

John M. Townsend

Partner

Washington, D.C.

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Education

Yale Law School, J.D., Class Secretary, 1971

Yale University, B.A., cum laude, Phi Beta Kappa, 1968

Bar Admissions

District of Columbia, 1990

New York, 1972

Languages

French

Areas of Focus

Arbitration

Investment Treaty Arbitration

Litigation

John M. Townsend is a litigation partner in the Washington, D.C., office of Hughes Hubbard & Reed and co-chairs the firm's Arbitration practice group. His practice focuses on complex disputes, particularly international disputes, both in court and before arbitral tribunals. John's arbitration practice includes representing parties in international and domestic commercial arbitration, investment treaty disputes, and acting as an arbitrator.

John served as Chair of the Board of Directors of the American Arbitration Association (AAA) from 2007 to 2010 and as chair of the Executive Committee of the AAA from 2004 to 2007. He was a member and a vice president of the Court of Arbitration of the LCIA from 2014 to 2019. John was the first chair of the Mediation Committee of the International Bar Association (IBA). In February 2008, he was appointed by President George W. Bush as one of the American members of the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes (ICSID), on which he served until 2016. Chambers and Partners has consistently ranked John among the top international arbitration lawyers in the United States and has described him as "just a master," who "understands international ADR better than any other in the market."

John served as lead counsel to Canada in Canada's entirely successful defense of two arbitrations between the United States and Canada brought under the Softwood Lumber Agreement. He currently represents Ukrainian investors in five investment treaty arbitrations against The Russian Federation

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 2 of 7

arising out of its actions in Crimea, and has obtained favorable awards in jurisdiction and liability in all five.

John has served as an arbitrator in more than 85 arbitrations, including commercial and investment treaty cases under all major sets of arbitration rules.

John's litigation practice has included participation as a Hughes Hubbard associate in the successful defense of Ford Motor Co. on a charge of negligent homicide in the Pinto fuel tank trial in Indiana, and as a young partner in the defense of the building owner in the Kansas City Skywalk Collapse litigation. He led a Hughes Hubbard team acting as national counsel to a major pharmaceutical manufacturer in a nationwide, multi-defendant litigation challenging the use of published Average Wholesale Prices (AWPs) as a reference point in Medicaid reimbursement.

John served as trustee of the US Council for International Business and chaired the Council's European Privilege Task Force. He submitted an application on behalf of the Council to intervene in the Akzo Nobel v. European Commission case in the European Court of Justice to urge European recognition of an attorney-client privilege for company counsel.

John is a member of the American Law Institute (ALI) and served as an Advisor to the ALI's project to draft a Restatement of the American Law of International Commercial Arbitration. He has also served on the Harvard Law School Trial Advocacy Workshop faculty.

John has been with Hughes Hubbard & Reed—in New York, Paris, and Washington—since 1971. He speaks fluent French.

Highlighted Matters**Highlighted Arbitration Matters**

- Representation of Ukrainian investors in five arbitrations against the Russian Federation under the Russia-Ukraine Bilateral Investment Treaty (BIT) arising out of measures carried out after the Russian annexation of Crimea and in defense of the resulting awards in the Swiss and Dutch courts
- Representation of Canada in two arbitrations captioned United States of America v. Canada under the Softwood Lumber Agreement of 2006 and the LCIA Rules
- Representation of investor in expropriation claim against the Russian Federation in BIT arbitration in Stockholm that secured the first award holding that the Russian measures taken against Yukos Oil Company amounted to expropriation
- Submitted an amicus curiae brief to the US Supreme Court in *GE Energy Power v. Outokumpu Stainless USA*
- Submitted two amicus curiae briefs to the US Supreme Court on behalf of professors and practitioners of arbitration law in *BG Group PLC v. Argentina*

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 3 of 7

- Representation of an American company in ICC Arbitration in Paris and related European Commission proceedings involving a chemical technology license dispute with a Spanish former joint venture partner
- Representation of an American manufacturer in arbitration under Netherlands Arbitration Institute rules concerning a contract to build a major chemical plant in Rotterdam
- Representation of American Arbitration Association in 11th Circuit appeal involving issues of arbitral immunity
- Representation of a German company in AAA arbitration in Seattle concerning the validity of a patent and technology license under European competition law
- Representation of a major New York educational institution in AAA arbitration concerning construction of its library
- Served as advisor to the Ministry of Justice of Bahrain concerning drafting of the 2009 Arbitration Law
- Submitted amicus curiae brief to the US Supreme Court on behalf of the American Arbitration Association in *Green Tree Financial Corp. v. Randolph*
- Testimony before the US House of Representatives Judiciary Committee in opposition to an attempt to amend the Federal Arbitration Act to permit litigation in court against a Japanese client
- Service as arbitrator in more than 85 arbitrations seated in New York, Washington, Houston, Ann Arbor, Chicago, Savannah, London, The Hague, Hong Kong, Tokyo, Reykjavik, Paris, Stockholm, Geneva, and Singapore, including 14 investment treaty arbitrations
- Member of AAA Commercial, International and Class Arbitration panels; the International Institute for Conflict Prevention & Resolution (CPR) Panel of Distinguished Neutrals; Panel of Energy Arbitrators; LCIA panel; World Intellectual Property Organization (WIPO) List of Neutrals; Lists of Arbitrators of the Vienna International Arbitral Centre, the Hong Kong International Arbitration Centre, the Singapore International Arbitration Centre, and the Japan Commercial Arbitration Association
- Served on committees that drafted the AAA's International Arbitration Rules, Supplementary Rules for Class Arbitrations, and ICDR Guidelines for Arbitrators Concerning Exchanges of Information
- Represented the AAA in working with the ABA on the 2004 revision of the AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes
- Member of CPR's Challenge Review Board, and served on the committee that drafted the CPR Rules for Non-Administered Arbitration

Highlighted Litigation Matters

- Defense of a Russian rocket company in a suit by former venture partners in federal court in California

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 4 of 7

- Lead national counsel to a pharmaceutical manufacturer in multi-defendant actions in federal and state court, including multiple state attorney general actions, challenging industry pricing practices
- Representation of a foreign government in District Court and Court of Appeals seeking dismissal of a breach of contract claim on grounds of sovereign immunity
- Representation of International Jurists as amicus curiae in brief to the Supreme Court in *Sosa v. Alvarez-Machain* (Alien Tort Statute case)
- Representation of creators of the television program "Home Improvement" in California litigation against The Walt Disney Co. concerning terms for the license negotiated by Disney Television with its affiliate, ABC
- Representation of a European government as amicus curiae in 2nd Circuit appeal involving extraterritorial restrictions in a trademark injunction
- Defense of a leading greeting card manufacturer in trade dress infringement and unfair competition action in US District Court in Denver and the 10th Circuit
- Representation of an Italian bank in a suit in Delaware Chancery Court and Delaware Supreme Court to cancel fraudulently issued shares of a Delaware corporation
- Defense of a New York utility in Racketeer Influenced and Corrupt Organizations Act, and securities class actions and derivative suit, arising out of the arrest of a vice president
- Representation of a greeting card manufacturer and chain of drug stores in obtaining summary judgment dismissing Robinson-Patman Act claims in Florida
- Defense of an engine manufacturer in an antitrust suit over distribution restrictions in Milwaukee
- Defense of a building owner and its corporate parent in litigation over collapse of the skywalks in the Hyatt Regency Hotel in Kansas City and subsequent rescuer class actions

Highlighted Publications

- "Advocacy Against an Absent Adversary," (with James H. Boykin), *The Global Arbitration Review: The Guide to Advocacy*, Fourth Edition, edited by Stephen Jagusch QC, Philippe Pinsolle, Alexander G Leventhal, 2019
- "The Empty Chair. Arbitration with a Non-participating Party," *Forward! Essays in Honour of Prof Dr Kaj Hobér*, edited by Eric Bylander, Anna Jonsson Cornell, Jakob Ragnwaldh, 2019
- "Place of the Arbitration, Jurisdiction and Applicable Law: Support for Bahrain's Free Arbitration Zone and Current Best Practices" (with Alexander Bedrosyan), *BCDR International Arbitration Review*, 2018
- Book Review of Gary Born, *International Commercial Arbitration* (2d Ed.), *Arbitration International*, 2015
- "Protection of Communications with Company Lawyers: The Last Gap in the Common Law – Civil Law Divide in Arbitration" (with James H. Boykin), *Festschrift for Siegfried H. Elsing on*

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 5 of 7

His 65th Birthday, edited by Werner F. Ebke, Dirk Olzen, Otto Sandrock, R&W Fachmedien Recht und Wirtschaft, 2015

- "When the BIT hits the FAA: U.S. Courts Confront Conditions Precedent in Bilateral Investment Treaties," Contemporary Issues in International Arbitration and Mediation, the Fordham Papers, edited by Arthur W. Rovine, Brill Nijhoff, 2014
- "Promoting Peace Before Conflict: Integrating Alternative Methods of Dispute Resolution into the Arbitration Process," Arbitration Advocacy in Changing Times, edited by Albert Jan Van Den Berg, International Council for Commercial Arbitration, Series No. 15, 2011
- "The Rise and Fall of Class Arbitration," AAA Yearbook on Arbitration & the Law, 23rd Edition, edited by Stephen K. Huber and Ben H. Sheppard Jr., Juris Publishing Inc., 2011
- "Arbitrating US Antitrust Law in Pharmaceuticals Markets" (with Robert Reznick), in EC and US Antitrust Arbitration, edited by G. Blanke and P. Landolt, Kluwer/Aspen, 2011
- "The New Bahrain Arbitration Law and the Bahrain 'Free Arbitration Zone,'" Dispute Resolution Journal, February-April 2010
- "Crossing the Hot Tub: Examining Adverse Expert Witnesses in International Arbitration," Take the Witness, Juris Publishing, 2010
- "Extending an Arbitration Clause to a Non-Signatory Claimant or a Non-Signatory Defendant: Does it Make a Difference?" Dossiers of the Institute N° VII, ICC Institute, 2010
- "Non-Signatories in International Arbitration – An American Perspective," International Arbitration 2006: Back to Basics, International Council for Commercial Arbitration Congress series No. 13, 2007
- "Leave the Federal Arbitration Act Alone," ABA TIPS Section Business Litigation Committee News, 2007
- "Class Arbitration in the United States," LCIA News, 2007
- "State Court Enforcement of Arbitration Agreements," Report to the U.S. Chamber Institute for Legal Reform, 2006
- "Holding the Fort Until the Arbitrators Are Appointed: The New ICDR International Emergency Rule" (with Ben H. Sheppard, Jr.), Dispute Resolution Journal, 2006
- "Arbitrator Neutrality and Disclosure: The End of the 'American Problem,'" Journal of International Dispute Resolution - IDR, 2005
- "Clash and Convergence on Ethical Issues in International Arbitration," Inter-American Law Review, 2004
- "The Federal Arbitration Act Is Too Important To Amend," The International Arbitration News, 2004
- "Revised Code of Ethics for Commercial Arbitrators Explained" (with Bruce Meyerson), Dispute Resolution Journal, 2004
- "Commentary on the July 2003 Revisions to the AAA Commercial Arbitration Rules" (with Paul D. Friedland), Dispute Resolution Journal, 2003/2004

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 6 of 7

- "Drafting Arbitration Clauses: Avoiding the 7 Deadly Sins," Dispute Resolution Journal, 2003
- "Arbitration Across the Civil Law – Common Law Divide" (with Siegfried Elsing), Arbitration International, 2002; included in ADR & The Law, 17th Edition
- "Recent Developments in NAFTA Arbitration," ADR Currents, 2001
- "Obtaining A Preliminary Injunction in Aid of Arbitration," Metropolitan Corporate Counsel, 1999
- "Commercial Arbitration in the United States: The Legal Structure," NAFTA Advisory Committee on Private Commercial Disputes, Mexico City, 1999
- "Commercial Mediation and Arbitration in the NAFTA Countries," JurisNet 1999
- "What To Do Until The Arbitrator Comes: Obtaining Urgent Preliminary Relief," Corporate Counsel Magazine, 1999
- "The Case for Site Licenses," European Competition Law Review, 1999
- "The Initiation of Arbitration Procedures," ICSID Review – Foreign Investment Law Journal, 1998
- "Recourse Against the Arbitrator," published in "The Status of the Arbitrator," Special Supplement to The ICC International Court of Arbitration Bulletin, 1995
- "Provisional Remedies in Aid of Arbitration," The Preparation and Trial of a Commercial Arbitration, NYSBA, 1990
- "Right to Trial by Jury in Declaratory Judgment Actions," 3 Connecticut Law Review 564, 1971

Recognitions

- Ranked in the first tier by Chambers USA as one of the top international arbitration lawyers and arbitrators in the US
- Ranked by Chambers Global as one of the top international arbitration lawyers in the world
- Included in The Best Lawyers in America in the field of International Arbitration
- Recognized in The Who's Who Legal Thought Leaders: Global Elite of Arbitration Lawyers, The International Who's Who of Arbitration Lawyers, The International Who's Who of Commercial Litigation Lawyers, and The International Who's Who of Business Lawyers
- Listed as one of the "top 20 arbitration specialists in the world" by Cross-Border Quarterly
- Recognized by The Legal 500 United States as one of the top lawyers in the category of international arbitration
- Benchmark and Expert Guides Global Commercial Arbitration Awards, "Arbitrator of the Year: United States" (2014)
- Benchmark Litigation "National Litigation Star"
- Recognized by the BTI Consulting Group as a "Client Service All-Star"

John M. Townsend

Partner • Hughes Hubbard & Reed LLP

Page 7 of 7

Court Admissions

- Supreme Court of the United States
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States Court of Appeals for the Federal Circuit
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Western District of New York
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the District of Columbia
- United States District Court for the District of Colorado
- United States Court of Federal Claims