John P Gaffney

SENIOR ASSOCIATE

CONTACT

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PRACTICES

International Arbitration

Energy & Natural Resources

ADMISSIONS

Roll of Solicitors of the Supreme Court of England and Wales

Roll of Solicitors, Ireland

Solicitor with the Paris Bar

PROFILE

John Gaffney is a senior associate in King & Spalding's Paris office and a member of the International Arbitration Practice Group. An Irish national, Mr. Gaffney is admitted as a Solicitor in England & Wales and the Republic of Ireland. He is also registered as a Solicitor with the Paris Bar.

Mr. Gaffney has particular experience with disputes arising out of major construction projects, as well as in the energy and telecommunications sectors. He has also developed a particular expertise in the area of investment treaty arbitration.

His recent experience includes acting for a telecommunications company in a dispute with a fixed line operator (ICC) in an eastern European state, an industrial group in a dispute concerning a joint venture with a joint venture partner in the energy sector (LCIA), a multinational power company in an *ad hoc* arbitration with an international consortium concerning the construction of a power plant in southern Europe, and an investment bank in four concurrent LCIA arbitrations arising from an investment in a CIS state.

In addition to his work as counsel, Mr. Gaffney is a member of a number of international and domestic arbitration panels and sits as an arbitrator in WIPO domain name disputes.

Prior to joining King & Spalding, Mr. Gaffney worked with the international arbitration practices of Freshfields Bruckhaus Deringer in Paris, and Skadden, Arps Slate Meagher & Flom in London, as well as serving as a legal officer with the United Nations Compensation Commission in Geneva. He also practiced with some of the leading commercial law firms in Ireland.

Mr. Gaffney is listed in the *Who's Who of International Commercial Arbitration* (2011), the *Euromoney Guide to Leading Commercial Arbitration Experts* (9th ed.) and the *Legal 500* (2011) for Dispute Resolution – Ireland.

Publications

He has published and spoken widely on international dispute resolution, including most recently:

Books:

- Chapter on "Ireland" in *Transnational Litigation*: *A Practitioner's Guide*, (ed. John Fellas) (co-author with A. Collins and P.A. McDermott) (2006).
- Chapter on "Enforcement" in *Practical Aspects Of Arbitrating EC Competition Law* (Schulthess, Zurich) (co-author with S. Wade) (2007).
- Chapter entitled "Going to Pieces without Falling Apart: Wälde's Defence of 'Specialisation' in the Interpretation of Investment Treaties" in *Liber Amicorum: Thomas Walde, Law Beyond Conventional Thought*, edited by Thomas Wälde, Jacques Werner and Arif Hyder Ali (2009).
- National Report on Ireland in *World Arbitration Reporter* (2010).
- Chapter entitled "How Important Is It To Develop A Coherent Case Law?: The Role Of Judicial Dialogue In Investment Arbitration" in *Droit européen (Le) et l'investissement, Colloque* (2011) (forthcoming).

Articles:

- "Tilting at Windmills?: The Quest for Independence of Party-Appointed Expert Witnesses in International Arbitration", *Asian Dispute Review*,

July 2011 (with Gillian O'Leary);

- "Counsel Must Ensure The Right Of Cross-Examination In Arbitration", *International Litigation Quarterly* (Fall 2010);
- "Abuse of Process in Investment Treaty Arbitration", *Journal of World Investment & Trade*, Vol. 11 No. 4 (August 2010);
- "West Tankers: Fuelling the Debate on the Position of Arbitration" (co-author with Colm P. McInerney), *The International Litigation Quarterly*, Vol. 25, Issue 3 (Summer 2009);
- "ECJ in West Tanker shocker: London anti-suit injunctions fall foul of EC law", *Kluwer Arbitration Blog*, February 2009;
- "The New York Convention: A Basis For The Enforcement By National Courts Of A Justiciable Liberty Of Decision Of The Arbitral Tribunal," in The New York Convention: 50 Years Of Experience, *Mealey's Executive Summary* (Oct. 2008);
- "Precedent in the United Nations Compensation Commission," 5(3) *TDM* (May 2008);
- "The 'Effective Ordinary Meaning' of BITs and the Jurisdiction of Treaty-Based Tribunals to Hear Contract Claims," Volume 8, No.1 *Journal of World Investment & Trade* 5(Mar. 2007)(with J. L. Loftis);
- "Jurisdiction ratione temporis of ICSID Tribunals: Lucchetti and Jan De Nul considered," 3(5) *Transnational Dispute Management* (2006);
- "Immunity of arbitrators from suit," *IBA Committee D Newsletter*, Vol. XI, No. 1, at 26 (Feb. 2006)(with P. Griffin);
- "European Community Law and International Arbitration: A recent OGEMID discussion," *Transnational Dispute Management*, Vol. 2, No. 5 (Nov. 2005);
- "Salini v. Jordan - An Important Contribution To ICSID Jurisprudence on Jurisdictional Issues," 20(4) *Int'l Arb. Rep.* 35 (2005);
- "Ireland- Scope of arbitration clause," 9(2) *Arb. & ADR* 62 (2004);
- "The Group of Companies Doctrine and the Law Applicable to the Arbitration Agreement," 19(6) *Int'l Arb. Rep.* 47 (2004);
- "Confidentiality in International Arbitration: A Recent English Decision," 18(5) *Int'l Arb. Rep.* 18 (2003);
- "Ex Parte Measures in International Arbitration," 17(11) *Int'l Arb. Rep.* 39 (2002);
- "Evidentiary privileges in international arbitration – Ireland," 7(2) *Arb. & ADR* 36 (2002);
- "The Bay Hotel Case: Accommodating the Parties' Wishes," 17(1) *Int'l Arb. Rep.* 31 (2002)(with D. Rosenblum);
- "International, Foreign and Domestic Arbitrations and the Granting of Interim Relief in Ireland," 16(9) *Int'l Arb. Rep.* 37 (2001)(with O. O'Sullivan).

Recent Conferences, Lectures, and Seminars:

- Speaker, Journée d'étude/Seminar, Le droit européen et l'arbitrage d'investissement, European Law and Investment Arbitration, Paris, 8 December 2010;
- Speaker, UCC Annual Law Conference, Cork, Ireland, on "The Impact of European Community Law in Irish Litigation", November 2008;
- Panelist, Arbitration and ADR Section, International Bar Association Annual Meeting, Singapore, October 2007;
- Panelist, International Arbitration Seminar, Association International de Jeunes Avocats (AIJA) Congress, Geneva, 23 August 2006;
- Lectures on EC and Arbitration Law, Law Society of Ireland, 2005, 2006, 2008, and 2009, and 2011;
- Guest Speaker at Annual Conference organized by University College Cork Law Society on "The Role of Community Law in the Irish Legal System", 2005 and 2008;
- Guest Speaker at Annual CPD Conference organized by University College Cork on "Pleading EC Law in Irish Litigation", November 2005;
- Guest Speaker at presentation organized by University College, Cork for students of the Franklin Pierce Law Center on "The role of Community Law in the Irish Legal System", July 2005.

Memberships

- China International Economic and Trade Arbitration Commission (CIETAC) Panel of Arbitrators for International Cases;

- Kuala Lumpur Regional Centre for Arbitration (KLRCA), Panel of International Arbitrators;
- WIPO Domain Name Panelists for ".ie" domain;
- World Intellectual Property Organization (WIPO) Neutral;
- Law Society of Ireland Panel of Arbitrators;
- Associate Editor, *Transnational Dispute Management*;
- OGEMID Rapporteur;
- Associate Editor and Contributor, *Investment Claims*;
- Young Practitioner, International Arbitration Institute, Paris;
- Member, International Law Association;
- Associate Faculty at Law School, Law Society of Ireland; and
- Member, Law Societies of Ireland and England & Wales.

MATTERS

Representative Experience

Acting solely or as a member of legal team representing:

- an Albanian telecommunications company in a dispute with a fixed line operator (ICC dispute);
- a Greek industrial group in a dispute concerning a joint venture with a Spanish partner in the Greek energy sector (LCIA arbitration with Vienna seat);
- a US multinational power company in a multimillion euro arbitration with a Spanish/Japanese consortium concerning the construction of a power plant in southern Spain (London seat);
- a Russian investment bank in four concurrent LCIA arbitrations arising from sale and purchase and related agreements in the food sector in a CIS state (London seat);
- a US multinational insurer in an arbitration with a South Korean state entity in relation to a shareholders' agreement (London seat);
- an Irish civil engineering and construction company in disputes with various State and local government entities; and
- an Irish luxury goods manufacturer in an international arbitration concerning a commercial agency agreement.

RECOGNITION

Awards & Recognition

- Listed in the *Who's Who's of International Commercial Arbitration* (2010 and 2011);
- Listed in the *Legal 500* (2011) for Dispute Resolution – Ireland;
- Listed in the *Euromoney Guide to Leading Commercial Arbitration Experts* (10th ed.).

NEWS & INSIGHTS

PUBLICATIONS

01 Feb 2013	**Energy Newsletter - February 2013**
01 Aug 2012	**Energy Newsletter - August 2012**
30 Sep 2011	**Ireland Toughens its Competition Law Enforcement**