – Colombia Free Trade Agreement relating to the alleged failure to protect a mining concession from illegal mining activities
- Mason Capital Management, a privately owned hedge fund sponsor, in an UNCITRAL arbitration against the Republic of Korea under the US - Korea Free Trade Agreement
- Royal Dutch Shell Plc and Shell Petroleum Development Company of Nigeria in their successful defence of transnational human rights and environmental litigations
- A technology company in an ICC arbitration against a key supplier concerning a tortious conspiracy and the non-conformity of products with contractual specification
- An aircraft leasing company in claims against the manufacturer of aircraft in relation to defects in the design of aircraft
- A leading mining company on high value shareholder rights and environmental issues arising from projects in Latin America
- A UK property development group in an ICSID arbitration against the Republic of Mauritius
- A sovereign party in an investor-State dispute concerning a bank rescue program
- A national oil company in a range of complex PSC, JOA, and supply disputes valued in the multiple billions of dollars
- Nova Group Investments BV in an ICSID arbitration against Romania



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Education

Legal Practice Course, College of Law, 2010, Distinction

Graduate Diploma in Law, College of Law, 2009, Distinction

BA (Hons) Philosophy, Politics and Economics, University of Oxford, 2008

Bar Qualifications

England and Wales (Solicitor)

Languages

English, French

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concerning the expropriation of a leading insurance company and breaches of FET*

- Mobile TeleSystems in its US\$2.5 billion arbitration against Uzbekistan under ICSID Additional Facility, including successfully defending an Article 45(6) application*
- A major oil company in an infrastructure-related ad hoc arbitration*
- A Nigerian offshore oil and gas contractor in an ad hoc arbitration against an oil major*
- Norilsk Nickel and Interros in a dispute with Rusal, including in a US\$3 billion LCIA arbitration and related litigations in seven jurisdictions, involving claims for breaches of a shareholders agreement and tortious conspiracy*
- An airline in an LCIA arbitration with a major aircraft lessor concerning alleged breaches of three aircraft lease agreements*
- Daewoo before the Paris Court of Appeal, defeating General Motors' application to annul an ICC award arising from the acquisition of Daewoo's automotive business*
- An oil and gas major in relation to potential claims arising out of offshore drilling contracts*
- A global pharmaceutical company on worldwide supply chain integrity and severe business interruption issues*
- An aircraft leasing and services company regarding potential liability under aircraft leasing and other financing agreements*
- A high net worth individual in relation to potential shareholder actions and unfair prejudice petitions arising out of an intra-group restructuring*
- A buyer in post-M&A disputes concerning breach of warranties and indemnities in relation to certain assets and accounting irregularities*
- A Latin American consortium in post-M&A disputes arising out of the sale and purchase of certain energy companies and related assets*
- A leading litigation funder regarding investment in potential investor-State arbitration claims*
- A multinational conglomerate regarding the consequences of international sanctions placed on customer contracts across multiple jurisdictions*
- An investment fund in relation to potential claims and injunctive relief against a fund manager for breach of restrictive covenants

**Matter handled prior to joining Latham*

Publications

- Witness evidence, the science of memory and sequestration, 40 Under 40: International Arbitration in C. González-Bueno (ed.), (forthcoming)
- UK Developments (*Enka v Chubb*), Young ITA Newsletter, Issue 2, January 2021
- Claims for breach of statutory duty under the Securitisation Regulation?, Journal of International Banking and Financial Law, July/August 2020
- Procedural order for a remote hearing in international arbitration, LexisPSL, 2020
- Procedural Issues, GAR Guide to Damages, 3rd ed., 2020
- LIDW 2019: Energy Disputes in a Disrupted World: Leveraging Our Expertise for What Lies Ahead, Kluwer Arbitration Blog, May 2019
- English Court of Appeal Re-Affirms Pro-Enforcement Stance Toward Foreign Arbitral Awards, May 2018
- Another Key Decision on Corporate Separateness - High Court Finds That There is No Arguable Case for Unilever to be Held Liable for the

Acts and Omissions of Kenyan Subsidiary, Latham Blog, May 2017

- Latest Ransomware Attack: Is Your Arbitration Cyber-ready?, Latham Blog, May 2017
- The Erosion of Cost Caps - at the Expense of Bona Fide Environmental Challenges?, Latham Blog, March 2017
- Brexit: New Arbitration Alternatives for Financial Disputes, Latham Blog, November 2016
- Paris Court of Appeal's refusal to grant annulment underscores consistent strict interpretation of available grounds and refusal to reconsider underlying merits (*General Motors v Daewoo*), LexisPSL, February 2014

Speaking engagements

- After Brexit - Arbitration in the Civil and Common Law Worlds at a Crossroads, Young ITA, December 2020
- Investment Arbitration and the Environment – Emerging Themes, Young ITA, November 2019
- Future Challenges of International Arbitration, Queen Mary University of London ADR Society, May 2019
- Arbitral awards (correction, interpretation, setting aside and the New York Convention), London School of Economics Student Union Arbitration Academy, December 2018
- Asia-Latin America trade flows and disputes, AFIA Symposium, November 2017
- Damages issues in investment arbitration, Workshop for third party funders, October 2017