

Partner, New York

Complex Litigation and Trials;
International Litigation and Arbitration; Latin America



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Education

J.D., Columbia University
School of Law, 1981

M. Phil., Economics, Columbia
University Graduate School of Arts
and Sciences, 1977

M.S., Management, Sloan School
of Management, Massachusetts
Institute of Technology, 1973

Lic., Economics, University of
Buenos Aires, 1971

Bar Admissions

New York

Experience

Law Clerk, Hon. Whitman Knapp,
United States District Court for the
Southern District of New York
(1981-1983)

Government Service

Sea Duty, Argentine Navy (1967-1968)

Languages

Spanish
German

Marco Schnabl represents clients in a wide range of U.S. and international litigations and arbitrations before federal and state courts, as well as leading arbitral institutions.

Some of Mr. Schnabl's recent successful matters include representing:

- one of Europe's leading banks in the dismissal of \$60 billion in trebled RICO claims brought by the trustee for the Securities Investor Protection Act liquidation of Bernard L. Madoff Investment Securities LLC. Mr. Schnabl represented the same bank in the dismissal of \$4 billion in common law claims also asserted by the Madoff trustee. This case was named among the top matters in the Litigation & Dispute Resolution category in the *Financial Times*' 2013 U.S. "Innovative Lawyers" report, and *The Am Law Litigation Daily* distinguished Mr. Schnabl for his role on this matter (Feb. 23, 2012). In addition, Mr. Schnabl was profiled in an article in *The American Lawyer*, which named the firm as a finalist for "Litigation Department of the Year" (January 2014).
- one of the largest U.S. banks in the dismissal of a purported class action litigation over alleged foreign exchange trading practices.
- one of Europe's most important insurance companies in litigation in the United States spanning more than a decade regarding insurance policies issued in Europe before World War II, and in the creation of the International Commission on Holocaust Era Insurance Claims (ICHEIC) that compensated tens of thousands of Holocaust victims and their heirs worldwide.
- the holders of some \$300 million in bonds issued by the parent company of an Argentine gas transportation company in their efforts in New York and Argentina to recover on that debt, and eventually to enforce the terms of a restructuring agreement. The litigation, which settled in 2012, involved claims of alter ego and veil piercing under U.S. and Argentine laws and personal liability claims against directors and officers. The case was named the 2012 "Deal of the Year" by *Latin Lawyer* in the Disputes category.
- the largest U.S. insurance broker in fraud claims brought in Delaware State Court in connection with tax-advantaged corporate-owned life insurance products sold to one the world's most important retailers.
- the majority shareholders of the Venezuelan affiliate of one of the world's leading cement manufacturers in an ICSID arbitration against the government of Venezuela, ending in a negotiated settlement of some \$600 million in compensation for the expropriation of that enterprise; a cement manufacturer in an ICSID arbitration against the government of Indonesia; and a U.S. energy company in an ICSID arbitration against the Argentine Republic for the violation of the terms of a concession agreement by one of Argentina's provincial governments.
- the Argentine National Social Security Administration (ANSES) in its successful efforts under the FSIA to defeat the repeated attempts by creditors of the Argentine Republic to seize and execute more than \$10 billion in assets under ANSES's management in the U.S. and worldwide to satisfy their claims against the republic.

Marco E. Schnabl

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- Peruvian purchasers of a Chilean manufacturing concern in a bilingual ICC arbitration against the French sellers over post-closing adjustment disputes; a Mexican telecommunications concern in an ICDR arbitration against Belgian investors in a dispute over control of the company; a European seller of a biotechnology company in an arbitration under the Stockholm Chamber Rules against a disappointed bidder claiming violations of the bidding rules in the sale; a Venezuelan concern in an ICC arbitration against a French company asserting competing rights to purchase assets in Venezuela; and a Colombian claimant in a Spanish-language arbitration against a Danish equipment supplier under the rules of the Inter-American Commercial Arbitration Commission.

Mr. Schnabl also has represented clients in litigation stemming from U.S. and international mergers, acquisitions and changes in corporate control. For example, he represented Blue Arrow PLC in its acquisition of Manpower Inc.; Anglo Group PLC in its efforts to acquire B.A.T. Industries p.l.c.; the Grow Group, Inc. in takeover litigation arising from competing acquisition efforts by The Sherwin Williams Company and Imperial Chemical Industries PLC; and Gucci in its battle for corporate control against LVMH. Mr. Schnabl also has worked on securities class actions for both U.S. and international clients, contested proceedings before administrative agencies, SEC investigations, and contract disputes and other commercial litigations, in both trial and appellate courts.

Born and raised in Argentina, Mr. Schnabl retains a keen interest in Latin American business and political affairs. He has represented underwriters and Latin American issuers in debt and equity offerings in the industrial, telecommunications, banking and energy sectors. He was a member of the advisory board of the Council of the Americas and speaks regularly at seminars on issues of interest to prospective investors in Latin America or Latin American companies seeking access to the U.S. and international capital markets. He has lectured on international public law at Universidad del Pacifico (Lima, Perú) master program in international arbitration and is a frequent invited speaker at legal seminars and forums.

After graduating from the Sloan Business School at MIT, Mr. Schnabl worked at Merrill Lynch Economics, Inc., a management and economic consulting subsidiary of Merrill Lynch.

Mr. Schnabl has been repeatedly selected for inclusion in *Chambers Global: The World's Leading Lawyers for Business* and *Chambers Latin America*.

Publications

Co-Author, "Bilateral Investment Treaties and Arbitration," in *Handbook On International Arbitration & ADR*, Revised Edition, 2016

"Foreign Sovereign Debt Restructuring After Argentina," *Law360*, February 17, 2015

"A Question of Behavior: Foreign Sovereign Debt Restructuring Before US Courts," *Skadden's 2015 Insights - Corporate Restructuring*, January 2015

"Ruling on Extraterritoriality May Protect Foreign Investors in US Bankruptcies," *Skadden's 2015 Insights - Corporate Restructuring*, January 2015

"Major Recent Decision Rejecting Corporate Liability for Alleged Human Rights Abuses Under U.S. Alien Tort Statute," *Skadden, Arps, Slate, Meagher & Flom LLP*, September 21, 2010

"AAA Handbook on International Arbitration & ADR (Chapter 27: Bilateral Investment Treaties and Arbitration)," *AAA Handbook on International Arbitration & ADR*, September 2010, and the 2016 revised edition (to be published)

"New ICSID Annulment Decision Exposes Possible Gap in United States Investment Treaty Protection," *Skadden, Arps, Slate, Meagher & Flom LLP*, July 19, 2010

"Investor-State Arbitration and the U.S. Courts," *The National Law Journal*, May 31, 2010

"Stolt-Nielsen: Supreme Court's New Ruling Clamps Down on So-Called 'Class Action Arbitration,'" *Skadden, Arps, Slate, Meagher & Flom LLP*, April 29, 2010

Past and Present Associations

Chairman, International Litigation Committee, Commercial Litigation Section, New York State Bar Association

Member, Arbitration Committee, New York City Bar Association

Chairman, Committee on Second Circuit Courts, Federal Bar Council

Member, Committee on Arbitration, U.S. Council for International Business

President, Committee on International Civil Procedure, *Union Internationale des Avocats*

Selected Speaking Engagements

International Congress on Commercial and Investment Arbitration, “Discovery – Its Origins and Uses in International Arbitration,” San Salvador, January 2017.

Third Pan-American Arbitration Congress, “Guerrilla Tactics – What are the Ethical Limits?” São Paulo, October 2016.

Congress on Commercial, Domestic, International, and Investment Arbitration, “Se Puede Vivir sin la Ley Modelo?” (“Can we Live Without de UNCITRAL Model Law?” in Spanish), organized by the City of Buenos Aires Bar Association, Buenos Aires, November 2016.

Causales de Anulación de Los Laudos CIADI, II Congreso Centroamericano de Arbitraje de Inversión, Grounds for Annulment of ICSID Awards, Central American Congress on Investment Arbitration, San Salvador, El Salvador, February 2, 2016.

Competencia Internacional de Arbitraje Comercial Internacional (acting as invited arbitrator), organizada por la Universidad de Buenos Aires/Universidad del Rosario, Santiago de Chile, Chile, October 2014; Bogotá, Colombia, October 2013; and Buenos Aires, Argentina, September 2011.

I, III and V Seminario Internacional de Arbitraje de Inversión, Lima, Perú, October 2013, October 2015 and October 2017.

V Conferencia Latinoamericana de Arbitraje (CLA), Buenos Aires, Argentina, June 2013.

EMTA Forum on the Prospects for Argentine Debt Litigation, New York, May 2013.

Perspectivas Para el Mercado de Capitales 2013, Buenos Aires, Argentina, March 2013.

Thomson Reuters Emerging and Frontier Markets Forum, New York, September 2012.

IV Conferencia Latinoamericana de Arbitraje (CLA) on “Consideraciones Prácticas en el Financiamiento por Terceros de Arbitrajes Internacionales,” Medellín, Colombia, June 2012.

V, VI and VII Congreso Latinoamericano de Arbitraje, Lima, Perú, 2011, 2012 and 2013.

III Congreso de Arbitraje Internacional de Costa Rica, San José, Costa Rica, February 2012.

III Seminario Nacional de Arbitraje, Lima, Perú, November 2012.

Moderator, Sixth Annual Juris Investment Arbitration Conference: NAFTA, CAFTA and Beyond? Investment Protection in the Americas, Washington, D.C., March 2012.

Florida International University College of Law, Second Annual International Arbitration Summit, Miami, May 2011.

Juris Conferences LLC, Fifth Annual Investment Treaty Arbitration Conference, “The Future of ICSID,” Washington, D.C., April 2011.

Columbia University Arbitration Conference, Moderator, “Appointment of Arbitrators: Best Practices, Repeat Arbitrators and Conflicts of Interests,” New York, March 2011.

American University Washington College of Law, “The Impact of BIT Arbitration on Latin American Commercial Arbitration: Good or Bad News?” Washington, D.C., March 2011.

Peruvian Institute of Arbitration and the Costa Rican Arbitration Center’s International Arbitration Conference, San José, Costa Rica, February 2011.

4th International Conference on the Globalization of Collective Litigation, “Trans-jurisdictional Litigation, Coordination and Enforcement Issues,” Florida International University College of Law, Miami, December 2010.

Presentation to the First International Training of Arbitrators, “Investment Arbitration,” Peruvian Chamber of Commerce course on Investment Arbitration, Lima, Perú, December 2010.

“El Arbitraje de Inversión en el Derecho Comparado,” Centro Venezolano de Conciliación y Arbitraje, Caracas, Venezuela, April 2009 (lecture available on YouTube).