

Samuel Pape

Samuel Pape represents clients in high-stakes international disputes. He is a strategic advisor and trial advocate in international commercial and investment treaty arbitration. He also acts in complex litigation in England and overseas.

Mr. Pape is ranked as a Rising Star by *The Legal 500 UK 2023* and a Future Leader in Arbitration by *Who's Who Legal 2023*. He is also recognized as one of London's brightest stars in arbitration in *Legal Business' 2022 Disputes Yearbook*.

Drawing on over a decade of experience, he represents multinational companies, financial institutions and sovereigns in disputes across a range of sectors including energy, mining, banking, private equity, telecommunications, manufacturing and aviation. Mr. Pape's cases often involve novel and complex issues, including ESG issues.

In addition to his arbitration practice, Mr. Pape has experience acting in litigation, including 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 Representative for the United Kingdom on the ICC Young Arbitration & ADR Forum. He is also managing editor of the *European Investment Law and*

Arbitration Review. He is frequently invited to lecture and to speak on panels on subjects relating to international arbitration.

Profile

Mr. Pape's experience includes representing:

Commercial arbitration

- A state-owned oil company in defending a US\$1 billion HKIAC arbitration concerning alleged events of default under a loan agreement
- A syndicate of banks in an LCIA arbitration enforcing equity support and completion guarantees provided in a complex Islamic project financing transaction in the renewable energy sector
- A supplier of aircraft engine components in an ICC arbitration against an aircraft engine manufacturer
- A technology company in an ICC arbitration against a key supplier concerning a tortious conspiracy and the non-conformity of products with contractual specification
- A leading mining company on a very high value shareholder rights and environmental dispute arising from projects in Latin America
- An oil major in an *ad hoc* arbitration against another oil major arising out of a long-term transportation and processing contract*



Associate

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Education

College of Law (Legal Practice Course, 2010, Distinction)

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

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

Bar Qualifications

England and Wales (Solicitor), 2012

Languages

English, French, Spanish

Samuel Pape *continued*

Investment treaty arbitration

- The Republic of Colombia in three ICSID arbitrations under the Canada-Colombia FTA relating to the adoption of regulatory measures in the gold mining sector for the protection of fragile ecosystems
- The Republic of Colombia in an ICSID arbitration brought by a mining company under the Canada-FTA relating to the alleged failure to protect gold mining projects from illegal mining activities
- Mason Capital in its US\$200 million investment treaty claim against the Republic of Korea following the exposure of corruption involving South Korean political and business leaders
- A UK property development group in an ICSID arbitration against the Republic of Mauritius
- A sovereign party in a PCA-administered investor-State dispute concerning a bank rescue program
- Mobile TeleSystems in its US\$2.5 billion investor-state arbitration against Uzbekistan brought under the Additional Facility of the ICSID, including successfully defending an Article 45(6) application*

Litigation

- Royal Dutch Shell Plc and Shell Petroleum Development Company of Nigeria in their defence of transnational human rights and environmental class actions
- A minority shareholder in multi-billion dollar unfair prejudice petitions against the majority shareholder in a multinational

joint-venture in the real estate and energy sectors

- Daewoo Motors in a challenge to an ICC arbitration award brought by General Motors arising from the acquisition of Daewoo's automotive business*

Advisory

- **Corporate and commercial:** Mr. Pape's experience extends across the full range of significant corporate and commercial arrangements and includes conducting due diligence into litigation matters for private equity firms, advising on potential breach of warranty, indemnity and other claims in the context of M&A transactions, counselling shareholders in the exercise of their rights under shareholder and joint venture agreements, and advising on potential breaches and force majeure events under long term supply agreements.
- **Finance:** Mr. Pape advises financial institutions and borrowers on potential breaches and events of default under complex lending arrangements and structured financial products. His experience also includes advising Fintech companies and issuers of cryptocurrencies on the terms of their products and potential litigation exposure.
- **Energy:** Mr. Pape has advised energy majors, national oil companies, and private equity firms with investments in the energy sector in a range of matters including potential disputes arising under joint operating agreements, production sharing contracts, long-term supply contracts, transportation

and processing arrangements, and offtake agreements.

- **Investment disputes and public international law:** Mr. Pape has counselled investors in the structuring of investments under bilateral investment treaties and multilateral treaties, and in the negotiation of investment agreements and stabilization clauses with sovereign States.

**Matter handled prior to joining Latham*