

COUNSEL

Michael Losco

New York

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PROFILE

Michael focuses his practice on high-stakes international disputes, advising private parties and sovereign states in various sectors, including energy, mining, banking and finance, retail, and internet governance.

Clients describe Michael as “very strategic and resourceful.” He is adept at handling their most sensitive issues, including allegations of corruption. For example, he has represented Hungarian multinational energy company MOL in its long-running series of disputes against the Republic of Croatia, securing substantial awards rejecting Croatia’s allegations of bribery and upholding the validity of MOL’s contracts. Additionally he served as counsel for the special litigation committee of a Fortune 100 electric utility where he investigated high-profile bribery allegations in connection with a shareholder derivative lawsuit.

Michael also has extensive experience advising clients in connection with post-award litigation. He has represented both claimants and respondents in actions to recognize, enforce, and set aside arbitral awards valued at nearly a billion dollars in U.S. courts and abroad.

Prior to joining BSF, Michael was a member of the international arbitration practice of a leading international law firm in New York.

EXPERIENCE

Michael’s experience includes:

- Representing a multinational energy company in parallel bet-the-company investor-state arbitrations under UNCITRAL and ICSID rules, culminating in awards worth over \$250 million

PRACTICES ×

International Arbitration
Energy
Asset Recovery and Judgment Enforcement

EDUCATION ×

Duke University School of Law, J.D.; Editor, *Duke Law Journal*
Georgetown University, B.A., Government

ADMISSIONS ×

Bars
New York
U.S. District Court: Eastern District of New York
U.S. District Court: Southern District of New York
U.S. Court of Appeals: Fourth Circuit

AWARDS AND ASSOCIATIONS ×

International Arbitration Key Lawyer, *Legal 500* (2023-2024)

- Advising a multinational energy company in an ongoing UNCITRAL arbitration against an Eastern European state regarding gas royalties
- Achieving complete victory for a Swiss travel retail company in \$100 million JAMS price-adjustment arbitration relating to duty-free shops at land borders
- Conducting an internal investigation into high-profile corruption allegations on behalf of the Special Litigation Committee of a Fortune 100 utility company
- Representing an internet company in an independent review process against the Internet Corporation for Assigned Names and Numbers under the ICDR rules regarding the failure to delegate a top-level internet domain name
- Advising a pan-African fund manager in an LCIA arbitration with the limited partners of a PE fund
- Representing a Central European energy company in proceedings to recognize and enforce a \$250 million ICSID arbitration award in the U.S.
- Representing a Central European energy company in proceedings to recognize and enforce a \$15 million UNCITRAL arbitration award in the U.S.
- Defending a South American state in an action to enforce a \$400 million ICSID arbitral award, raising issues of first impression regarding setoff of unpaid tax obligations
- Successfully challenging vacatur of an ICC arbitral award on behalf of a Caribbean state, creating new precedent regarding the FAA's preemption of state-law limitations periods
- Representing a European state against a high-net-worth U.S. national and associated companies in an action to enforce an ICSID (Additional Facility) award in the U.S.
- Advising a U.S. investment fund in connection with the enforcement of an ICDR arbitration award against a major South American energy company

PUBLICATIONS & PRESENTATIONS

Co-author, A Second Bite at the Rotten Apple?: Diverging Approaches to National Court Review of Arbitral Tribunals' Findings on Corruption, 38 MEALEY'S INT'L ARB. REP., (November 2023)

Co-author, ZF Automotive and the Future of Judicial Discovery Assistance in the United States under 28 U.S.C. § 1782, in ARBITRAGEM E PODER JUDICIÁRIO - ESTUDOS SOBRE A INTERAÇÃO ENTRE AS JURISDIÇÕES ARBITRAL E ESTATAL (2023)

Charting a New Course: Metal-Tech v. Uzbekistan and the Treatment of Corruption in Investment Arbitration, 64 DUKE L.J. Online 37 (2014)

Note, Streamlining the Corruption Defense: A Proposed
Framework for FCPA-ICSID Interaction, 63 DUKE L.J. 1201 (2014)

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