



## James Castello

PARTNER

### PROFILE

James Castello, a partner in King & Spalding's Paris office, is a member of the firm's International Arbitration Group. In more than 27 years as a practicing lawyer, Mr. Castello has advised and represented clients in a wide range of legal disputes, particularly international arbitrations (both institutional and *ad hoc*; commercial as well as investor-State). Clients have been based not only in Europe, but also in the United States, Mexico and Asia. Recent matters in which he has been involved have ranged from large infrastructure or commercial projects to disputes over control of an oil refinery, the privatization of a state-owned power plant, long-term gas supply and price re-adjustment clauses. He is recognized in the *International Who's Who of Commercial Arbitration*, *Legal 500*, *Who's Who Legal France*, *Chambers Global*, *Chambers Europe* and *International Who's Who of Construction Lawyers*. In 2007, he was named to a five-year term on the Court of the London Court of International Arbitration (where he served on the drafting committee for the revised 2014 LCIA Arbitration Rules), and he now serves as President of the LCIA's European Users Council.

Since 2001, Mr. Castello has also served on the U.S. delegation to the Arbitration Working Group at the United Nations Commission on International Trade Law (UNCITRAL). During those years, he has participated actively in revision of the UNCITRAL Model Law on International Commercial Arbitration, adoption of the new Model Law on International Commercial Conciliation, comprehensive revisions of the UNCITRAL Arbitration Rules, and drafting the new Rules on Transparency in Treaty-based Investor-State Arbitrations and a related Convention on Transparency for such arbitration. Among numerous publications, Mr. Castello has written the chapters on the UNCITRAL Arbitration Rules in the *Practitioner's Handbook on International Commercial Arbitration* (Oxford 2009) and the *World Arbitration Reporter* (Juris 2010, revised ed. 2014), and he otherwise speaks regularly on arbitration topics at conferences and seminars. He serves on the International Advisory Board of the Vienna International Arbitral Centre and on the editorial boards of *Global Arbitration Review* and of *World Arbitration and Mediation Review*.

Before joining King & Spalding, he served for five years as counsel in the international arbitration group at Freshfields Bruckhaus Deringer, based in Vienna. Prior to that, he practiced at Shearman & Sterling in Washington, DC, advising particularly on international disputes. Between his time at Shearman & Sterling and Freshfields, Mr. Castello served for nearly six years in senior legal positions in the Clinton Administration. These posts included Deputy Counsel to the President, at the White House, and Associate Deputy Attorney General in the Justice Department, where his portfolio encompassed such international issues as immigration and human rights. At the beginning of his legal career, he served as law clerk to Justices William J. Brennan, Jr. and Thurgood Marshall, on the U.S. Supreme Court, and to Judge Abner J. Mikva on the U.S. Court of Appeals for the District of Columbia Circuit. He also worked as a legal assistant to Judge Howard M. Holtzmann, on the Iran-U.S. Claims Tribunal at The Hague, The Netherlands. He is admitted to practice in New York and the District of Columbia and is an *avocat à la cour* in Paris.

### Recent Speeches and Presentations on International Arbitration

- "Transparency And The Public Interest In Investment Arbitration," Panel Presentation at the International Law Weekend of the American Branch of the International Law Association, October 23, 2009, New York City.
- Participant, "Roundtable on the UNCITRAL Arbitration Rules Revision," Seminar organized by the New York City Bar Association and the American Bar Association, February 3, 2010, New York City.

### CONTACT

#### PARIS

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### PRACTICES

International Arbitration  
Energy & Natural Resources  
Global Disputes  
International

### LANGUAGES

English  
French (proficient)  
German (basic)

### CLERKSHIPS

Law Clerk, William J. Brennan, Jr.,  
Supreme Court of the United States  
Law Clerk, Thurgood Marshall, Supreme  
Court of the United States  
Law Clerk, Abner J. Mikva, U.S. Court of  
Appeals for the D.C. Circuit  
Law Clerk, Howard Holtzmann, Iran-  
United States Claims Tribunal

### EDUCATION

J.D., Order of the Coif, University of  
California-Berkeley  
M.A., University of California-Berkeley  
B.A., Yale University

### ADMISSIONS

District of Columbia  
New York  
Paris

- Session Moderator and Speaker, "State Entities in Commercial Arbitration," Vienna Arbitration Days, February 12, 2010, Vienna, Austria.
- "Trends in International Arbitration Procedure," Presentation at session of the 2010 Annual Conference of the American Bar Association Litigation Section, New York City, April 22, 2010.
- Lunch Keynote Speaker, "Transparency in International Arbitration," Conference on Transparency in International Arbitration co-sponsored by the American Society for International Law and the American Branch of the International Law Association, April 26, 2010, Georgetown University Law Center, Washington, D.C..
- "Revision of the UNCITRAL Rules," Presentation at Seminar Sponsored by the Swedish Arbitration Association, April 28, 2010, Stockholm, Sweden.
- Program Co-Chair and Session moderator, "Confronting Ethical Issues in International Arbitration," Americas Workshop co-sponsored by the Institute for Transnational Arbitration and the Colombian Chamber of Commerce, October 15, 2010, Bogota, Colombia.
- Co-Faculty Leader, "Arbitrator Symposium on Advanced Case Management Issues," Symposium sponsored by the American Arbitration Association's International Center for Dispute Resolution, November 16, 2010, Paris, France.
- "Revised UNCITRAL Arbitration Rules," Presentation at 18th Annual Croatian Arbitration and Conciliation Days, December 2, 2010, Zagreb, Croatia.
- "A Legal Standard for Transparency in Investment Arbitration," 2011 Annual Vienna International Arbitral Centre (VIAC) - UNCITRAL Conference on Arbitration, April 14, 2011, Vienna, Austria.
- Keynote Speech, "The 2010 UNCITRAL Rules," Conference Organized by ICC Young Arbitrators' Forum and Young Austrian Arbitration Practitioners, April 16, 2011, Vienna, Austria.
- "The Effectiveness of the Award," Presentation at Colloquium on the New French Arbitration Statute of 2011, Sponsored by Paris Place de l'Arbitrage and the French Arbitration Committee, April 20, 2011, Paris, France.
- "Issues Surrounding Joinder in Complex Arbitration," 6th Annual Conference on International Arbitration and Mediation, Fordham Law School, June 14-15, 2011, New York City.
- "*Travaux préparatoires*, enactments and case law on definition and form of an arbitration agreement," Presentation at Vienna International Arbitral Centre (VIAC) - UNCITRAL Annual Conference, March 29, 2012, Vienna, Austria.
- Session Moderator, "Agreeing to and Initiating Arbitration," and Co-Moderator of the Track "B" Program, 2012 Congress of the International Council of Commercial Arbitration (ICCA), June 11, 2012, Singapore.
- "Important Changes in the 2010 UNCITRAL Arbitration Rules," Client Seminar on Revisions in Arbitration Rules: Addressing Users' Concerns, June 25, 2012, Frankfurt, Germany.
- One-week Lecture Course, "A Decade of Revisions at UNCITRAL," Paris Arbitration Academy, July 16-20, 2012, Paris, France.
- "Environmental Disputes under International Law," Presentation at AIPN-LCIA Conference on Dispute Resolution in the International Oil & Gas Business, October 12, 2011, Delhi, India.
- "Environmental Disputes under Human Rights Treaties," Seminar for Oil & Gas Industry October 23, 2012, Bogota, Colombia.
- Session Moderator, "UNCITRAL Model Law on International Commercial Arbitration: Perspectives for Broader Adoption and Uniform Interpretation in the Asia-Pacific," Conference Organized by UNCITRAL and the Korean Commercial Arbitration Board Conference on Asia-Pacific Perspectives on International Commercial Arbitration, November 22, 2012, Seoul, Republic of South Korea.
- "UNCITRAL Rules on transparency in treaty-based investor State arbitration," Presentation at the 20th Anniversary Croatian Arbitration Days, December 6, 2012, Zagreb, Croatia.
- "Where Public Meets Private: International law and the dynamic interpretation of treaties in the context of the draft UNCITRAL Rules on Transparency," Workshop organized by The Center for International Commercial and Investment Arbitration (CICIA) and the Vale Columbia Center on Sustainable International Investment (VCCI), February 5, 2013, New York City.
- Session moderator and speaker, "Arbitration & States," at Conference on The Future of Arbitration organized by the University of Oslo Faculty of Law, May 27-28, 2013, Oslo Norway.
- "Enforceability of awards under the New York Convention in the context of investor-State disputes," Presentation at Seminar Organized by the Vienna International Arbitral Centre (VIAC) and UNCITRAL, July 11, 2013, Vienna, Austria.

- "The Significance of UNCITRAL's Work for the Asian-Pacific Region," Presentation at 2nd Annual Arbitration Conference sponsored by the Korean Commercial Arbitration Board, the Republic of Korea Ministry of Justice, and UNCITRAL, November 11, 2013, Seoul, Korea.
- "The Advantages of Uniform Rules of Arbitration," Presentation at 4th Annual Arbitration Conference, sponsored by the Milan Chamber of Arbitration, November 29, 2013, Milan, Italy.
- "Harmonizing Arbitral Practices and EU Policies: Differences in Approach," Dinner Speech at the LCIA European Users Symposium, February 15, 2014, Paris, France.
- "Applicable Law in International Arbitration," Keynote Address, Vienna Arbitration Days, February 28, 2014, Vienna, Austria.
- "4th Annual GAR Live London," Co-Moderator of Symposium session at the Conference sponsored by Global Arbitration Review, May 7, 2014, London, United Kingdom.
- "What the Client Wants in International Arbitration," Moderator of panel with two in-house arbitration counsel at the 8th Biennial CILS International Arbitration Symposium, May 24, 2014, Salzburg, Austria.
- "Interim Measures in Investor-State Arbitration of Energy Disputes," Presentation at Conference on Energy Disputes sponsored by the Danish Institute of Arbitration, September 1-2, 2014, Copenhagen, Denmark.

#### Recent Publications on International Arbitration

- "UNCITRAL Arbitration Rules Commentary" (Chapter 16), in Practitioner's Handbook To International Commercial Arbitration (Oxford 2009).
- "'Manifest Disregard of the Law,' 'Minimum Contacts,' and Forum Non Conveniens: Recent Developments in Judicially-Created Doctrines that May Defeat Enforcement of Arbitral Awards in the U.S." (co-authored with B. Love), 2010(3) Paris Arbitration Journal / Les Cahiers de l'Arbitrage 653-696.
- "Unveiling the 2010 UNCITRAL Arbitration Rules," 65 Dispute Resolution Journal 21 (2010).
- "*Plus Ça Change, Plus C'est la Même Chose*: Eight Revisions Not Adopted in the 2010 UNCITRAL Rules," 28(4) ASA Bulletin 855.
- "UNCITRAL Arbitration Rules (2010)," chapter in vol. 4 of World Arbitration Reporter (Juris 2010)
- "Maximizing Possibilities for Joinder in International Arbitration," in A. Rovine, ed. Contemporary Issues In International Arbitration And Mediation (The Fordham Papers 2011) 104 (2012) (co-authored with R. Digon).
- "Generalizing About the Virtues of Specificity" in 6 World Arbitration & Mediation Review 7 (2012).
- "Interim Measures Under UNCITRAL's Model Law," 7 World Arbitration & Mediation Review 119 (2013).
- "UNCITRAL Arbitration Rules (2010) and UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (2013)," chapter in vol. 4 of World Arbitration Reporter (Juris 2014)

## MATTERS

#### Representative matters in which Mr. Castello has acted or is acting as legal counsel:

- Representing respondent in an UNCITRAL arbitration brought under a bilateral investment treaty (BIT) arising from disputed control of an oil refinery.
- Representing a European energy company in an ICSID arbitration arising from its failure to receive gas under a long-term supply contract.
- Advising an international construction joint venture in arbitrations and dispute resolution board proceedings arising from construction of a high-speed rail project.
- Representing a European gas company in an ICC arbitration arising from a gas price reopener dispute with an African gas producer.
- Advising an international construction engineering firm during a dispute review board proceeding on issues arising from construction of a harbor tunnel.
- Representing a European commodities trader in an *ad hoc* arbitration arising from a breached agreement for sale and delivery of goods in the CIS.
- Representing an international construction firm in a dispute concerning asphalt specifications on a road project in Africa.

- Representing the claimant in an ICC arbitration arising from an aborted geophysical study project in Africa.
- Representing the owner of an LNG liquefaction facility in arbitrations arising from disputes under a gas supply agreement.
- Representing a European gas distributor in an ICC arbitration involving operation of a gas price readjustment clause.
- Representing an international construction engineering firm in arbitrations arising from delay and disruption of a road project in East Africa.
- Representing a government in an ICC arbitration arising from an attempted privatization of a state-owned power plant.
- Representing the manufacturer of precision equipment for an industrial glass factory in a Vienna Rules arbitration arising from a dispute with an installation subcontractor.
- Representing an international construction engineering firm in ICC arbitration arising from its work as electro-mechanical subcontractor on a hydro-electric project in Southeast Asia.
- Representing western European investors in an ICC arbitration arising from a shareholders dispute following privatization of a cement plant in eastern Europe.
- Representing an international construction engineering firm in ICC arbitration arising from construction of a steel tube plant in Europe.

## RECOGNITION

### Peer Recognition

- **International Who's Who of Commercial Arbitration 2014:** "The 'fantastic' James Castello is 'well versed' in international arbitrations and actively participated in the revision of the UNCITRAL model law on international commercial arbitration."
- **Who's Who Legal France 2014:** "James Castello is 'technically astute' and has a 'wealth of experience' in relation to energy disputes."
- **Chambers Europe (France) 2014:** "James Castello gains plaudits for being 'an expert in this field.'"
- **Chambers Global 2013:** "International arbitrator James Castello of King & Spalding joins the rankings following standout praise. He is highly experienced in the energy sector, and interviewees laud his ability to readily handle technically complex issues. 'He is very up to speed on new technologies,' says one source, adding that he is 'also able to quickly absorb the entire history of the case, including exchanges that took place before he handled it.'"
- **Chambers Global 2012:** "excellent judgment and familiarity with the major arbitration institutions"
- **Chambers Global 2010:** "[has] close ties with some of the European arbitration institutions" and "is praised by market commentators as an 'absolutely open, thorough, fantastic lawyer.'"

## NEWS & INSIGHTS

### NEWS

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| <i>25 Mar 2015</i> | <b>Chambers Global 2015 Results Confirm King &amp; Spalding's Standing as One of World's Top International Law Firms</b> |
| <i>10 Mar 2015</i> | <b>James Castello to Speak at Signing of UN's New Mauritius Convention on Transparency</b>                               |
| <i>02 Sep 2014</i> | <b>James Castello to Discuss Ethics at London International Arbitration Conference</b>                                   |
| <i>18 Aug 2014</i> | <b>King &amp; Spalding Energy Disputes Lawyers to Present at Copenhagen Conference</b>                                   |
| <i>29 Apr 2014</i> | <b>New King &amp; Spalding Practice and Lawyer Rankings Abound in Latest Chambers Europe Guide</b>                       |
| <i>17 Apr 2014</i> | <b>Latest Legal 500 EMEA Results Attest to King &amp; Spalding's Outstanding International Reputation</b>                |
| <i>20 Mar 2014</i> | <b>Latest Chambers Global Results Reinforce King &amp; Spalding's Status as a Leading International Firm</b>             |
| <i>20 Feb 2014</i> | <b>James Castello to Give Keynote Address at Vienna Arbitration Days 2014</b>  |
| <i>29 Apr 2013</i> | <b>Latest Chambers Guide Counts King &amp; Spalding Among the Top Firms in Europe</b>                                    |
| <i>28 Mar 2013</i> | <b>Latest Legal 500 Guide Reinforces King &amp; Spalding's Growing Profile in Europe, the Middle East and Africa</b>     |

**14 Mar 2013** King & Spalding Sets High-water Mark in Chambers Global as Emphasis on Growing International Expertise Continues

**13 Mar 2013** James Castello Appointed President of LCIA's European Users' Council

**01 Dec 2012** L'expansion fulgurante de King & Spalding | *Décideurs: Stratégie Finance Droit*

**10 Jul 2012** James Castello Named to Faculty of Paris Arbitration Academy

**12 Apr 2012** Legal 500 Names King & Spalding a Top Law Firm in 2012 EMEA Guide

**05 Apr 2011** Legal 500 Recognizes 11 King & Spalding Practices and 13 Lawyers as Regional Leaders in 2011 EMEA Guide

**25 Mar 2011** King & Spalding Receives 25 Practice Area Rankings, 49 Individual Lawyer Recognitions in Chambers Global 2011

**19 Jan 2011** James Castello Contributes Chapter to World Arbitration Reporter

**30 Nov 2010** James Castello Featured Speaker at Croatian Arbitration Conference

**09 Aug 2010** King & Spalding to Open Singapore Office Focused on Commercial Arbitration and Energy Transactions

**06 Aug 2010** King & Spalding Lawyers Featured in Expert Guides | *Expert Guides*

**11 Jun 2010** King & Spalding Wins 'Gold' as Best Energy Firm

**08 Apr 2010** Castello, Stevens to Discuss International Arbitration at Georgetown Law Event

**26 Mar 2010** GAR 100 2010 | *Global Arbitration Review*

**11 Mar 2010** James Castello Co-Authors International Commercial Arbitration Handbook

**22 Feb 2010** King & Spalding Lawyers Earn 34 Rankings as Leaders in Their Fields and 21 Practice Areas Recognized in Chambers Global 2010

**20 Jan 2010** James Castello Speaks at Austrian Arbitration Conference

**30 Nov 2009** James Castello Named to Editorial Board of Global Arbitration Review

**23 Sep 2009** King & Spalding Opens Paris Office

**09 Jun 2009** King & Spalding Expands Its International Arbitration Practice

**08 May 2009** Ken Reisenfeld, James Castello Co-Chair 20th Annual ITA Workshop

#### **PUBLICATIONS**

**24 Jan 2011** New French Arbitration Law