

Thomas C. Childs (Tom)

Counsel

*Trial and Global Disputes / International
Arbitration and Litigation*



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Tom Childs specializes in international arbitration and litigation. He represents companies from the finance, pharmaceutical, and oil and gas industries in commercial and investment arbitration and in U.S. litigation involving cross-border discovery, award enforcement, and post-judgment execution.

Tom has represented clients in numerous high-stakes arbitrations seated around the world, under all major arbitration rules. He also has extensive experience litigating post-award and post-judgment proceedings before the U.S. courts, with a focus on matters involving foreign sovereigns.

Tom is admitted to the New York bar, holds an advanced law degree from the University of Paris I, and regularly handles disputes under both common law and civil law systems. He speaks French fluently and has conversational ability in both German and Arabic.

Before joining King & Spalding, Tom practiced litigation with Davis Polk & Wardwell in New York and clerked for Chief Judge Edward R. Korman of the United States District Court for the Eastern District of New York.

Recent Publications

- "Drafting Arbitration Clauses for Private Equity Deals in the Power and Infrastructure Sectors," forthcoming.
- "Second Circuit Affirms Broad International Discovery," King & Spalding Client Alert, October 2019.
- "Summary of Report of the New York City Bar on Awards of Interest in International Commercial Arbitration," *New York Dispute Resolution Lawyer*, Vol. 11, No. 1, 2018.
- "The Current State of International Oil and Gas Arbitration," *Texas Journal of Oil, Gas, and Energy Law*, Vol. 13, No. 1, 2018.
- "Enforcement of International Arbitral Awards: Should a Party Be Allowed Multiple Bites at the Apple?," *American Review of International Arbitration*, Vol. 26, No. 2, 2015.
- "Arbitration of Islamic Finance Disputes," *Islamic Finance News*, January 2015 (co-author with Sarah Walker).
- "I Know I am Going to Win, but What About my Money? Ensuring that Arbitration is Worth

the Effort,” *The International Comparative Legal Guide to International Arbitration 2012*, August 2012 (co-author with Tom Sprange).

- “Update on *Lex Petrolea*: The continuing development of customary law relating to international oil and gas exploration and production,” *The Journal of World Energy Law & Business*, Vol 4., No. 3, September 2011.
- “Challenging a Host State’s Tax Measures Through International Arbitration,” King & Spalding Energy Newsletter, July 2011.
- “Crisis in Libya: What Legal Options are Available to Oil and Gas Companies?,” King & Spalding Client Alert, May 2011.
- “Enforcement of foreign arbitral awards in Egypt, Syria and Saudi Arabia,” Article in the International Bar Association’s *Arbitration Newsletter*, September 2010.
- “A New Destination for Disputes,” Interview with the CEO of the Bahrain Chamber for Dispute Resolution in King & Spalding’s Middle East Quarterly Bulletin, Winter 2010.
- “The Requirement of Fair and Equal Treatment with Respect to Document Production in International Arbitration,” Paper for the International Bar Association’s 12th International Arbitration Day Conference in Dubai, United Arab Emirates, February 2009 (co-author with Doak Bishop).

Speaking Engagements

- "Interest Awards in International Arbitration," CIArb New York Branch, September 2019.
- "Personal Jurisdiction Over Third Parties After *Daimler*," Young ITA, New York, September 2018.
- “The Growing Incidence of Parallel Arbitration & Its Res Judicata Effects,” Penn State International Arbitration Day, New York, April 2015.
- “Investment Arbitration in the Asia-Pacific,” AFIA Symposium, Washington, February 2015.
- “Issue Estoppel in Post-Award Proceedings in the U.S. and England,” CPR Arbitration Committee, New York, October 2014.
- “Evolution of International Energy and Minerals Arbitration,” RMMLF Conference on International Energy and Minerals Arbitration, Toronto, September 2013.
- “The Fair and Equitable Treatment Standard,” IBDE/LAD Global Economic Forum: Best Practices in Trade and Investment Promotion, London, April 2013.
- “Islamic Finance: Would arbitration of disputes help or hinder the industry’s growth?,” London Arbitration Club (Financial Sector Branch), London, March 2013.
- “Arbitrating competition issues,” Competition Law Summit, New Delhi, July 2012.
- “Lex Petrolea,” ICC/AIPN Conference on Dispute Resolution in the International Oil & Gas Business, Paris, October 2011.
- “International Oil & Gas Dispute Resolution: Recent Changes in the Middle East’s Legal Landscape,” AIPN International Conference 2010 in Doha, Qatar, September 2010.

Associations

- Member, NYC Bar Association’s Arbitration Committee
- Member, ICC Task Force on Financial Institutions and International Arbitration
- Member, CPR Arbitration Committee

Matters

International Commercial Arbitrations: International mining company in an ICSID arbitration arising under a mining contract. Law of African state applies.

Indian pharmaceutical company in an ICC arbitration in New York arising under a licensing agreement. New York law applies.

International oil company in several UNCITRAL arbitrations involving claims arising under a production sharing contract. Claims relate to cost recovery, gas pricing and other matters. Indian law applies.

U.K. investment management company in an LCIA arbitration in London arising under a services contract. English law applied.

Indian automobile manufacturer in an UNCITRAL arbitration in London arising under a distribution agreement. English and U.S. federal law applied.

International oil company in an LCIA arbitration in London arising under a drilling contract. English law applied.

Investment Treaty Arbitration: U.S. mining company in an UNCITRAL arbitration against the Government of Peru involving claims arising under the U.S.-Peru bilateral investment treaty and a stock purchase agreement. Claims relate to liability for environmental contamination and other matters.

International oil company in ICSID arbitration against the Government of Algeria involving claims arising under the Denmark-Algeria bilateral investment treaty. Claims related to a windfall profits tax.

International Litigations: U.S. financial institution in New York federal court to enforce a foreign arbitral award and to obtain interim injunctive relief against the award-debtors.

U.S. financial institution in New York federal court to obtain discovery under 28 U.S.C. § 1782 for use in foreign court proceedings.

Thai mining company in New York federal court and in High Court of England and Wales to enforce an arbitral award against the Government of Laos and to execute upon the Government's assets.

Indian automobile manufacturer in Atlanta federal court to enforce an arbitration agreement.

Indian automobile manufacturer in High Court of England and Wales to enforce an international arbitral award.

Credentials

EDUCATION

D.E.A., University of Paris I, Paris, France, with honors
J.D., Columbia University, Harlan Fiske Stone Scholar
B.A., Yale University, with distinction

ADMISSIONS

U.S. Court of Appeals for the Second Circuit
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
New York
England and Wales

CLERKSHIPS

Law Clerk, Chief Judge Edward R. Korman, U.S. District Court for the Eastern District of New York

LANGUAGES

French
German

Recognition

"Thomas Childs is a very detail-oriented lawyer who ensures that every point gets desired client attention."

LEGAL 500 AP, 2020

Insights

CLIENT ALERT

April 29, 2021

Paris Court of Appeal Addresses Constitution of Tribunal in OIC Investment Arbitration

October 10, 2019

Second Circuit Affirms Broad International Discovery

NEWSLETTER

January 29, 2020

Tokyo Dispute Resolution & Crisis Management Newsletter – January 2020

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News

CASES & DEALS

June 30, 2021

King & Spalding Secures a Major Win in a Landmark Multi-Jurisdictional Award Enforcement Dispute

IN THE NEWS

August 3, 2021 • Source: Law360 and Global Arbitration Review

James Berger, Charlene Sun and Tom Childs represent a pair of Moldovan energy investors in a racketeering dispute with Kazakhstan

November 3, 2020 • Source: Law360, El Confidencial and Global Arbitration Review

James Berger, Tom Childs and Charlene Sun advise Unión Fenosa Gas in a fund transfer dispute with Egypt and The Bank of New York Mellon

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