

Partner, New York

International Litigation and Arbitration



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Education

J.D., New York University School of Law, 1990 (Senior Production Editor, *Annual Survey of American Law*)

A.B., Hamilton College, 1987
(*magna cum laude*)

Bar Admissions

New York

Experience

Law Clerk, Hon. Steven D. Pepe,
U.S. Magistrate Judge, U.S. District
Court for the Eastern District of
Michigan (1990-1992)

Associations

American Bar Association,
International Law Section

New York City Bar Association,
International Commercial Disputes
Committee and Arbitration Committee

Institute for Transnational Arbitration,
Advisory Board

Arbitral Women

Fellow, American Bar Foundation

Lea Haber Kuck has more than 20 years of experience advising clients on the resolution of complex disputes arising out of international business transactions. She represents clients from around the world in federal and state courts in the United States, as well as in international arbitrations conducted under UNCITRAL, ICC, ICDR, LCIA and other arbitration rules.

Ms. Kuck regularly advises clients on a variety of issues relating to international dispute resolution, including forum selection, jurisdiction, service of process, extraterritorial discovery and enforcement of judgments, as well as drafting of arbitration, dispute resolution and choice-of-court clauses.

She repeatedly has been named to *The Best Lawyers in America* and Lawdragon 500 Leading Lawyers in America, as well as to Lawdragon's inaugural Global Litigation 500 list in 2021. She also has been recognized by *The Legal 500 Latin America*. Additionally, Ms. Kuck is a member of the Skadden team that was previously named a finalist for Litigation Department of the Year by *The American Lawyer*; as one of *Law360's* International Arbitration Groups of the Year; and as Law Firm of the Year: Dispute Resolution by *Chambers Global*.

She co-led the Skadden team that was honored as Arbitration Team of the Year at the 2017 Transatlantic Legal Awards and as International Arbitration Team of the Year at the 2017 Legal and Business Awards for its work on behalf of Japanese telecommunications company NTT Docomo in an LCIA arbitration arising out of a dispute over Docomo's contractual right to exit an investment in India. Docomo obtained a \$1.2 billion award against Tata Sons Limited of India, and after enforcement proceedings were commenced in India, England and New York, Docomo collected the award in full.

Ms. Kuck is a member of the Working Group on Cybersecurity in International Arbitration, formed by the International Council for Commercial Arbitration; the New York City Bar Association; and the International Institute for Conflict Prevention and Resolution, which received the "Best Development 2018" award by *Global Arbitration Review*.

Other notable representations include:

- an international beverage company as claimant in an ICDR arbitration that resulted in an award permitting the worldwide launch of the company's new product;
- IRB-Brasil Resseguros, S.A., the largest reinsurer in South America, in multiple actions seeking to recover amounts due under certain global notes in which judgments in excess of \$100 million were obtained for IRB and affirmed in a seminal case by New York's highest court dealing with choice of law clauses;
- Atlantic LNG Co. of Trinidad and Tobago in successfully defending against a \$250 million claim involving a dispute concerning a long-term LNG supply contract in a UNCITRAL arbitration based in New York;
- an international investment bank in connection with disputes involving proceedings in New York and London relating to several billion dollars of structured finance products;
- a Brazilian insurance company in an expedited ICC arbitration and related litigation arising out of parallel litigation in Brazil;
- an international beverage company in connection with its successful defense against a multibillion-dollar claim in an UNCITRAL arbitration arising out of the terms of an investment agreement with a Mexican company and its stockholders;
- a North American utility company in connection with several construction disputes;

- a Brazilian energy company in connection with an ICC arbitration against a subsidiary of a large U.S. energy company relating to an investment in an electrical power project in Brazil;
- the trustees of CommonWealth REIT in a two-week arbitration arising out of efforts by an activist hedge fund to take control of the trust, which resulted in an award by the arbitration panel invalidating the hedge fund's consent solicitation;
- an Australian gaming and entertainment company in connection with litigation arising out of the failed Fontainebleau resort construction project in Las Vegas;
- a shareholder of a major telecommunications company with operations in the former Soviet Union in an UNCITRAL arbitration and related litigation concerning a shareholder dispute with a European telecommunications company;
- a helicopter manufacturer in connection with a CPR arbitration relating to certain intellectual property rights;
- an individual in cross-border litigation arising out of the Icelandic banking crisis, including obtaining dismissal on forum non conveniens grounds of an action filed in New York;
- a Hong Kong shipping company as claimant in an ICDR arbitration in which preliminary relief in aid of arbitration was obtained in a New York court;
- DaimlerChrysler AG in connection with multiple litigations arising out of the merger of Daimler-Benz AG and Chrysler Corporation, one of which involved successfully defending at trial federal securities and state law fraud claims brought by a prominent Chrysler investor seeking more than \$1 billion in damages, a victory *The National Law Journal* dubbed the 2005 Top Defense Win of the Year; and
- *pro bono* clients in several cases brought under the Hague Convention on International Child Abduction, including acting as lead counsel in the seminal case of *Croll v. Croll*.

Ms. Kuck frequently writes and speaks on international arbitration and cross-border litigation topics, and is a recipient of the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship.

She is a former member of Skadden's Policy Committee, the firm's governing body, was the firm's first global attorney development partner, and currently co-leads the firm's Alumni Relations efforts. She also serves on the board of trustees of Hamilton College.

Selected Publications

"Commercial Litigation in New York State Courts, Fifth Edition," Chapter 70, Co-Author, *Thomson Reuters*, 2020

"International Arbitration Community Turns Its Focus to Cybersecurity," *Skadden's 2019 Insights*, January 17, 2019

"Decisions, Decisions: Leading Cases on the Supreme Court's 2018 Business Docket," *U.S. News – Best Lawyers "Best Law Firms" 2019*, December 2018

"Home Country' Arbitration Clauses — Worth The Trouble?" *Law360*, February 12, 2018

"Growing Acceptance of Arbitration in International Commercial Financial Transactions." *Skadden, Arps, Slate, Meagher & Flom, LLP*, January 23, 2018

"US Supreme Court to Decide Whether Foreign Defendants May Be Served by Mail," *Skadden, Arps, Slate, Meagher & Flom, LLP*, January 24, 2017

"New D.C. Circuit Ruling Impacts International Arbitration," *Law360*, October 13, 2016

"RJR Nabisco' and the Future of Extraterritoriality," *The National Law Journal*, July 4, 2016

"Standard Arbitration Clauses for the AAA and ICDR," *Thomson Reuters*, October/September 2015

"Recent Cases Are Likely to Reduce the Use of New York Courts for 'Turnover' Actions," Co-Author With Timothy G. Nelson, *Banking Law Journal*, July/August 2015

"The Evolving Landscape for Enforcement of International Arbitration Awards in the United States," Co-Author With Timothy G. Nelson, *The International Comparative Legal Guide to International Arbitration*, July 2015

"Multijurisdictional Enforcement of Foreign Judgements," *Corporate Disputes*, January/March 2015

"Class Arbitration Decisions in 2013 Confirmed the Importance of Class Action Waivers," Co-Author With Gregory A. Litt, *NYSBA New York Dispute Resolution Lawyer*, Spring 2014

"US Supreme Court Further Limits Jurisdictional Reach of the US Courts Over Foreign Torts," Co-Author, *Skadden's 2014 Insights*, January 2014

"The New York Courts Are Open for Business to Foreign Litigants," *Corporate Disputes*, April/June 2013

"Inside *Mariana Islands v. Canadian Imperial Bank*," *Law360*, May 6, 2013

"International Cases Court of Appeals Decided in 2012, Looking Ahead to 2013," *New York Law Journal*, March 11, 2013

"Debate Over Arbitral 'Competence/Competence' Heats Up in US Courts," *Corporate Disputes*, October/December 2012

Chapter 30: International Class Arbitration, Co-Author With Gregory A. Litt, *World Class Actions: A Practitioners Guide to Group and Representative Actions Around the Globe*, Oxford University Press, 2012

"Vacating an International Arbitration Award Rendered in the United States: Does the New York Convention, the Federal Arbitration Act or State Law Apply?" *Penn State Yearbook on Arbitration and Mediation 1*, 2011