

B. Ted Howes

Partner

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B. Ted Howes is a partner in Mayer Brown's New York office and is both the Leader of the firm's US International Arbitration practice and a member of the firm's global leadership team for international arbitration. He advises US and foreign companies in a wide variety of international commercial arbitrations, including arbitrations governed by the Rules of the International Centre for Dispute Resolution, the International Chamber of Commerce, the Hong Kong International Arbitration Centre and the Singapore International Arbitration Centre. Ted is also an active arbitrator and has been appointed to the Panel/List of Arbitrators of the International Centre for Dispute Resolution, the Hong Kong International Arbitration Centre, and the Beijing International Arbitration Centre. He is a member of the Chartered Institute of Arbitrators and is an authority on drafting arbitration provisions for complex international commercial contracts.

In addition to his international arbitration experience, Ted has extensive experience representing foreign and US corporations in US commercial litigation, often of an international nature. He routinely appears before the federal and state courts of New York in connection with his litigation practice.

Ted is a frequent speaker and writer on international arbitration and related international legal issues.

Ted is conversational in French and Spanish.

Experience

A representative sample of Ted's experience includes:

- A final arbitration award ordering one partner of a foreign manufacturing joint venture to pay \$38.4 million in damages, plus attorneys' fees and costs, to the US partner, following a week-long arbitration hearing conducted in Singapore under the rules of the Singapore International Arbitration Centre.
- An arbitration award ordering the Chinese partner of a textile joint venture to make the joint venture's books and records available for an audit by the US partner, in an arbitration conducted in Singapore under the rules of the Singapore International Arbitration Centre.
- An arbitration award directing the minority shareholders of a Chinese company to transfer a majority of the company's stock to a US private equity client, following an arbitration hearing conducted in Hong Kong under the rules of the Hong Kong International Arbitration Centre.
- An award of over \$2.4 million to the US subsidiary of a German company, as well as an award of the legal fees incurred by the client, following a AAA arbitration hearing in New York, in a case involving the breach of an indemnification provision in a stock purchase agreement.
- A summary judgment victory for a Korean client in a New York state court action, in which the Supreme Court ordered the defendant to pay the client over \$110 million in damages on a loan guaranty, as well as to reimburse the client's legal fees.
- The dismissal of claims totaling more than \$10 million against a Korean client following an ICC arbitration held in London, in a case that involved the termination of a Korean distributorship by a major US apparel company
- An award of \$36 million to a French company (and the dismissal of \$30 million in counterclaims against the same client) following an ICC arbitration held in New York, in a case involving breaches of representation and warranties in an aircraft-component company acquisition agreement.
- The dismissal of claims in excess of \$4.5 million asserted by a French glassware distributor against a New Jersey glassware manufacturer, as well as the award of all attorneys' fees and costs, following a week-long ICC arbitration in Zurich, Switzerland.
- A summary judgment victory in a New York federal court action, in which claims in excess of \$50 million, asserted by a consortium of multinational banks, were dismissed against a Korean company.

Education

- Harvard University, BA
- Harvard Law School, JD

Admissions

- New York
- US District Court for the Southern District of New York
- US District Court for the Northern District of New York
- US District Court for the Eastern District of New York
- US Court of Appeals for the Second Circuit

Activities

- Member of the Bar of the State of New York
- Member of the Arbitration Committee of the International Bar Association
- Member of the International Arbitration Club of New York

News & Publications

- "Good Arbitration Clauses Can Ease Overseas Biz, Attys Say," Law360, 14 September 2016
- "How to Write an Arbitration Clause for Offshore Outsourcing Deals," CIO.com, 9 September 2016
- "3 Secrets Of Int'l Arbitration Every Atty Should Know," Law360, 1 July 2016
- "4 Tips For Keeping Thrifty Arbitration Clients Happy," Law360, 2 June 2016
- "Q&A With Mayer Brown's Ted Howes," Law360, 16 May 2016
- "The Consolidation Dilemma: Is There Finally a Pragmatic Solution?," Journal of The Dispute Resolution Section of the International Bar Association, Vol. 10, No. 1, April 2016
- "3 Advantages Of Arbitrating IP Disputes," Law360, 11 April 2016
- "HKIAC Hoping To Cash In On Increased IP Arbitration," Law360, 8 April 2016
- "Financial Industry Slowly Accepting Arbitration, Says Lawyer," Thomson Reuters Regulatory Intelligence, 30 September 2015
- "B. Ted Howes joins Mayer Brown as partner in New York," 20 April 2015
- "*Delaware Coalition for Open Government, Inc. v. Strine*: US Third Circuit Court of Appeals Strikes Down Court-Sponsored Arbitration Program as Unconstitutional," International Bar Association Arbitration Newsletter, Vol. 19, No. 1, February 2014
- "A Tale of Two Arbitration Clauses: The Lessons of *Oxford Health Plans LLC v. Sutter* for the Future of Class-Action Arbitration in the United States," Journal of International Arbitration, Vol. 30/Issue 6, 12 December 2013
- "The New 2012 ICC Arbitration Rules," International News, Winter 2011
- "Questions to Ask Before Starting an International Arbitration," American Bar Association Commercial and Business Litigation Newsletter, 22 December 2011
- "Chinese Arbitration Reference Guide," Global Arbitration Review, 14 September 2011
- "*AT&T Mobility LLC v. Concepcion*: US Supreme Court Upholds the Validity of Class Action Arbitration Waivers," International Bar Association Arbitration Newsletter, September 2011
- "Commercial Arbitration in Energy Disputes: Practical Guidance," Publication for IBC Legal Conferences, 7 September 2011
- "UK Supreme Court Confirms Parties' Right to Choose Nationality of Arbitrators," National Law Review, 8 August 2011
- "*Rent-A-Center West, Inc. v. Jackson — Part III*: Who is the Proper 'Gatekeeper' of Arbitrability? Divided Supreme Court Reverses Ninth Circuit," Mealey's International Arbitration Report, July 2010
- "*Rent-A-Center West, Inc. v. Jackson — Part II*: Will The U.S. Supreme Court Allow Arbitrators To Be 'Gatekeepers Of The Unconscionable?'," Mealey's International Arbitration Report, May 2010
- "*Rent-A-Center West, Inc. v. Jackson — Part I*: Who Is The Proper 'Gatekeeper' Of Arbitrability?," Mealey's International Arbitration Report, April 2010
- "The Enforcement of Arbitration Awards in China," Bloomberg Asia Pacific Law Reports, 11 November 2009
- "Defending Against Defections," Corporate DealMaker, 24 September 2007
- "Defective Chinese Goods: Legal Risks and Protective Measures," Product Liability Law 360, July 2007
- "Inherent Tensions in International Arbitration Discovery," International Arbitration and Mediation – From The Professional's Perspective, Yorkhill Law Publishing, June 2007
- "The State of Dispute Resolution in Today's World," International Bar Association Litigation Committee Newsletter, March 2007
- "Pre-Hearing Discovery II: Further Divergence in Court Treatment of Pre-Hearing Depositions and Pre-Hearing Document Discovery," International Bar Association Arbitration Newsletter, September 2005
- "Arbitration Discovery: When Should Discovery Provisions be Included in an Arbitration Agreement?," ABA Dispute Resolution Magazine, Summer 1999

Events

- Doing M&A Deals Around the World | How Different Jurisdictions Handle the Same Issues—Chicago, 15 September 2016
- Arbitration Clauses in International Sourcing Transactions, 14 September 2016
- Doing M&A Deals Around the World | How Different Jurisdictions Handle the Same Issues—New York, 12 September 2016
- Seminar on Investment in Africa and Latin America – Investment and Dispute Resolution Strategies for Chinese Investors, 1 March 2016 - 2 March 2016
- ICC Masterclass for Arbitrators, 22 February 2016 - 24 February 2016
- ICC Institute Masterclass for Arbitrators - New York, 22 February 2016 - 24 February 2016
- "Addressing the Consolidation Dilemma in the New CIETAC Rules," Conference on CIETAC's New Arbitration Rules and Initiatives, 8 December 2015
- CleTAC's New Arbitration Rules and Initiatives Conference, 8 December 2015
- International Arbitration Webinar Series, 15 October 2015
- Striking a Balance Between Fairness and Efficiency: Lesson Learned and to be Learned, 9 October 2015
- Hot Topics Affecting the Financial Services Industry, 28 September 2015
- "Thinking Ahead: Six Strategic Questions to Ask at the Beginning of Any International Arbitration," Panelist, 2013 International Law Weekend, Fordham University, October 2013
- "Holding International Corporations Accountable Through Alternative Dispute Resolution," Association For Conflict Resolution (Greater New York Chapter), 12th Annual Conference, 20 June 2013
- "International Dispute Resolution: Arbitration or Litigation?," Panelist, New York State Bar Association "Global Law Week", 16 May 2013
- "International Arbitration for Accountants," NYSSCPA Entertainment, Arts and Sports Committee Meeting, 24 April 2013
- "Recent Developments in International Arbitration and Transnational Litigation in US Courts," Fordham Law School Summer Program, 18 July 2012
- "International Arbitration," Lecturer, Recent Trends of International Legal Issues Related to Japanese Companies Operating Globally, Tokyo, Japan, 12 June 2012
- "Arbitration and Mediation: Contradictory or Complementary," Lecturer, 1st Shanghai-Hong Kong Commercial Mediation Conference, 3 March 2012
- "'Evaluating Dispute Resolution Options in the Energy Sector' and 'Commercial Arbitration for Energy Disputes'," Lecturer, Energy Law Summer School, IBC Legal Conferences, Cambridge, England, 14 September 2011
- "Words Matter – Drafting Enforceable and Effective Dispute Resolution Clauses," Panelist, Association of Corporate Counsel, Southeast Chapter Conference, 23 September 2010
- "Advice to Global In-House Counsel: How to Interrogate Your Outside Counsel When an International Arbitration Arises," Panelist, American Bar Association Conference, San Francisco, California,, 6 August 2010
- "Arbitraje Nacional e Internacional en el Sector Energetico," Panelist, Spanish Energy Institute Conference, Madrid, Spain, 24 May 2010
- "The Perils of Partnering Abroad: Ways to Avoid International Disputes, or At Least Minimize Their Danger Once They Have Arisen," Panelist, Northeast Chapter of the Association of Corporate Counsel America, 18 December 2007
- "Discovery in International Arbitration," Center for International Legal Studies Symposium on International Arbitration, Salzburg Austria, June 2006
- "Winning is Everything," Keynote Speech, ReedLogic Alternative Dispute Resolution Leadership Conference, December 2005