



James Loftis

Vinson & Elkins LLP

James heads our International Dispute Resolution practice, and focuses his practice on the arbitration and litigation of international commercial and investor-state disputes, and counseling in matters involving public international law and treaties. He acts both as counsel and as arbitrator.

His practice includes disputes involving all aspects of energy, construction, and infrastructure development; disputes under investment laws and treaties; and boundary disputes, cross-border technology disputes, and sovereign debt. He also represents and advises clients in reviews under U.S. national security law. Since 2009, James has been an adjunct professor at the University of Texas School of Law, where he teaches investor-state and international commercial arbitration.

From 1997 to 2000, James served in Geneva, Switzerland, as chief counsel for the Oil Sector (E1) and Construction and Engineering (E3) Panels of the United Nations Compensation Commission (the Gulf War claim tribunal). He maintains offices in London and Houston, and is admitted in Texas, in the Dubai International Financial Centre Courts, and in the Senior Courts of England and Wales.

Experience Highlights

- Successfully represented El Paso International Company defending against Argentina's application to annul the ICSID award in El Paso's favor; the annulment was dismissed affirming our client's award
- Representing a Middle Eastern state in an ICC arbitration against another state in relation to breaches of an oil pipeline agreement and a Treaty of Friendship; in a separate matter, represented Middle Eastern state in a Texas court case against a political subdivision in relation to a dispute over an oil cargo
- Representing a Central American public authority in an ICC arbitration (Miami seat) over a dispute arising from a contract
- Acted for Teva Pharmaceuticals in a suite of 10 ad-hoc arbitrations (London Seat) concerning a denial of coverage in a pharmaceutical-related insurance policy tower
- Representing consortia of international and domestic companies in two arbitrations arising out of a hugely successful oil field offshore India in connection with a series of profit sharing disputes with the Government of India; these are collectively valued at just short of \$1 billion, and have spawned significant satellite litigation in the courts of both India and Malaysia

International Energy Disputes

- Represented the owner of a power generation facility in UNCITRAL arbitration with offtaker/guarantor over credit support obligations for power sales involving claims in excess of \$1 billion
- Represented a purchaser of interests in upstream investments in South America in LCIA arbitration with seller over claims for indemnity payments in excess of \$250 million due for the government's cancellation of licenses
- Advised investors in Kurdistan Regional Governate in dispute with Regional Government over relinquishment of oil and gas properties
- Represented owners of power barges in arbitration with the government of a Latin American state over violations of BIT
- Represented investors in the power generation and transmission sector of a South American state in ICSID proceedings against the government for breach of legal stability guarantees
- Acted for the operator of a power facility in Pakistan in arbitration against a state gas distribution facility over gas allocations and delivery priorities
- Represented an oil and gas company in an ICSID arbitration brought under the bilateral investment treaty over the termination of an exploration and development concession
- Advised a major Indian conglomerate on its litigation strategy in a substantial dispute with its de-merged sister company over alleged rights to confirmed allocations of the client's natural gas production at preferential prices

Investor-State & Public International Law Disputes

- Representing a foreign investor in India's 2G licensing round in connection with contractual and investor-state claims made under the relevant license and bilateral investment protection treaty resulting from the state's cancellation post-award of 22 mobile telephony licenses and failure to refund license fees or pay compensation
- Advising upstream investors in connection with three maritime boundary disputes, including interface with competing sovereign over rights in field
- Represented a North American investor in LCIA arbitration against Armenia over breach of investment agreement and BIT claims
- Represented two upstream investors in Ecuador in connection with government attempts at forced conversion of PSAs on four blocks to service contracts, and in relation to expropriatory tax legislation, and advising under production sharing agreements and relevant bilateral investment treaties
- Acted on behalf of two investors in Venezuela in connection with government demands for "migration" of investor-controlled upstream operations to public-controlled entities, and advise under hydrocarbon venture agreement, foreign investment law, and relevant treaties
- Represented an oil and gas company in an ICSID arbitration brought under the bilateral investment treaty over the termination of an exploration and development concession
- Acted for the investor in an East European state in an UNCITRAL arbitration against that state under its bilateral investment treaty with the investor's home state
- Represented a U.S. subsidiary of an UAE investor in a dispute with a sovereign wealth fund in Libya in a Dubai-seated arbitration over claims of breach of an investment contract
- Advise American investors in Mexico on potential NAFTA Chapter 11 claims arising from regulatory blocking of investor's rights
- Advising an investor in Bangladesh in connection with governmental interference in power project through abusive investigations and acts of interference

International Arbitration - Construction/Infrastructure Development

- Represented an EPC contractor in an ICC arbitration, seated in Singapore, arising out of a construction project for a coal mining conveyer system in Indonesia; the arbitration primarily concerned changed site conditions in the project area caused by an affiliate of the owner, which prevented project completion; the case settled favorably
- Advising a power and water consortium over substantial construction claims for liquidated damages and consequential losses under EPC in Saudi Arabia
- Represented a Middle Eastern-European joint venture company in connection with substantial disputed construction claims under an EPC for an integrated power and water project in the Middle East and claims under the offtake agreement with the government's power and water agency
- Represented a European client in ICC arbitration over construction disputes over a Middle Eastern power and water project involving over \$60 million of late-filed change-order claims and liquidated damages counterclaims
- Representing a partner in a clean energy consortium in an arbitration arising under a contract for power equipment for a facility in the UAE
- Obtained a final award in favor of our client in excess of \$120 million (net) in an LCIA arbitration in connection with a dispute over production rights in a Nigerian oil and gas venture

International Arbitration - Technology/Environment

- Represented a Middle Eastern developer of energy technology in a dispute with a former agent over claims that the agent's competing technology was developed with the client's trade secrets and in violation of agreements
- Acted for sponsors of major alternative fuels project in LCIA arbitration against a fuel synthesis technology provider
- Acted for an Asian oil and gas company in arbitration with a service supplier over drilling and environmental costs
- Represented the seller in an ICC arbitration involving a buyer's claims on environmental representations and warranties for a hazardous waste facility in Latin America
- Acted for an international telecoms cable operator in a dispute with a cable capacity lessee over expansion rights on cable
- Acted for a U.S. medical products company in ICC arbitration with a German company over a long-term purchase arrangement