

Reginald R. Smith (Reggie)

Partner

*Trial and Global Disputes / International
Arbitration and Litigation*

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Reggie Smith's practice focus is international arbitration and cross-border litigation, with a particular specialty in handling commercial disputes in the energy sector as well as representing investors in disputes with sovereigns under multilateral and bilateral investment treaties. Reggie has served as lead counsel in obtaining some of the largest international arbitration awards on record.

Reggie has a leading practice in representing investors as claimants in bilateral and multilateral investment treaty arbitrations against governments that have taken actions to either destroy or impair investments through conduct ranging from outright expropriations to the revocation or modification of investment incentive programs.

Relying on years of experience in representing companies and individuals in significant business litigation disputes in U.S. courts, Reggie brings advocacy skills to his international arbitration practice that have yielded some of the largest investment arbitration awards on record. For example, Reggie served as lead counsel in an arbitration for a European oil and gas company against the Government of Kazakhstan that yielded the largest award on record under the Energy Charter Treaty. Reggie similarly took the lead in representing an investor against the Government of Egypt relating to the expropriation of a real estate project that resulted in the largest award on record for an individual claimant. Reggie has prosecuted over 30 cases for investors against sovereigns under bilateral and multilateral investment treaties.

Using experience developed as a seasoned oil and gas litigator in the U.S. courts, Reggie also has deep expertise in representing energy companies in international and domestic commercial arbitration disputes. Whether the disputes involve the oil and gas sector or renewable energy projects, Reggie has taken the lead in representing some of the world's largest energy companies in high-stakes arbitrations.

Matters

International Commercial Arbitration Disputes

Representing **an oil and gas company** in a commercial arbitration (ad hoc) with a sovereign over claims exceeding \$1.5 billion relating to the alleged drainage of oil and gas resources.

Representing **Dubai-based iron ore mining companies** in a breach of contract arbitration (ad hoc) with a Middle Eastern state-owned mining company.

Representing **an independent oil and gas company** in a commercial arbitration (ICC) with a state-owned oil and gas company over claims relating to a penalty provision contained in a Production Sharing Contract.

Representing **an independent oil and gas company** in a JOA dispute (ICC) regarding whether preference rights were observed in connection with a share sale.

Representing **a European oil and gas company** in a commercial arbitration (LCIA) with the Kurdistan Regional Government over unitization rights under a Production Sharing Contract.

Representing **a European oil and gas company** in multiple commercial arbitrations (ad hoc) with an international oil trading firm.

Representing **an international petrochemical company** in a commercial arbitration (ad hoc) with joint venture partners over the dissolution of a limited liability corporation that operates a chemical manufacturing facility.

International Investment Arbitration Disputes

Representing **a European oil and gas company** in an Energy Charter Treaty dispute (Stockholm Chamber) with Kazakhstan over the wrongful expropriation and other improper interference with the investor's oil and gas development rights and associated production assets.

Representing a number of **European renewable energy company investors** in 16 Energy Charter Treaty cases (ICSID) with Spain, Italy, Romania, and Bulgaria, over the wrongful withdrawal of renewable energy incentive programs.

Representing **a Kuwaiti investor group** in an investment dispute with Egypt over wrongful interference with a real estate development project.

Representing **Spanish companies** in an investment dispute with Argentina over losses caused by Argentina's refusal to comply with its commitment to purchase the Spanish companies' shares in an Argentine energy company in the event of the nationalization of the energy company.

Representing **a Dutch investor** in an international arbitration dispute (UNCITRAL) with Vietnam over the wrongful expropriation of investments in real estate and business enterprises.

Representing **a Swedish investor** in a large food and beverage manufacturing company in an investment dispute (ICSID) with Romania over the withdrawal of customs tax and other investment incentives upon accession to the European Union.

Representing **an Italian investor** in an international arbitration dispute (ICSID) with Egypt over the wrongful expropriation of the investor's resort development property.

U.S. Litigation Relating to International Arbitration

Representing **a Canadian mining company** in seeking multi-jurisdictional recognition and

enforcement of an ICSID award in excess of \$1.2 billion against Venezuela.

Representing a **European resort developer** in obtaining the recognition and enforcement of an ICSID award against Egypt in the courts of the U.S., the UK, France and Switzerland. Activities included obtaining court recognition of the award in multiple jurisdictions, and overseeing subsequent attachment actions against Egyptian assets in different countries, leading to an ultimate settlement.

Representing an **infrastructure construction company** in seeking recognition and enforcement of an ICC award against Equatorial Guinea in the courts of the U.S.

Representing a **European energy company** in obtaining the recognition and enforcement of an award under the Energy Charter Treaty against Kazakhstan in the U.S. and the UK.

Representing a **European energy company** in an action filed in the U.S. District Court for the District of Delaware seeking discovery in aid of an LCIA arbitration under 28 U.S.C. § 1782.

Representing a **major energy company** in defending an action filed in the U.S. District Court for the Southern District of Texas seeking discovery in aid of an LCIA arbitration under 28 U.S.C. § 1782.

Representing a **European energy company** in proceedings filed in the Texas state courts seeking pre-suit discovery relating, in part, to an LCIA arbitration.

U.S. Litigation

Representing **three of the world's largest manufacturing companies** in an antitrust and RICO multi-district litigation proceeding against a Japanese trading company and other defendants relating to manipulation of the world copper market.

Representing a **major energy company shareholder in a joint venture pipeline company** in a shareholder derivative suit against the majority shareholder and operator of the pipeline company for breach of fiduciary duty and self-dealing.

Representing **one of the world's largest retailers** in a multimillion-dollar antitrust suit against credit and debit card companies for price fixing and improperly tying their credit and debit card products.

Credentials

EDUCATION

J.D., University of Georgia, magna cum laude

B.A., Emory University, summa cum laude, Phi Beta Kappa

M.A., Emory University

ADMISSIONS

Georgia

Texas

ASSOCIATIONS

American Bar Association

State Bar of Georgia

State Bar of Texas

Houston County Bar Association

Recognition

Tier 1: International Arbitration and Energy Litigation
LEGAL 500, REPEATED LISTINGS

Litigation Star
BENCHMARK LITIGATION, 2015–2016

Insights

ARTICLE

September 4, 2020 • Source: *Jus Mundi*
Arbitration Team of The Month (September) – King & Spalding

CLIENT ALERT

May 12, 2020
Mexico Restricts Entry-Into- Operation of New Solar and Wind Plants

NEWSLETTER

June 18, 2020
Energy Newsletter – June 2020

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News

IN THE NEWS

September 15, 2020 • Source: *Law360 and Global Arbitration Review*
K&S advises subsidiaries of a German solar investor before an ICSID tribunal, which ordered Italy to pay €18 million to the subsidiaries in a renewables tariffs dispute

September 1, 2020 • Source: *Global Arbitration Review*
K&S counsels Cavalum before a ICSID tribunal, which ruled in favor of the energy company in its arbitration dispute with Spain

RECOGNITION

October 15, 2020
Benchmark Litigation Recognizes King & Spalding as a Leading Litigation Firm

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