



Viren Michael Mascarenhas

COUNSEL

CONTACT

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PROFILE

Viren Mascarenhas is counsel in King & Spalding's New York office, and is a member of the International Arbitration Practice Group. He is a specialist in public international law and international arbitration, focusing on both investment treaty arbitration and international commercial arbitration. He has been recognized as a "Rising Star" by the *New York Law Journal* for attorneys under 40 practicing in New York (2014); a "Rising Star" nation-wide in the United States in energy disputes by *Law360* (2015); and a "Rising Star" in international law and alternative dispute resolution by *New York Super Lawyers* (2015). He was also named a Finalist for the American Bar Association's National Outstanding Young Lawyers Award in 2016.

Viren has acted as counsel in domestic and international arbitration proceedings held under the auspices of nearly all the major arbitral institutions, including the International Centre for Settlement of Investment Disputes (ICSID), the Energy Charter Treaty (ECT), the International Chamber of Commerce (ICC) and the American Arbitration Association/International Centre for Dispute Resolution (AAA/ICDR), JAMS and *ad hoc* cases under the UNCITRAL Rules. He has experience across a number of industries, but especially in energy, mining, chemicals, consumer products and luxury goods. In his pro bono practice, he has represented clients in immigration matters, and advised on a wide range of international human rights law and humanitarian law issues.

Viren is also an Adjunct Professor at Columbia Law School, where he currently teaches an upper-level seminar on International Commercial Arbitration. Prior to joining King & Spalding, Viren served as a law clerk to H.E. President Rosalyn Higgins at the International Court of Justice, and as a Legal Officer at the Special Court for Sierra Leone, a hybrid war crimes tribunal based in Freetown, Sierra Leone. He previously was a member of the arbitration group at Freshfields Bruckhaus Deringer LLP and the litigation group at Skadden, Arps, Slate, Meagher & Flom LLP.

Viren received his J.D. from Columbia Law School, where he was a Kent Scholar, and his LL.M. from the University of London with Distinction.

Representative Experience

- | Representing energy and mining companies in multi-billion dollar investment treaty arbitration claims brought against Bolivia, Ecuador, Peru, the Russian Federation and Venezuela
- | Defended the Republic of Turkey in a multi-billion dollar ICSID arbitration brought under the Energy Charter Treaty regarding power generation projects
- | Represented a major U.S. oil company in its UNCITRAL arbitration against an East Asian State regarding a tax dispute
- | Conducting due diligence for third-party funders assessing the merits of potential claims for funding
- | Represented a U.S. chemicals company in a AAA arbitration seated in New York against another chemicals company regarding breach of a supply agreement
- | Represented a major U.S. oil company in its ICC arbitration against a Latin American State-owned oil entity regarding a joint venture dispute governed by New York law

PRACTICES

Energy & Natural Resources
 North America Energy
 Intellectual Property Arbitration
 Pharma/Biotech/Med Devices
 International Arbitration
 Energy Disputes
 Global Disputes
 Energy Arbitration
 Pharma Arbitration
 Domestic Arbitration/ADR
 Metals & Mining
 International
 Latin America Practice

LANGUAGES

French (working knowledge)
 Spanish (working knowledge)

ADMISSIONS

New York

- | Represented a major U.S. luxury goods company in a multi-billion dollar dispute against a European company regarding a joint venture dispute governed by Swiss law
- | Representing a number of parties in proceedings to recognize and enforce arbitration awards (both investment arbitration and commercial arbitration awards) in U.S. courts

Publications

- | Co-author, "U.S. courts adopt different approaches regarding recognition of ICSID awards," Arbitration Committee, International Bar Association (2015)
- | Co-author, "Anticipating Investor-State Disputes: Bilateral investment treaties are crucial to institutional investors in emerging markets," Metropolitan Corporate Counsel (2015)
- | "The Argentine Sovereign Debt Restructuring Saga: Understanding What Comes Next in 2015," INTERNATIONAL LAW NEWS 44(2) (2015)
- | "The relationship between foreign set-aside proceedings and US enforcement of an arbitral award," Arbitration Committee, International Bar Association (2015)
- | "Using 'Baseball Arbitration' to Resolve FRAND Disputes," Corporate Counsel (2015)
- | "The Lure of India: Foreign Investment and Investment Treaty Arbitration," The Metropolitan Corporate Counsel (2014)
- | "US Arbitration of Patent Validity and Infringement Disputes," Arbitration Committee, International Bar Association (2014)
- | "Class Action Arbitration for Antitrust Disputes: Recent Developments," INTERNATIONAL LAW NEWS 43(1) (2014)
- | "Investment treaty protection for IP rights," North American Regional Forum News Vol. 4(2) (2013)
- | "What is the future of class action arbitration?," IBA Arbitration Committee (2013)
- | Co-author, "Use Investment Treaties to Protect Your IP Rights," Managing IP Magazine (2013)
- | Co-author, "Emerging Trends in International Arbitration," published by Law360 (2013)
- | Note to *Case Concerning Ahmadou Sadio Diallo* (Merits), 50 Int'l Legal Materials 31 (2011)
- | Co-author, "Provisional measures in investment disputes – are damages sufficient?," 15 ARB NEWS 53 (2010)
- | "Challenges of Transnational Legal Practice: Advocacy and Ethics," ASIL ANNUAL PROCEEDINGS OF THE 103RD ANNUAL MEETING (2009)
- | Co-author, "*Comverse, Inc.*: Methodological Issues in Anti-Suit Injunctions," 22-2 MEALEY'S INT'L ARB. REP. 15 (2007)
- | Co-author, "*Sinochem*: The U.S. Supreme Court Distinguishes *Gulf Oil* and Rules on the Convenience of Addressing Forum Non Conveniens First," 22-6 MEALEY'S INT'L ARB. REP. 1 (2007)
- | Contributor, International Legal Developments in Review, 2006 – Public International Law, 41 INT'L LAW 643 (2007)

Recent Speaking Engagements (2014 to present)

- | Third-Party Funding in International Arbitration, ICDR Y&I, New York, NY, November 2015
- | Procedure in International Arbitration, NYU International Arbitration Association, NYU Law School, New York, NY, November 2015
- | Optional Elements to Include in an Arbitration Agreement, CPR Arbitration Committee, New York, NY, November 2015
- | "Doing the Math: Understanding How to Calculate Damages in Investment Treaty Arbitration," American Bar Association International Law Section Fall Meeting, Montreal, Canada, October 2015
- | "Investor-State arbitration and the Protection of IP Rights", Intellectual Property Committee, American Bar Association, June 2015
- | Seating an Arbitration in a Jurisdiction Within the United States: What to Expect?, New York State Bar Association Global Law Week, New York, NY, May 2015
- | What is the Future of Investment Treaty Arbitration?, American Bar Association International Law Section Spring Meeting, Washington, DC,

April 2015

- | The new LCIA India Arbitration Rules (LCIA India), New Delhi, India, April 2015
- | Corruption and International Arbitration (Young ICCA and Penn Law International Arbitration Association), Philadelphia, PA, April 2015
- | Show Me The Money: A Frank Conversation About Damages (ICDR Y&I and Compass Lexecon Event), New York, NY, March 2015
- | Growth of India as an Arbitration Destination, India Conference at Harvard, Harvard Law School, Cambridge, MA, March 2015
- | Efficiency in International Arbitration: Procedural Hearing No. 1, Columbia Law School (ICDR Y&I and CIAA Event), New York, NY, February 2015
- | Current Developments in International Arbitration, The 8th Hague Legal Symposium on Arbitration, The Hague, The Netherlands, November 2014
- | Canadian Companies in Investment Treaty Arbitration, 43rd Annual Conference of the Canadian Council on International Law, Ottawa, Canada, November 2014
- | Closing Courts Down: Residual Mechanisms and the After-Life of International Criminal Courts, American Bar Association International Law Section Fall Meeting, Buenos Aires, Argentina, October 2014
- | Where's the Money? Current Issues on Enforcing Arbitration Awards, New York State Bar Association Dispute Resolution Section Fall Meeting, NY, USA, October 2014
- | The Annulment and Enforcement of Investment Awards in Latin America, Latin America Arbitration Event, Columbia Law School, NY, USA, October 2014
- | Provisional Measures to Secure Enforcement, 26th Annual ITA Workshop, TX, USA, June 2014
- | Enforcement of Arbitral Awards in the United States, Fordham Law School, NY, USA, April 2014
- | "New Frontier: Resolving IP-Related Disputes Through Investment Treaty Arbitration," American Bar Association International Law Annual Meeting, NY, USA, March 2014
- | "Tendencias en disputas en el sector energético, Arbitraje en materia de recursos naturales," VII Conferencia de Arbitraje Internacional, Quito, Ecuador, March 2014
- | "Enforcing Arbitral Awards in the United States: What Room for the Judiciary?," Columbia Law School, NY, USA, March 2014

Memberships

- | Association of the Bar of the City of New York (Energy Committee, 2015-2017; United Nations Committee, 2013-2014; Arbitration Committee, 2010-2013)
- | American Bar Association, International Law Section (International Courts Committee (Chair, 2014-2016; Vice-Chair, 2013-2014; Member, 2012-2013; International Arbitration Committee (Vice-Chair, 2015-2016))
- | New York State Bar Association (International Law Section, Member; Dispute Resolution Section, Member)
- | International Bar Association (Oil and Gas Committee, Arbitration Committee, 2012-present)
- | International Center for Dispute Resolution, Global Advisory Board member of the Young & International Division (2013-2016)
- | International Law Association (American Branch), Member
- | American Society of International Law, Member
- | Institute for Energy Law, Young Member
- | CPR Arbitration Committee
- | ICC Young Arbitrators Forum, Member
- | Young ICSID, Member
- | LCIA Young International Arbitration Group, Member

- | New York County Lawyers Association (Foreign and International Law Committee, 2012-2013)

Awards & Recognition

- | In 2014, the *New York Law Journal* recognized Viren as a “Rising Star” under the age of 40 for his record of accomplishment.
- | In 2015, *Law360* ranked Viren as a “Rising Star” attorney nation-wide in the field of Energy.
- | In 2015, *Super Lawyers* ranked Viren as a “Rising Star” in the fields of International Law and Alternative Dispute Resolution.
- | In 2016, the American Bar Association recognized Viren Mascarenhas as a finalist for the ABA National Outstanding Young Lawyer Award.

NEWS & INSIGHTS

NEWS

- 13 Jan 2016* **Viren Mascarenhas Named Finalist for ABA National Outstanding Young Lawyer Award**
- 07 Apr 2015* **Rising Star: King & Spalding's Viren Mascarenhas** | *Law360*
- 27 Mar 2015* **Law360 Names Top Attorneys Under 40** | *Law360*
- 14 Aug 2014* **King & Spalding hires from Freshfields** | *Latin Lawyer*
- 08 Aug 2014* **King & Spalding hires from Freshfields** | *Global Arbitration Review*

PUBLICATIONS

- 01 Sep 2015* **US courts adopt different approaches regarding recognition of ICSID awards** | *IBA Arbitration News*
- 01 May 2015* **Anticipating Investor-State Disputes: Bilateral investment treaties are crucial to institutional investors in emerging market** | *Metropolitan Corporate Counsel*
- 01 May 2015* **The Argentine Sovereign Debt Restructuring Saga: Understanding What Comes Next in 2015** | *International Law News*
- 02 Mar 2015* **The relationship between foreign set-aside proceedings and US enforcement of an arbitral award** | *Arbitration News*
- 11 Feb 2015* **Using 'Baseball Arbitration' to Resolve FRAND Disputes** | *Corporate Counsel*
- 03 Nov 2014* **The Lure Of India: Foreign Investment And Investment Treaty Arbitration** | *The Metropolitan Corporate Counsel*