

William T. O'Brien

Partner



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Overview

Will O'Brien, partner and Chair of Dentons' US International Dispute Resolution practice, acts as lead counsel in complex international arbitrations and litigation across a wide variety of sectors and before all major international arbitral institutions and US courts, handling politically-charged cross-border enforcement of arbitration awards, government contracts, energy, treaty issues, foreign sovereign immunity, defense against allegations of fraud or corruption and issues of first impression. He has succeeded in obtaining and defending clients against hundreds of millions of dollars' worth of claims.

Law360 named Will an International Arbitration MVP, an honor presented to lawyers who have "distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals."

Chambers USA has recognized Will as one of the nation's leading practitioners in international arbitration, noting that clients describe him as "extremely capable," "an excellent leader with perfect oratory skills," and "a very good writer and trial lawyer who is very good at cross-examination." He writes and speaks regularly on international dispute resolution issues and serves as adjunct professor of law at the Georgetown University Law Center. *Legal 500* identified Will in 2019 as a leader in the field, noting his "broad international experience in complex multi-jurisdictional matters," and the practice group has earned a place in its rankings. Will also serves as Managing Partner of Dentons' Washington, DC office.

Experience

International Matters

- Secured complete dismissal of a US\$33 million fraud suit brought by a global energy trader against a Lebanese client and two officers of their affiliate. The case concerned the delivery of more than \$100 million of Iraqi fuel oil. *Gunvor SA v. Arman Kayablian et. al.*, CA No. 1:18-cv-00934 (E.D.VA 2018).
- Favorably resolved a US\$30 million suit for a US arms manufacturer against a German gun dealer involving

alleged violations of international laws of war in the delivery of a weapons system. See *Orbital ATK, Inc., et al v. Heckler & Koch GmbH*, No. 17-3033 (8th Cir. July 16, 2018), International Centre for Dispute Resolution (ICDR); *Orbital ATK Inc. et al. v. Heckler & Koch GmbH*, CA No. 0:17-cv-00250, (D. Minn. July 11, 2018).

- Won more than US\$62 million in claims on behalf of a Fortune 500 government contractor in an ICC arbitration against a European government for breach of a defense and security contract. Defeated more than US\$200 million in set-offs brought against the company and secured a reversal of the termination of the contract. ICC Case No. 16394/GZ/MHM. Enforced the award in the Supreme Court of Greece and in US federal court. See *SAIC v. The Hellenic Republic*, CA No. 13-cv-1070, 2017 WL 65821 (D.D.C. Jan. 5, 2017), amended (D.D.C. 2018).
- Established jurisdiction in the United States over South African entity to enforce an international arbitration award worth more than US\$100 million. Faced with a novel issue involving both international arbitration law and Constitutional due process, the Third Circuit adopted a key aspect of Dentons' argument on appeal holding that "the desire to have portability of arbitral awards" influences a US court's analysis of personal jurisdiction. See *Telcordia Tech, Inc. v. Telkom SA Ltd*, 458 F.3d 172 (3d Cir. 2006), cert. denied, 549 US 1206 (2007).
- Representing client in an action to confirm and enforce a US\$100 million arbitral award issued by the China International Economic and Trade Arbitration Commission ("CIETAC"). *Shanghai Qichengyueming Investment Partnership Enterprise v. Jia Yueting*, CA No. 2:18-cv-07723-SJO-JPR (D. Cal. 2018).
- Defeated more than US\$51 million in claims brought by Egyptian entity and won multiple counterclaims on behalf of Fortune 100 global security company. Cairo Regional Centre for International Commercial Arbitration, Case No. 455/2005, *NANSC vs. NGOSCO*, CA No. 1:11-cv-00744-RLW (D.D.C. 2012).
- Represented a multinational company in US federal court concerning defamatory statements and interference with business opportunities throughout Europe and the United States. Twice secured reversal and remand of the case. See *Jankovic v. International Crisis Group*, 593 F.3d 22 (D.C. Cir. 2010), rehearing en banc denied (Mar. 31, 2010) and *Jankovic v. International Crisis Group*, 494 F.3d 1080 (D.C. Cir. 2007).
- Obtained dismissal with prejudice of claims totaling more than US\$45 million against a US contractor brought by a foreign government alleging fraud, FCPA violations, environmental damage, and product liability. *Government of the Dominican Republic v. AES et al.*, Civil Action No. 1:06cv313 (E.D.VA 2007).
- Favorably resolved defamation claims for Latvian financial institution in federal court action involving allegations of money laundering and related crimes. (E.D.VA 2015).
- Successful settlement on behalf of US government contractor in breach of contract allegations stemming from failed Kuwait joint venture. *Systems Products & Solutions, Inc. v. R4, Incorporated*, 1:08-cv-00847-TSE-TRJ (E.D.VA).
- Assisting client operating in the Middle East in direct sales to foreign governments of more than US\$250 million of sensitive military equipment.
- Counseling a major construction company developing a massive solar photovoltaic plant in Africa. Counseling on market access issues, joint venture and teaming agreements, licenses and related approvals from the government, FCPA due diligence, export control, and compliance issues.
- Represented a Fortune 500 company in an International Court of Arbitration (ICC) matter in a dispute between international commercial services provider and foreign government. Favorable resolution in matter involving several hundred million euros.
- Defeated more than US\$12 million in breach of contract claims by foreign consultant against a US company in matter before the International Centre for Dispute Resolution (ICDR).
- Enforced a multi-million dollar arbitral award against a Mexican entity on behalf of a major real estate development firm.
- Provided product liability risk assessment and crisis management counseling to a European transportation

company operating in North America, Europe and Asia.

- Successfully represented several Canadian companies in multiple breach of contract disputes centered on public-private partnerships ("P3").
- Provided product liability and litigation risk assessment to Fortune 500 defense contractor entering Australian market.
- Successfully represented Fortune 100 defense contractor in connection with alleged export control violations stemming from operations in the Middle East and Europe.

Recognition

In the Media

- Interview, "MVP: Dentons' William O'Brien," *Law360*, December 21, 2017
- Interview, "Q&A with Dentons' William O'Brien," *Law360*, May 5, 2016

Insights

- "Arbitrator Challenges: Warranted Or Abuse?", *Mealey's International Arbitration Report*, October, 2014
- "Ninth Circuit to Corporations - No Blanket Immunity For Violations of International Law, " *Dentons Client Alert*, September, 23, 2014
- "Keep the Ball on the Court: Avoid An Un-Enforcement Error," *Dentons Client Alert*, April 14, 2014)
- "Recent Developments in the Forum Non Conveniens Defense to the Enforcement of International Arbitral Awards," *Bloomberg BNA US Law Week*, April 2, 2013
- "The Stay As A Challenge To Enforcing Int'l Arbitral Award," *Law 360*, September 12, 2012
- "The Risks of Arbitrating with Foreign Governments," *The National Law Journal*, May 31, 2010
- "In-House Counsel Remains Unprotected by Legal Privilege in EU Commission Investigations Pending Akzo Nobel Appeal," *International Law Report*, December, 2007
- "Enforcement of International Arbitration Awards in US Courts When They Have Been Set Aside by a Foreign Court," *International Law Report: Dispute Resolution Update*, December, 2007
- "International Arbitration and Multi-National Litigation of Commercial Disputes," 2007
- "Recent Court Decisions on Arbitration Law," *International Law Report: Dispute Resolution Update*, July, 2006
- "Buy American: A Primer For Canadian Defense Companies," *Vanguard Magazine*, November, 2003.
- "Cost-Effective Management of Foreign Litigation," *Metropolitan Corporate Counsel*, September, 2003.

Activities and Affiliations

Community Involvement and Pro Bono

- Adjunct Professor, International Arbitration, Georgetown University Law Center
- Recipient American Cancer Society Cancer Action Network's "Judicial Advocacy Award for Excellence"

- Faculty, Street Law Inc.
- Faculty, International Law Institute
- Faculty, Public Contracting Institute

Presentations

- Featured speaker for Latin American Conference, “Reinventing the Business of Law Through Legal Technologies,” São Paulo, Brazil 2019
- Conference speaker, “Artificial Intelligence and the International Dispute Resolution Practice,” India, 2018

Memberships

- Member, International Bar Association
- Member, International and Litigation Sections, American Bar Association
- Member, International Litigation Section, Bar Association of the District of Columbia
- Member, International Arbitration Committee, US Council on International Business

Areas of focus

Practices

- Arbitration
- Litigation and Dispute Resolution
- Commercial Litigation
- International Commercial Arbitration
- Global Anti-Corruption
- International Trade
- International Government Contracting and Disputes
- White Collar and Government Investigations

Industry sectors

- Aviation and Aerospace
- Construction
- Defense and Space
- Energy
- Government
- Manufacturing
- Transportation

Education

- The Catholic University of America Columbus School of Law, 1994, JD
- Boston University, 1987, BS, *cum laude*

Admissions and qualifications

- District of Columbia
- Maryland
- Supreme Court of the United States
- US Court of Appeals for the District of Columbia Circuit
- US Court of Appeals for the Eleventh Circuit
- US Court of Appeals for the Ninth Circuit
- US Court of International Trade
- US District Court for the District of Columbia