

# Javier H. Rubinstein

Partner

*Trial and Global Disputes / International Arbitration and Litigation*



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Javier Rubinstein regularly handles high-profile international commercial and investment arbitrations, representing clients from North America, Latin America, Europe and Asia in complex disputes before such institutions as the International Centre for Settlement of Investment Disputes, the ICC International Court of Arbitration, the Stockholm Chamber of Commerce and the Court of Arbitration for Sport, as well as *ad hoc* arbitrations under the UNCITRAL Arbitration Rules.

Javier was previously Vice Chairman and Global General Counsel of the PricewaterhouseCoopers network of firms spanning 157 countries. As Global General Counsel of PwC, Javier was involved in a wide variety of commercial, regulatory and other disputes all over the world, enhancing his ability to bring a client-focused perspective aimed at solving clients' problems. A native of Argentina raised in the U.S. and trained as a U.S. trial lawyer, Javier regularly handles arbitration and litigation matters in both English and Spanish.

Javier is a Fellow of Chartered Institute of Arbitrators. He is ranked by Chambers USA 2020 as one of the top international arbitration lawyers in the U.S., noting that he "understands the business perspective of an issue" and "is particularly well placed to act for investors in treaty matters." He also has been cited by Chambers for his "marvelous ability to translate the client's position into the language of international arbitration," "a very sophisticated cross-examiner" equally "effective with the written word," and that "being fluent in Spanish accentuates the decidedly international edge to Rubinstein's practice, whereby he has acted for U.S., Latin American, European and Asian clients."

Since 1996, Javier has served as a Lecturer in Law at the University of Chicago Law School, teaching seminars on U.S. Supreme Court litigation, international commercial arbitration and managing legal risk in a global economy.

## Matters

Representation of **Mexican investor group** in €500 million investor-state arbitration against Kingdom of Spain, arising out of Europe's first-ever resolution of a financial investor.

Representation of **UK insurance brokerage company** in ICC arbitration in Brazil involving an M&A dispute arising from the acquisition of a Brazilian health benefits business

Representation of **Australian manufacturer** in ICC arbitration involving a German distributor.

Representation of **energy company** in connection with ICDR arbitration seeking termination of long-term gas supply contract.

Representation of **U.S. biotech company** in ICDR arbitration alleging breach of contract against Brazilian manufacturer.

Representation of **consortium of U.S. investors** against German pharma company in ICC arbitration alleging breach of contract in connection with large M&A transaction.

Successful representations of top world-ranked men and women **tennis players** in doping-related arbitrations brought pursuant to the ATP and WTA Rules, and successful appeal of first-ever sanction imposed on a professional tennis player at a Grand Slam tournament for failure to perform at a “professional standard.”

*Compañía de Aguas del Aconquija S.A. and Vivendi Universal S.A. (formerly Compañía de Aguas del Aconquija, S.A. and Compagnie Générale des Eaux) v. Argentine Republic* (defense of the **Argentine Republic** in the Vivendi II merits phase, involving claims for breach of Argentine/French BIT in connection with water concession in the province of Tucuman).

Representation of the **Argentine Republic** in multiple ICSID and ad hoc arbitrations arising from Argentina’s 2001 fiscal crisis, covering multiple sectors. Cases included, among others:

*CMS Gas Transmission Company v. Argentine Republic* (annulment proceedings before Ad Hoc Committee) (gas transportation)

*LG&E v. Argentine Republic* (electricity, gas, steam and air conditioning supply)

*AES v. Argentine Republic* (electricity generation and distribution)

*Suez and Interagua v. Argentine Republic* (water distribution and waste treatment)

*National Grid v. Argentine Republic* (electricity generation and distribution)

*BG Group Plc v. Argentine Republic* (natural gas distribution)

*Cargill, Inc. v. United Mexican States* (representation of Claimant in ICSID arbitration against Mexico arising from adoption of a tax on beverages containing high fructose corn syrup, alleging breach of NAFTA obligations, including FET, national treatment and denial of justice, resulting in award of \$77 million)

*USATF/IAAF Arbitration* (representation of **U.S. Track and Field federation** in arbitration against international track and field federation before the Court of Arbitration for Sport, enabling the USA to retain its 2000 Gold Medal in the men’s 4x100 track relay)

*Credit card royalty Arbitration* (successful representation of major **U.S. credit card issuer** in ICC arbitration involving royalty dispute between the issuer and its franchisee in Israel)

*U.S./European Futures Exchange Arbitration* (successful representation of the **largest U.S. futures exchange** in an ICC arbitration against the largest European futures exchange that successfully obtained access to source code for futures trading platform)

*Peruvian M&A Arbitration* (successful representation of **U.S. telecoms company** in UNCITRAL arbitration seeking indemnity against seller of Peruvian corporation for undisclosed liabilities)

*Venezuelan Telecoms Arbitration* (successful representation of **U.S. telecoms provider** in ICC

arbitration against Venezuelan long distance carrier relating to interconnection dispute)

*Brazil/China Sale of Goods Arbitration* (successful representation of **Brazilian steel manufacturer** in ICC arbitration against Singaporean purchaser arising from dispute over sale of goods)

*Colombian Franchise Arbitration* (successful representation of **U.S. credit card franchisor** in connection with ICC arbitration against Colombian franchisee for breach of franchise agreement)

*German/Swedish Joint Venture Arbitration* (successful defense of major **German IT company** in \$100 million arbitration before ICC Court of International Arbitration brought by Swedish automotive/aerospace company arising from joint venture dispute, resulting in defense award and awarding of full costs)

*German IT Arbitration* (successful representation of major **German bank** in connection with UNCITRAL Rules arbitration arising from joint venture dispute)

*French Sale of Business Arbitration* (successful representation of **Dutch seller of French company** in ICC arbitration against French buyer involving various post-closing disputes arising from environmental liabilities)

*Kyrgyz Hotel Joint Venture Arbitration* (successful representation of major **U.S. hotel chain** in ICC arbitration arising out of joint venture dispute involving construction of luxury hotel in Kyrgyz Republic)

*Greek Casino Arbitration* (successful representation of major **U.S. gaming vendor** in parallel ICC/LCIA arbitrations arising from joint venture dispute involving construction and operation of casino in Greece)

## Credentials

### EDUCATION

J.D., Georgetown University, cum laude  
M.P.P., Harvard University  
B.A., University of Michigan, high honors

### ADMISSIONS

Illinois  
New York

### ASSOCIATIONS

Ambassador, ICC International Court of Arbitration's Commission, Belt and Road Initiative  
Member, International Arbitration Editorial Advisory Board  
Member, Advisory Board, Institute for Transnational Arbitration  
Member, International Arbitration Club of New York  
Fellow, Chartered Institute of Arbitrators, 2016–present  
Board of Directors, American Arbitration Association, 2012–2016  
Advisory Council, International Centre for Dispute Resolution, 2015–present  
Lecturer in Law, University of Chicago Law School, 1996–present  
Member, ICC and ICDR Panels of Arbitrators  
Member, CPR Panel of Distinguished Neutrals  
Instructor, Columbia University Center on Sustainable Investment, 2017-2019

### LANGUAGES

Spanish

## Recognition

Named a leading practitioner

THE LEGAL 500 LATIN AMERICA, FOR INTERNATIONAL ARBITRATION, 2021

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Named in The Best Lawyers in America Since 2006 for International Arbitration

COMMERCIAL

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Named in The Best Lawyers in America 2021 for International Arbitration

COMMERCIAL AND GOVERNMENTAL

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Named Chicago Lawyer of the Year in America 2021 for International Arbitration by Best Lawyers

COMMERCIAL

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Ranked as one of top International Arbitration lawyers in the U.S.

CHAMBERS USA

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Named in The Best Lawyers in America 2019 for International Arbitration

COMMERCIAL

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Named a 2018 ADR Champion

NATIONAL LAW JOURNAL

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Named a leading practitioner

THE LEGAL 500: LATIN AMERICA, FOR INTERNATIONAL ARBITRATION

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Named one of the “World’s Leading Experts in Commercial Arbitration”

EUROMONEY MAGAZINE

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## Events

### **SPEAKING ENGAGEMENT**

*December 15, 2020*

Javier Rubinstein to Speak Virtually on US-Mexico Bar Association’s XXVI Annual Conference

*December 9, 2020*

Javier Rubinstein to Speak Virtually on Institute for Transnational Arbitration’s #YoungITATalks and CIArb YMG Joint Event

*October 20, 2020*

Javier Rubinstein to Speak at Brazil-Canada Chamber of Commerce Annual Conference on Arbitration

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## News

### RECOGNITION

*October 15, 2020*

Benchmark Litigation Recognizes King & Spalding as a Leading Litigation Firm

*October 9, 2020*

Legal 500 Latin America 2021 Ranks King & Spalding Among the Region's Top International Firms

*August 21, 2020*

The Best Lawyers in America Recognizes 128 King & Spalding Lawyers in its 2021 Guide

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