

James E. Berger

Partner

Trial and Global Disputes / International Arbitration and Litigation

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James Berger specializes in international disputes, particularly cross-border and multi-jurisdictional proceedings. A partner in the firm's Global Disputes practice, James represents clients in a broad range of international and domestic commercial conflicts.

James has substantial experience in litigating matters under the Foreign Sovereign Immunities Act, the Convention on Recognition and Enforcement of Foreign Arbitral Awards, and other statutes and legal regimes that apply in cross-border proceedings.

James regularly writes and speaks on international dispute resolution. He is the editor (and contributing author) of *International Aspects of U.S. Litigation* (American Bar Association, 2017), a two-volume treatise on international litigation in U.S. courts. His presentations have addressed international arbitration, disputes involving states and other U.S. litigation issues. James has also been a guest lecturer on international commercial arbitration at Renmin University of China School of Law, New York University School of Law, Fordham University School of Law and New York Law School. He is a contributor to *Law360* on international litigation and arbitration issues. He is an active member of the American Bar Association (where he serves on the International Litigation and Asia Pacific Committees of the Section of International Law) and the Association of the Bar of the City of New York (where he serves on the Foreign and Comparative Law Committee).

Matters

Represent **multiple European energy investors** in U.S. proceedings seeking recognition and enforcement of arbitral awards rendered under Energy Charter Treaty.

Represent a **Canadian mining company** in multi-national proceedings to enforce \$1.4 billion arbitral award rendered against Republic of Venezuela.

Represent a **U.S. investment bank** in multinational litigation proceedings to enforce \$140 million portfolio of arbitral awards and related litigation arising out of equity financing transactions.

Represent a **China-based freight forwarding company and New York affiliate** in corporate governance dispute and related New York litigation.

Represent **European energy investors** in U.S. proceedings to enforce \$500 million arbitral award

against former Soviet republic.

Represented a **California logistics and finance corporation** and their China-based shareholders in several transportation-related arbitrations.

Advised a **major U.S.-based multinational corporation** on sovereign immunity issues in connection with potential offshore investments.

Represented a **U.S. energy services company** in proceedings to enforce \$450 million arbitral award against Mexican state-owned oil company, where award had been annulled.

Advised a **Chinese agricultural conglomerate** in connection with Latin American investments and resulting disputes and judgments.

Represent a **southeast Asian energy companies** in multinational proceedings against the Lao People's Democratic Republic to enforce arbitral award arising out of a coal mining and power plant development project in Lao PDR.

Represented a **U.S. private equity fund** in multinational proceedings to enforce arbitral award and related litigation arising out of equity financing transactions.

Represented a **foreign sovereign wealth fund** in connection with U.S. bankruptcy proceedings.

Represented **Cayman Islands financial services provider** in connection with multilateral investigation of various securities and tax issues, and advised client on various issues arising under U.S. and international law.

Represented a **U.S. furniture retailer** in U.S. litigation and parallel London-based ICC. arbitration arising out of dispute over distribution agreement.

Represented **Cayman Islands energy exploration firm** in global enforcement campaign to enforce and execute \$261 million UNCITRAL arbitration award against Indonesian state oil company and related litigation.

Represented a **U.S. company** in Paris-based ICC. arbitration concerning post-acquisition dispute with Brazilian manufacturer, as well as U.S. proceedings to enforce arbitral award.

Defended judgment enforcement proceedings brought against **two Chinese state-owned enterprises**, ultimately winning vacatur of judgment and dismissal of underlying product liability complaint.

Represented a **U.S. oil company** in district court and appellate proceedings to enforce international arbitration award against Azeri state-owned oil company in dispute arising out of termination of oil exploration contract, successfully advocating overruling of **Texas Trading & Milling Corp. v. Fed. Rep. of Nigeria**, 647 F.2d 200 (2d Cir. 1981).

Represented **United Arab Emirates** in federal judgment enforcement proceedings.

Credentials

EDUCATION

J.D., Fordham University

B.A., George Washington University

ADMISSIONS

Supreme Court of the United States
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the D.C. Circuit
U.S. District Court for the Eastern District of New York
U.S. District Court for the Northern District of New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Western District of New York
U.S. District Court for the Southern District of Texas
U.S. District Court for the District of Columbia
District of Columbia
New York
Texas

CLERKSHIPS

Law Clerk, W. Thomas Rosemond, Jr., U.S. District Court for the Northern District of Illinois

ASSOCIATIONS

SDNY/EDNY (Mem# JB6605)

Recognition

Contributor on international litigation and arbitration issues
LAW360

Contributor, Point of Law column
SOUTH CHINA MORNING POST

Insights

CLIENT ALERT

October 10, 2019

Second Circuit Affirms Broad International Discovery

September 23, 2019

Sixth Circuit Allows Discovery In Support of DIFC Arbitration

NEWSLETTER

October 8, 2019

Energy Newsletter - October 2019

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Events

SPEAKING ENGAGEMENT

September 26, 2019

James Berger, Charlene Sun to Speak at Third Annual Juris Conference on Enforcement of Arbitration Awards

June 5, 2018

James Berger to Speak at PLI Seminar About International Litigation

News

IN THE NEWS

October 16, 2019 • Source: Law360

James Berger, Charlene Sun, Leah Aaronson and Jennifer Guest file litigation on behalf of InterGlobe in Florida and Maryland in connection with an arbitration in New Delhi over the control of Indian airline IndiGo

October 15, 2019 • Source: Law360

James Berger and Charlene Sun represent Moldovan investors before the Supreme Court, which declined to hear Kazakhstan's challenge to an arbitral award

October 4, 2019 • Source: Law360

James Berger and Charlene Sun advise two Moldovan investors who are trying to collect an arbitral award of more than \$500 million issued against Kazakhstan

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