

Rising Star: King & Spalding's Anisha Sud

By Joyce Hanson

Law360 (June 18, 2021, 2:25 PM EDT) -- Anisha Sud of King & Spalding LLP has participated in precedent-setting international arbitration victories involving Shell and Chevron, conglomerate Reliance Industries and Unión Fenosa Gas, winning her a spot among international arbitration attorneys under age 40 honored by Law360 as Rising Stars.

WHAT DISTINGUISHES HER:

Sud said she successfully represents corporations in international commercial and foreign investment energy matters, noting that she was the only person at King & Spalding who worked on the four largest international arbitration disputes the firm has handled in the last five to six years.

She pointed to her development of legal strategy and arguments that helped secure a landmark \$4 billion arbitration award from an International Chamber of Commerce tribunal on behalf of a Royal Dutch Shell PLC unit and a Chevron Corp. unit in their tax dispute with the Philippines.

"This was a really exciting case for me, not just because of the billion-dollar stakes, but because this could set a precedent for the other petroleum operators in the Philippines right now," Sud said. "There was a lot of uncertainty raised by the operators as to what would happen under their contracts with the government. This was a good case to give clarity and certainty as to the correct legal regime in the Philippines."

In another landmark dispute, Sud played a key role in winning an award for Chevron in its treaty claim against Ecuador from an international tribunal administered by the Permanent Court of Arbitration in The Hague. The tribunal **held unanimously in 2018** that a \$9.5 billion Ecuadorian judgment relating to environmental pollution in the Amazon rendered against Chevron in 2011 was tainted by fraud, bribery and corruption.



Anisha Sud
King & Spalding

Age: 34
Home base: Singapore
Position: Senior associate
Law school: University of Michigan Law School
First job after law school: Associate at King & Spalding

Calling it "an incredible victory," Sud said she joined the case as a first-year associate just months after she moved to King & Spalding's Houston office. She said she worked with more than a dozen experts as she built Chevron's environmental case, learning their science and translating it into an understandable form.

"That case demonstrated that the Ecuadorian judgment was simply not supported by the science," Sud said. "That's when I realized the job is as much an art as a science. There's a real art to distilling complicated evidence without losing your audience, in this case your tribunal, and keeping them engaged in understanding the story you're telling them with technical jargon we don't hear in our day-to-day lives."

Sud also played key roles in helping to win a significant arbitration award from a United Nations Commission on International Trade Law tribunal for Reliance Industries Ltd. in a \$1.7 billion gas migration dispute against India, as well as a milestone \$2.2 billion award from an International Centre for Settlement of Investment Disputes tribunal for Unión Fenosa Gas in a treaty dispute with Egypt over delivery of gas to a UFG gas liquefaction plant.

"What I love about my practice is that each dispute has different fact patterns and issues raised," Sud said. "I love this ability to tell a story on behalf of my clients. A common thread throughout all these cases wasn't just applying the facts to the law but telling the tribunal why it should reach a conclusion as a matter of equity and fairness."

WHY SHE'S AN INTERNATIONAL ARBITRATION ATTORNEY:

Sud, who was born and raised in Flint, Michigan, completed her undergraduate studies at McGill University's Bieler School of Environment in Montreal. When she graduated from the University of Michigan Law School, she initially wanted to practice environmental law, having completed several internships at the U.S. Environmental Protection Agency.

But while Sud liked government work, she said she wanted to try her hand at law firm life and made her move to King & Spalding's Houston office, where she started as a first-year litigation associate in the environmental group.

"Soon after I joined the firm, I got staffed on what turned out to be one of the biggest international arbitration cases," Sud said. "This was the Chevron case against Ecuador, which had a big environmental component. It was in that case that I developed an affinity for international arbitration."

As it turns out, Sud said, her science background has helped her in her representation of energy companies.

"My environmental background helps me," she said. "I set up building blocks and work very closely with our technical experts. They operate on a level of looking at detailed environmental and technical data, such as liquefied natural gas pricing trends. I like to sit down with them and say, 'Explain it to me like I'm your 13-year-old daughter. What does this mean and why is it important?' I try to put them in the role of the teacher. From there, I'm able to get more comfortable and fluent on the technical details, meeting the experts on their level."

Sud then does her own research on peer-reviewed scientific data puts herself through the exercise of explaining something like LNG pricing trends to people without a science background.

"I practice on my husband, sister or brother. They're very supportive," Sud said with a laugh, noting that her husband, Raj Vashi, is also a lawyer and serves as counsel at payments technology startup Stripe. "I try to say the words out loud to get comfortable with how I would articulate a complicated issue to a layperson."

THE PROUDEST MOMENT OF HER CAREER:

"My proudest moment was when I bet on myself and moved to Singapore," Sud said. "When my practice group asked me almost five years ago if I would consider moving to Asia, to help grow their Asian disputes work, my husband and I made the move, and we had never even been to Singapore."

While Sud says she was nervous about making such a big decision with her husband to leave family behind and move across the world to a new job in a totally foreign jurisdiction, she ultimately believed that she was ready to embrace change.

"Moving to Singapore turned out to be one of the best decisions of my life," she said. "The experience has taught me the importance of jumping on opportunities when they arise and saying yes even if you are scared."

Singapore is quickly growing into a major hub for international arbitration in Asia, and a lot of Sud's work in Houston was focused on the same energy issues the practice is now seeing emerge in Asia, Sud said. On a professional level, she enjoys the challenge of working in jurisdictions such as the Philippines and Thailand, where the law is still developing, and on a personal level, she said, she has built strong relationships with work colleagues and new friends in Singapore.

"Life is unpredictable," Sud said. "I'm proud of myself for making a decision to step outside of my comfort zone and try something new that was unknown and foreign to me. It has totally paid off. I'm working on a number of high-profile Asia-based disputes, and it's been a really good learning and growth experience for me."

HOW SHE THINKS HER PRACTICE AREA WILL CHANGE IN THE NEXT 10 YEARS:

Sud expects to see continued sustained growth in international arbitration in the next 10 years, and she also expects to see continued growth in energy disputes.

"There has been unprecedented disruption in global supply chains and volatility in oil and gas pricing over the last several years," she said. "Prices and trends have been oscillating between all-time highs and lows with significant knock-on effects on supply chains across the world. Those effects have been exacerbated by the COVID-19 pandemic, so I think we're going to see an increase in international disputes related to contractual performance. But I also think we're going to see more long-term use and innovation of predictive technology such as machine learning and artificial intelligence."

Asked where she sees herself in 10 years, Sud said she feels invigorated by the work she does now and hopes it will carry her into a long career.

"I see myself in 10 years still at King & Spalding with a leadership role and continuing to grow the firm's energy disputes work and potentially serving as arbitrator in some of these matters I've learned so much about," she said.

— *As told to Joyce Hanson*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.

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