

Nathan D. O'Malley

Partner, Los Angeles Office

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PRACTICE GROUPS

- International Arbitration and Litigation
- Construction
- Business Litigation Group

EDUCATION

- California State University, Fresno, B.A. (History), 1997
- McGeorge School of Law (University of the Pacific), J.D., 2000
- Erasmus University of Rotterdam, International Business & Trade Law, LL.M., 2001

PROFESSIONAL SUMMARY

Nathan O'Malley is a partner in the Firm's Los Angeles office where he leads the International Litigation and Arbitration Practice Group. His experience as an international arbitration specialist includes handling joint venture, construction and engineering, conventional and renewable energy, manufacturing and distribution, as well as information technology disputes.

Mr. O'Malley frequently represents clients in arbitrations seated outside of California, and has appeared before arbitral tribunals in Geneva, Zurich, Amsterdam, Brussels, The Hague, Frankfurt, Singapore, Abu Dhabi and Toronto. He has handled cases under most of the prominent arbitral rules, including those of the ICC, UNCITRAL, Stockholm Chamber of Commerce, Netherlands Arbitration Institute, Swiss Rules, American Arbitration Association (ICDR) and World Intellectual Property Organization. Mr. O'Malley also acts for clients in matters seated in the United States, and has argued before state and federal courts, including the California Courts of Appeal and the Ninth Circuit Court of Appeals in matters pertaining to international arbitration. In 2017 Mr. O'Malley successfully argued the matter of *Portland General Electric v. Liberty Mutual Insurance Company et al.*, 862 F.3d 981 (9th Cir. 2017) on behalf of the amicus party, which was the first opinion of the Ninth Circuit to consider whether courts must defer to arbitrators on issues of arbitrability when the ICC Rules of Arbitration apply.

Reflecting his experience in the field, Mr. O'Malley has also been appointed as an international arbitrator (neutral) on multiple occasions by the Paris-based ICC International Court of Arbitration, the Permanent Court of Arbitration in The Hague, the AAA (ICDR) and is admitted to the roster of international arbitrators with the Korean Commercial Arbitration Board.

Mr. O'Malley also serves as an adjunct professor and as a member of the Advisory Committee for ADR Programs at the USC Gould School of Law. He has authored a number of law-journal articles on various topics concerning international contracts and arbitration, and has written a leading text on international arbitration procedure entitled, *The Rules of Evidence in International Arbitration: An Annotated Guide* (Routledge / Informa, London).

Mr. O'Malley reads German and speaks Dutch.

Speaking Engagements

- Speaker, ICDR California International Arbitration Summit (2016) "Conflicts of Interest in International Arbitration and California Law"
- Speaker, ICDR/LACBA Los Angeles International Arbitration Conference (2014) "Privilege and Confidentiality in International Arbitration"
- Speaker, ICDR/LACBA Arbitration in the Pacific Rim (2013) "Emergency Arbitration under the ICDR Rules"
- Speaker, ICC Young Arbitrator's Forum – Paris (2013), "Witness Statements in International Arbitration"
- Speaker, Asser Institute (2012), "The Lance Armstrong Case: International Sports Arbitration and Due Process"
- Speaker, EXPORTA San Francisco International Trade Finance Conference (2012), "International Commercial Dispute Resolution Update"
- Instructor, Magna Charta Academie voor de Rechtspraak (2012), "International Contracting – Basic Principles"
- Speaker, ICC Young Arbitrator's Forum - The Hague (2012), "The Revised IBA Rules of Evidence"
- Speaker, National Marine Manufacturer's Association (2012), "International Contracting and Risk Mitigation"

Recent Arbitrator Appointments

- Appointed by the Permanent Court of Arbitration as the sole arbitrator in an UNCITRAL Rules arbitration seated in The Hague arising out of a World Bank financed infrastructure project in an African nation.
- Appointed by the ICC International Court of Arbitration as the sole arbitrator in an ICC arbitration seated in The Hague arising out of a cross-border sale of goods contract.
- A party-appointed arbitrator in a Dubai International Arbitration Centre arbitration seated in Dubai arising out of a dispute between two shareholders in a joint venture company.
- Appointed by the Permanent Court of Arbitration as the sole arbitrator in an UNCITRAL Rules arbitration seated in The Hague between a general contractor and a sub-contractor on an

infrastructure project in an African nation.

- Appointed by the ICC International Court of Arbitration as the sole arbitrator in an UNCITRAL Rules arbitration seated in Amsterdam arising out of an international professional services partnership.
- Appointed by the ICC International Court of Arbitration in an ICC arbitration seated in Vienna arising out of a joint venture agreement.

Recent Cases

- Representing a European distributor in an ICC arbitration in Singapore arising out of a dispute over defective products sold in the EU.
- Representing a Cypriot construction company in an ICC arbitration seated in Abu Dhabi arising out of a sub-contract for the construction of a port facility in the Persian Gulf.
- Representing a European licensor in a Netherlands Arbitration Institute arbitration in Brussels arising out of the termination of a license agreement.
- Representing a European owner of a vessel in an ICC arbitration seated in Zurich arising out of a charter-party agreement.
- Representing a Cypriot specialty sub-contractor in an ICC arbitration in Geneva arising out of a port project in Qatar.
- Representing a European specialty sub-contractor in an ICC arbitration in Geneva arising out of a power plant project in North America.
- Representing a European software designer in a World Intellectual Property Organization (WIPO) arbitration seated in Geneva arising out of a joint venture agreement and related technology license.
- Representing a North American distributor and shareholder of a joint venture in a multi-party dispute with a European manufacturer in a Netherlands Arbitration Institute arbitration seated in Rotterdam.

PUBLICATIONS

ARTICLES

- "Internationally Known - The IBA Rules of Evidence," The Los Angeles Lawyer, February 2014
- "U.S. Discovery in Aid of International Arbitration," Journal of International Arbitration, Vol. 31, No. 1 (2014), page 112, Co-Author
- "An Annotated Commentary on the 2010 IBA Rules of Evidence," International Construction Law Review, Vol. 27, No. 4, Page 463 (2010)
- "Getting the Deal Through" - Dispute Resolution 2008 & 2009: Netherlands Chapter, Law & Business Research, Co-Author
- "The Procedural Rules Governing the Production of Documentary Evidence in International Arbitration - As Applied in Practice," The Law and Practice International Courts and Tribunals, Vol. 8, No. 1 (2009)
- "Getting the Deal Through" - Arbitration 2009: Netherlands Chapter, Law & Business Research, Co-Author
- "Amsterdam Court of Appeals enforces arbitral awards set aside at place of arbitration," IBA Arbitration News, Vol. 14, No. 2 (2009), Co-Author
- "Conducting Document Discovery in International Commercial Arbitration - A Practical Overview," The

California International Law Journal, Vol. 15, No. 1 (2007)

- "The UNIDROIT Principles: Are they Law?" Vindobona Journal of International Commercial Law and Arbitration, Vol. 11, No. 1 (2007), Co-Author
- "Document Disclosure in International Construction Arbitration" Construction Law Journal, Vol. 23, No. 2 (2007), Co-Author
- "Trends in International Distribution Agreements: USA and Netherlands," Nederlands Tijdschrift voor Handelsrecht, January 2006, Co-Author
- "English Courts Force Mediation: Tijdschrift voor Mediation, Vol. 4 (2002)

NEWS

- Partner Nathan O'Malley is a featured speaker at the upcoming International Chamber of Commerce West Coast Conference
- Musick Peeler will be hosting Young ICCA's Conference on March 14, 2018 in its Los Angeles Office.
- Partner Nathan O'Malley successfully argues before the Ninth Circuit on behalf of Amicus Curiae, Abengoa SA.
- Congratulations to Partner Nathan O'Malley on his recent appointment to the USC Institute for Corporate Counsel
- Congratulations to Partner Nathan O'Malley on his Korean Commercial Arbitration Board appointment
- Partners Nathan O'Malley and Bill Tebbe will be speaking at the USC-JAMS Arbitration Institute Friday, June 2, 2017
- We are pleased to welcome partner Nathan O'Malley and associates Baber Khan and Marcio Vasconcellos to our Los Angeles Office. They are members of our Business Litigation Department.

ADMISSIONS & PROFESSIONAL ASSOCIATIONS

- State Bar of California
- United States District Court, Central and Eastern Districts of California
- California Bar Association
- International Bar Association
- Former Co-Chair of the Benelux Subcommittee of the USCIB/ICC Arbitration Committee
- Former Chairman of Netherlands Chapter and Associate Member
- Chartered Institute of Arbitrators
- ICSID Review - Foreign Investment Law Journal, Peer Reviewer, June 2014 to present
- International Centre for Dispute Resolution, Member of the Panel of Arbitrators, Starting November 2015
- Korean Commercial Arbitration Board, Member of the Panel of International Arbitrators, Effective until May 31, 2020
- USC Institute for Corporate Counsel, Member of the Advisory Board, Effective until 2019