



John M. Townsend

Partner, Co-Chair, Arbitration & ADR Group

Washington, D.C.

P: (202) 721-4640

F: (202) 721-4646

townsend@hugheshubbard.com

Areas of Concentration

John M. Townsend is a litigation partner in the Washington office of Hughes Hubbard and chairs the firm's Arbitration and ADR Practice Group. His practice focuses on complex disputes, particularly international disputes, both in court and before arbitral tribunals.

Mr. Townsend's arbitration practice includes representing parties in international and domestic commercial arbitration and in investment treaty disputes, and acting as an arbitrator. Mr. Townsend served as Chairman of the Board of Directors of the American Arbitration Association (AAA) from 2007 to 2010 and is currently Chair of the AAA's Nominating and Governance Committee. He was the first chairman of the Mediation Committee of the International Bar Association (IBA). In February 2008, he was appointed by President Bush to a six-year term as one of the American members of the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes (ICSID). Chambers has consistently ranked Mr. Townsend among the top international arbitration lawyers in the United States and has described him as "*just a master,*" who "*understands international ADR better than any other in the market.*"

Mr. Townsend's litigation practice has included participation as a Hughes Hubbard associate in the successful defense of Ford Motor Company on a charge of negligent homicide in the Pinto fuel tank trial in Indiana and as a young partner in the defense of the building owner in the Kansas City Skywalks Collapse Litigation. He is currently leading a Hughes Hubbard team acting as national counsel to a major pharmaceutical manufacturer in nationwide, multi-defendant litigation challenging the use of published "Average Wholesale Prices" (AWPs) as a reference point in Medicaid reimbursement.

Mr. Townsend is a Trustee of the U.S. Council for International Business and chairs the Council's European Privilege Task Force. He recently submitted an application on behalf of the Council to intervene in the *Akzo Nobel v. European Commission* case in the

Practice Groups and Other Information

Arbitration & Alternative Dispute Resolution
International Litigation
Securities Litigation
Antitrust

Education Information

Yale University, B.A., 1968, *cum laude*,
Phi Beta Kappa
Yale Law School, J.D., 1971, Class Secretary

Bar Admissions

New York, 1972
District of Columbia, 1990

Language Expertise

French

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European Court of Justice to urge European recognition of an attorney-client privilege for company counsel.

Mr. Townsend is a member of the American Law Institute and of the College of Commercial Arbitrators, and has served on the Harvard Law School Trial Advocacy Workshop faculty. He has been with Hughes Hubbard & Reed, in New York, Paris, and Washington, since 1971. He speaks fluent French.

Recognitions

- Ranked in the first tier by *Chambers USA* 2011 as one of the top eight international arbitration lawyers in the U.S.
- Ranked by *Chambers Global* 2010 as one of the top international arbitration lawyers in the world
- Recognized in the 2011 editions of *The International Who's Who of Arbitration Lawyers*, *The International Who's Who of Commercial Litigation Lawyers*, and *The International Who's Who of Business Lawyers*
- Included in the 2011 edition of *The Best Lawyers in America* in the field of International Arbitration Listed as one of the "top 20 arbitration specialists in the world" by *Cross-Border Quarterly*, July-September 2006
- Identified by *Lawdragon* as one of the 500 Leading Lawyers in America (2005) and as one of the 500 Leading Judges in America (2006)
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Court Admissions

- United States Supreme Court
- United States Courts of Appeals for the First, Second, Fourth, Seventh, Eighth, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits
- United States District Courts for the Southern, Eastern, and Western Districts of New York, the Eastern District of Wisconsin, the District of Columbia, and the District of Colorado
- United States Court of Federal Claims

Highlighted Matters

Selected Arbitration Matters

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- Representation of investor in expropriation claim against a former USSR country in BIT arbitration in Stockholm
- Submitted *amicus curiae* brief to U.S. Supreme Court on behalf of the American Arbitration Association in *Green Tree Financial Corp. v. Randolph*
- Representation of an American company in ICC Arbitration in Paris and related European Commission proceedings involving chemical technology license dispute with a Spanish former joint venture partner
- Representation of an American manufacturer in arbitration under Netherlands Arbitration Institute rules concerning termination of a contract to build a major plant in Rotterdam
- Successful representation of American Arbitration Association in Eleventh Circuit appeal involving issues of arbitral immunity
- Representation of German company in AAA arbitration in Seattle concerning validity of patent and technology license under European competition law
- Testimony before U.S. House of Representatives subcommittee in opposition to an attempt to amend the Federal Arbitration Act to permit litigation in court against a Japanese client
- Member of AAA Commercial, International, and Class Arbitration panels; CPR Panel of Distinguished Neutrals; Panel of Energy Arbitrators; LCIA panel; WIPO List of Neutrals; Lists of Arbitrators of the Vienna International Arbitral Centre, and the Japan Commercial Arbitration Association
- Served on committees that drafted the AAA's *International Arbitration Rules*, *Supplementary Rules for Class Arbitrations*, and *ICDR Guidelines for Arbitrators Concerning Exchanges of Information*
- Represented the AAA in working with the ABA on the 2004 revision of the AAA/ABA *Code of Ethics for Arbitrators in Commercial Disputes*
- Member of CPR's Challenge Review Board, and served on the committee that drafted the *CPR Rules for Non-Administered Arbitration*

Selected Litigation Matters

- Lead national counsel to pharmaceutical manufacturer in multi-defendant actions in federal and state court, including multiple state attorney-general actions, challenging industry pricing practices
- Representation of government client in District Court and Court

of Appeals seeking dismissal of breach of contract claim on grounds of sovereign immunity

- Representation of International Jurists as *amici curiae* in brief to the Supreme Court in *Sosa v. Alvarez-Machain* (Alien Tort Statute case)
- Representation of creators of the television program *Home Improvement* in litigation against The Walt Disney Company concerning terms for license negotiated by Disney Television with its affiliate, ABC
- Representation of European government as *amicus curiae* in Second Circuit appeal involving extraterritorial restrictions in trademark injunction
- Defense of leading greeting card manufacturer in trade dress infringement and unfair competition action in U.S. District Court in Denver and the Tenth Circuit
- Representation of Italian bank in suit in Delaware Chancery Court and Delaware Supreme Court to cancel fraudulently issued shares of Delaware corporation
- Defense of New York utility in RICO and securities class actions and derivative suit arising out of arrest of a vice president
- Representation of greeting card manufacturer and chain of drug stores in obtaining summary judgment dismissing Robinson-Patman Act claims in Florida
- Defense of engine manufacturer in antitrust suit over distribution restrictions in Milwaukee
- Defense of building owner and its corporate parent in litigation over collapse of the skywalks in the Hyatt Regency in Kansas City and subsequent rescuer class action

Highlighted Publications

- “Promoting Peace Before Conflict: Integrating Alternative Methods of Dispute Resolution into the Arbitration Process,” *Arbitration Advocacy in Changing Times*, edited by Albert Jan Van Den Berg (International Council for Commercial Arbitration, series no. 15, 2011).
- “The Rise and Fall of Class Arbitration,” *AAA Yearbook on Arbitration & the Law*, 23rd Edition, edited by Stephen K. Huber and Ben H. Sheppard, Jr. (Juris Publishing, Inc., 2011).
- “Arbitrating US Antitrust Law in Pharmaceuticals Markets,” in *EC and US Antitrust Arbitration*, G. Blanke and Ph. Landolt eds. (with Robert Reznick) (Kluwer/Aspen, 2011).
- “The New Bahrain Arbitration Law and the Bahrain ‘Free Arbitration Zone,’” *Dispute Resolution Journal* (February-April

2010).

- "Crossing the Hot Tub: Examining Adverse Expert Witnesses in International Arbitration," in *Take the Witness* (Juris Publishing, 2010).
- "Extending an Arbitration Clause to a Non-Signatory Claimant Or a Non-Signatory Defendant: Does it Make a Difference?" *Dossiers of the Institute n° VII* (ICC Institute, 2010).
- "Non-Signatories in International Arbitration – An American Perspective," *International Arbitration 2006: Back to Basics*, International Council for Commercial Arbitration Congress series No. 13 (2007).
- "Leave the Federal Arbitration Act Alone," *ABA TIPS Section Business Litigation Committee News* (2007).
- "Class Arbitration in the United States," *LCIA News* (2007).
- "State Court Enforcement of Arbitration Agreements," Report to the U.S. Chamber Institute for Legal Reform (2006).
- "Holding the Fort Until the Arbitrators Are Appointed: The New ICDR International Emergency Rule (with Ben H. Sheppard, Jr.)," *Dispute Resolution Journal* (2006).
- "Arbitrator Neutrality and Disclosure: The End of the "American Problem,"" *Journal of International Dispute Resolution - IDR* (2005).
- "Clash and Convergence on Ethical Issues in International Arbitration," *Inter-American Law Review* (2004).
- "The Federal Arbitration Act Is Too Important To Amend," *The International Arbitration News* (2004).
- "Revised Code of Ethics for Commercial Arbitrators Explained (with Bruce Meyerson)," *Dispute Resolution Journal* (2004).
- "Commentary on the July 2003 Revisions to the AAA Commercial Arbitration Rules (with Paul D. Friedland)," *Dispute Resolution Journal* (2003/2004).
- "Drafting Arbitration Clauses: Avoiding the 7 Deadly Sins," *Dispute Resolution Journal* (2003).
- "Arbitration Across the Civil Law – Common Law Divide (with Siegfried Elsing)," *Arbitration International* (2002); included in *ADR & The Law*, 17th Edition.
- "Recent Developments in NAFTA Arbitration," *ADR Currents* (2001).
- "Obtaining A Preliminary Injunction In Aid Of Arbitration," *Metropolitan Corporate Counsel*, (1999).
- "Commercial Arbitration in the United States: The Legal

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Structure, NAFTA Advisory Committee on Private Commercial Disputes," Mexico City (1999), *Commercial Mediation and Arbitration in the NAFTA Countries* (JurisNet 1999).

- "What To Do Until The Arbitrator Comes: Obtaining Urgent Preliminary Relief," *Corporate Counsel Magazine* (1999).
- "The Case for Site Licenses," *European Competition Law Review* (1999).
- "The Initiation of Arbitration Procedures," *ICSID Review – Foreign Investment Law Journal* (1998).
- Recourse Against The Arbitrator, published in "The Status of the Arbitrator," Special Supplement to *The ICC International Court of Arbitration Bulletin* (1995).
- "Provisional Remedies in Aid of Arbitration," *The Preparation and Trial of a Commercial Arbitration*, NYSBA (1990).
- "Right To Trial By Jury In Declaratory Judgment Actions," 3 *Connecticut Law Review* 564 (1971).