



International Arbitration

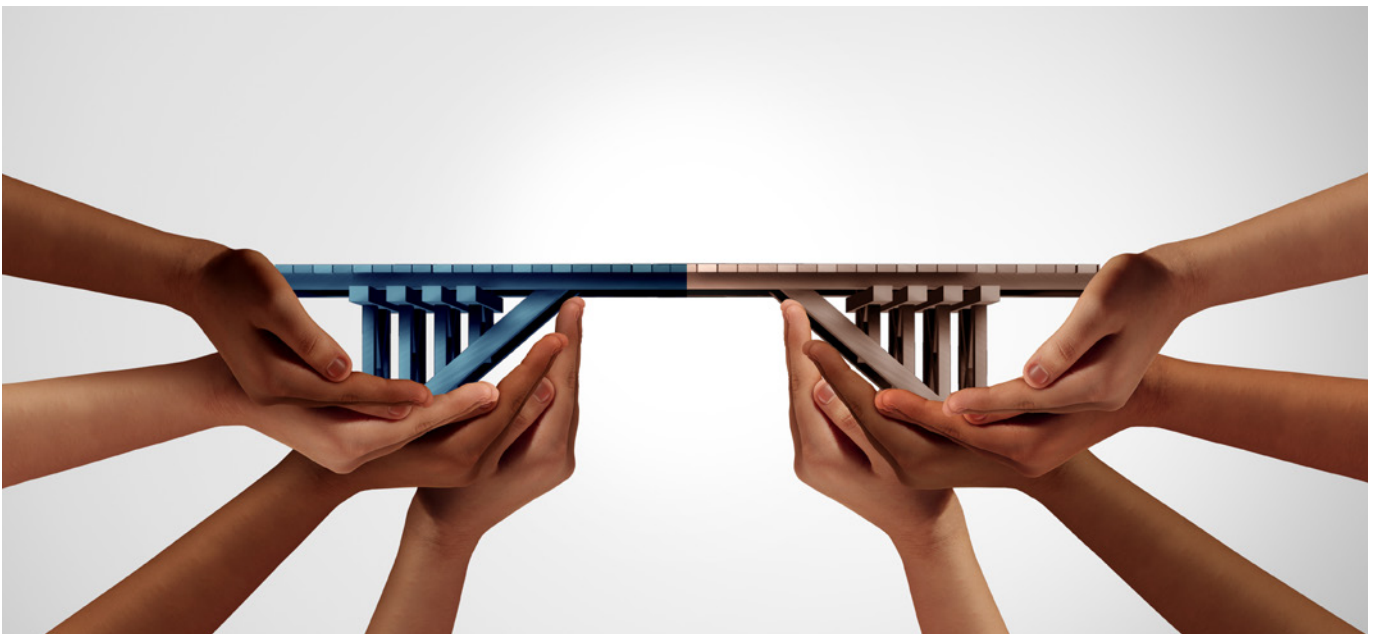
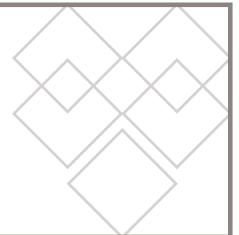
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International Arbitration



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PERSONAL BIOGRAPHY

Michael Stepek advises on international commercial and investment treaty arbitration, with a particular focus on disputes involving the control of corporate entities, foreign direct investment, concession agreements, major infrastructure construction projects, and joint ventures in the energy, mining, telecommunications, and transportation industries. He appears regularly before leading international forums throughout Europe, the Middle East, Asia and the Americas conducted pursuant to various institutional rules as well as ad hoc, and has over 30 years of experience in international law. Mr Stepek also appears as an arbitrator in such disputes. He is licensed to practice in both England & Wales and in the US.

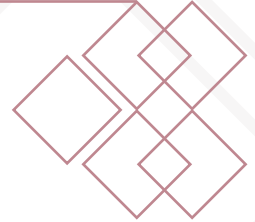
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Q&A WITH MICHAEL J. STEPEK

**Could you provide an insight into how you approach your work? What drives and motivates you?**

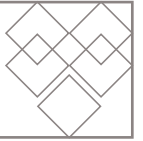
◆ Driving a successful and active international arbitration practice takes a commitment like many other legal practices or professions. As this commitment takes up a significant amount of time, it helps to like what you do and to find intellectual satisfaction and stimulation from it. International arbitration certainly provides this. It is akin to three-dimensional chess. You not only have the complexity of a dispute, but you have the added complexities of potentially different systems of law that might apply to the arbitration and to the substance of the dispute. The different legal systems involved may be from entirely different legal traditions, and they may be in different languages, raising linguistic and cultural issues of understanding as well. One faces similar issues with evidentiary development. This complexity, and the challenges these disputes pose, are what drives and motivates me.

What strengths and characteristics do you, your team and your firm strive to demonstrate to clients?

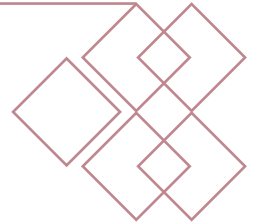
◆ That we are a truly international practice and that we approach international arbitration as such, and not as national lawyers of any one particular jurisdiction. It is precisely this multicultural, international approach that we strive to demonstrate to clients. We specifically recruit and train lawyers from a variety of legal systems to ensure that we have a team before any given tribunal that can communicate effectively with it. Many of us are licensed in multiple jurisdictions. Facility in multiple languages is also important, as even if the formal arbitration process is in the English language, documents, witnesses or even communications with

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the client often call for a different language. When one is from the English-speaking world, it is easy to fall into a complacent belief that English is the only language that matters, when in fact one should be cognisant of the need to approach issues and people in a language and from a perspective that is persuasive to achieving the end result, whether that be clear instructions or the appropriate resolution of the dispute.



Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?

◆ I think that international arbitration is at an inflection point in a few respects. Chief among them is the use of technology. While the use of technology in international arbitration was already gaining traction, the pandemic has had a tremendous influence on its current widening adoption. During the pandemic, wholly electronic filings and hearings have become commonplace in order to maintain schedules. This is a trend that will likely continue such that, save for the final merits hearings, they will become the standard, default procedure. One of the main reasons for this is they work quite well. Associated with this change is likely to be a further substantive focus on cyber security to protect sensitive or confidential data that arise in the context of an arbitration. ■

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**REPRESENTATIVE ENGAGEMENTS**

- ◆ Representing Dominion Minerals Corp., a listed US junior mining company, in an ICSID bilingual English-Spanish arbitration concerning Dominion's bet-the-company claims under the treaty between the US and the Republic of Panama concerning the treatment and protection of investments arising out of Dominion's investment in a copper and gold concession in western Panama.
- ◆ Secured a multimillion-dollar victory in a final award on behalf of a Turkish consortium comprised of three of the largest engineering and construction companies in Turkey in an ICC arbitration in Zurich arising out of a supply contract dated 10 June 2010 that was concluded between the consortium and one of the largest manufacturers of tunnel boring machines, which was to supply the consortium with a tailor-made tunnel boring machine, together with related services for use in the excavation of a six-kilometre tunnel as part of the Eskişehir Köseköy high-speed railway project on the segment between Istanbul and Ankara in Turkey.

