



## *David W. Bowker*

### **PARTNER**

Partner-in-Charge, Washington DC Office

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David W. Bowker chairs the firm's International Litigation Practice and has a wealth of commercial litigation and arbitration experience representing US and foreign companies, multi-nationals, foreign states, international organizations and nonprofit organizations before international arbitration tribunals, state and federal trial courts, courts of appeal, and the US Supreme Court. He is also an active member of the firm's International Arbitration Group, Trial Group, and Government and Regulatory Litigation Group.

Mr. Bowker has litigated high-stakes cases in US federal and state courts for nearly 20 years. In *Agency for International Development v. Alliance for Open Society International, Inc.*, 570 U.S. 205, Mr. Bowker argued and won a landmark First Amendment decision in the US Supreme Court on behalf of dozens of public health organizations in the successful challenge of an unconstitutional "pledge" requirement that the US government sought to impose as a condition of federal funding to fight HIV/AIDS overseas.

Mr. Bowker's ongoing matters include the representation of a leading pharmaceutical manufacturer Genentech in a purported mass action brought under the Anti-Terrorism Act and various state laws on behalf of US servicemembers wounded or killed in the Iraq War; a leading US financial institution in a massive takings claim against Cuba, as certified by the Foreign Claims Settlement Commission; a leading US oil and gas drilling company in complex US litigation against Venezuela for an unlawful expropriation under the Foreign Sovereign Immunities Act; *The Washington Post* journalist Jason Rezaian against Iran and the Islamic Revolutionary Guards Corps for hostage-taking and torture under the Foreign Sovereign Immunities Act; an international organization in US litigation brought by Cuban doctors claiming violations of US law in connection with the largest public health program ever administered by a UN agency; The Metropolitan Museum of Art in US litigation involving a Nazi-era claim to a masterpiece painting by Pablo Picasso; and numerous other clients in complex, cross-border disputes.

Mr. Bowker teaches international law and dispute resolution as an adjunct professor at the

University of California at Berkeley School of Law and Georgetown University Law School. He serves on the US Department of State's Advisory Committee on Private International Law. He is a member of the American Law Institute, the American Society of International Law, the American Bar Association, and the International Bar Association. He is a board member of the nonprofit Hostage US.

Before joining the firm, Mr. Bowker served as the Attorney-Adviser for the Law of Armed Conflict in the Office of the Legal Adviser at the US Department of State. Prior to that, he served as a graduate intern on the National Security Council staff.

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## *Solutions*

Commercial Litigation

Education

Government and Regulatory  
Litigation

International Litigation  
Trials

International Arbitration

Litigation

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## Experience

### ONGOING AND RECENT US LITIGATIONS AND CROSS-BORDER DISPUTES

- The ongoing representation of The Metropolitan Museum of Art in *Zuckerman v. The Metropolitan Museum of Art*. Mr. Bowker argued and won a dismissal for the museum of a claim to Pablo Picasso's masterpiece, *The Actor*, on the ground that plaintiff—the administrator of a Swiss estate—failed to plead duress in connection with a 1938 sale to a renowned Picasso dealer in Paris. 307 F. Supp. 3d 304 (S.D.N.Y.). Mr. Bowker has argued the case in the Second Circuit, where the case is now pending.
- The ongoing representation of US pharmaceutical manufacturers Genentech and F. Hoffmann La-Roche in *Atchley et al. v. AstraZeneca et al.* (D.D.C.), in a complex, mass action litigation brought under the Anti-Terrorism Act and various state laws on behalf of US service members killed and wounded in the Iraq War.
- The ongoing representation of The Pan American Health Organization in *Rodriguez v. Pan American Health Organization* (S.D. Fla.), involving claims of alleged trafficking and torture of Cuban doctors as part of the largest-ever public health program administered by a UN agency.
- The successful representation of *The Washington Post* journalist Jason Rezaian and his family in *Rezaian v. Islamic Republic of Iran et al.* (D.D.C.), in which Mr. Bowker first-chaired a bench trial that resulted in complete victory and a \$180 million judgment based upon claims of hostage-taking, torture and terrorism under the Foreign Sovereign Immunities Act.
- The ongoing representation of US drilling company Helmerich & Payne in *Helmerich & Payne v. Republic of Venezuela* (D.D.C.; D.C. Cir.; S. Ct.), involving claims for the taking of property in violation of international law under the expropriation exception and breach of contract under the commercial-activities exception of the Foreign Sovereign Immunities Act.
- The successful representation of the international home-sharing platform, Airbnb, in *Harow v. Airbnb* (N.D. Cal.) and *Silber v. Airbnb* (D. Del.), related Israeli litigation, and related international arbitrations brought by users and prospective users claiming discrimination in connection with Airbnb's policy decision to de-list certain properties in disputed territories, including the West Bank.
- The successful representation of Sembcorp Industries Ltd. in *EIG Energy Fund XIV, L.P., et al. v. Petroleo Brasileiro, S.A., et al.* (D.D.C.), in which the court dismissed for lack of jurisdiction claims involving an alleged international conspiracy among sovereign and sovereign-owned entities to defraud US investors.
- The successful representation of foreign individuals and companies in multiple US federal court litigations against judgment creditors of foreign terrorist organizations seeking to attach assets located in the United States.
- The ongoing representation of a US public company against the Republic of Cuba for takings in violation of international law.

### INTERNATIONAL LITIGATION AND ARBITRATION INVOLVING PARALLEL PROCEEDINGS IN MULTIPLE JURISDICTIONS

- The ongoing representation of a US oil and gas drilling company in US and

Venezuelan litigations against the Republic of Venezuela and the Venezuelan national oil company for takings in violation of international law and breaches of contract under the expropriation and commercial activities exceptions of the Foreign Sovereign Immunities Act.

- The ongoing representation of a US apparel company in an international commercial arbitration seated in the United States and a German litigation against a German distribution company for breaches of licensing and distribution contracts under US law and related counterclaims under German law.
- The successful representation of a leading European telecommunications company in a massive multi-forum dispute involving numerous international litigations and arbitrations, including the largest ICC arbitration in history, over the break-up of a major joint venture.

#### **INTERNATIONAL LITIGATION IN US COURTS**

- The ongoing representation of foreign individuals and companies in multiple US federal court litigations against judgment creditors of foreign terrorist organizations seeking to attach assets located in the United States.
- The successful representation of a coalition of non-governmental organizations in a landmark US Supreme Court case upholding the free speech rights of non-governmental organizations engaged in US government-funded programs to fight HIV/AIDS in dozens of countries around the world. See *Agency for Int'l Development et al. v. Open Society Int'l, Inc., et al.*, 570 U.S. \_\_\_, 133 S. Ct. 2321 (2013).
- The successful representation of a major US art museum in a groundbreaking case in New York federal court applying the act of state doctrine to uphold the dismissal of a claim to a Cezanne painting that was nationalized by the Soviet Government shortly after the 1918 Revolution, later sold to a US collector, and donated to the museum. See *Konowaloff v. The Metropolitan Museum of Art*, 702 F.3d 140 (2d Cir. 2012).
- The successful representation of German companies and an association of German industry in multiple US litigations involving World War II-era claims brought in violation of international treaties and an executive agreement among the United States, the Federal Republic of Germany, and other sovereigns.
- The successful representation of the Federal Republic of Germany as amicus curiae in landmark US Supreme Court case striking down a California insurance statute offensive to US-German relations and treaties, and in violation of the President's Foreign Affairs powers under Article II of the US Constitution.
- The successful representation of a foreign national and Royal Family member in US federal court litigation arising out of the 9/11 attacks, with our clients obtaining dismissals of all claims against them on jurisdictional and related grounds.

#### **INTERNATIONAL SOVEREIGN IMMUNITY LITIGATION AND COUNSELING**

- The ongoing representation of a US oil and gas drilling company in US and Venezuelan litigations against the Republic of Venezuela and the Venezuelan national oil company for takings in violation of international law and breaches of contract under the expropriation and commercial activities exceptions of the Foreign Sovereign Immunities Act.
- The ongoing representation of a US public company against the Republic of Cuba for takings in violation of international law.

- The representation of an agency or instrumentality of a foreign sovereign in US litigation against the Republic of Iraq in a dispute over ownership of natural resources; strategic counseling and advice on related political issues and ownership disputes.
- Strategic counseling and advice to a range of financial institutions, hedge funds, energy companies, and multinationals regarding active or potential international disputes with foreign sovereigns, sovereign agencies or instrumentalities, and sovereign wealth funds.

#### **INTERNATIONAL HUMAN RIGHTS MATTERS**

- The ongoing representation of a foreign cabinet secretary wrongfully accused of crimes in retaliation for official and personal acts to protect the environment, in violation of international human rights law, in an ongoing effort to vindicate her rights and oppose a foreign sovereign's efforts to arrest and incarcerate her.
- The successful representation of Pierre Rodger Lambo Sandjo, a.k.a. Lapiro de Mbanga, the famed singer-songwriter and prominent political dissident wrongfully imprisoned in Cameroon in violation of international law, resulting in the client's release and resettlement with his family in the United States, after the firm obtained a favorable ruling from the United Nations Working Group on Arbitrary Detention and engaged the Secretary General of the United Nations and members of the US Congress to assist in negotiations with the government of Cameroon.
- The successful representation of Dr. Cu Huy Ha Vu, civil rights and environmental lawyer, activist, and prominent political dissident wrongfully imprisoned in Vietnam in violation of international law, resulting in the client's release and resettlement with his wife in the United States, after the firm obtained a favorable ruling from the United Nations Working Group on Arbitrary Detention and engaged the US Department of State to assist in negotiations with the government of Vietnam.
- Strategic counseling and advice to individuals, corporations, and non-government organizations on a wide range of international human rights matters.

#### **COMPLEX COMMERCIAL LITIGATIONS AND ARBITRATIONS**

- Multiple successful representations of major US and foreign companies in international commercial arbitrations before the ICC and other arbitral institutions.
- Multiple successful representations of US financial institutions in complex commercial litigations involving mutual funds, investment products, investment advisory services, and retirement products, including for example:
  - The successful representation of a large US financial institution in a complex, class-action litigation in US court, in which plaintiffs challenged the practice of revenue sharing between mutual funds and an annuity provider across thousands of retirement plans, claiming a breach of fiduciary duties under ERISA and related federal laws.
  - The successful representation of a large US financial institution in multiple class actions litigations in multiple jurisdictions, in which plaintiffs challenged certain service payments and fees to an association of state employees in connection with a large, public retirement plan.
- The successful representation of a large US financial institution in class-action litigation in US court, in which plaintiffs challenged certain service payments and fees paid to a national teachers' association, claiming a breach of fiduciary duties under ERISA and related federal laws.

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## Recognition

- Selected by peers for inclusion in *Best Lawyers in America* for appellate practice (2024).
- Recognized in *Benchmark Litigation* as a "Litigation Star" in 2023 and 2024.
- US Department of State Superior Honor Award (counsel, war on terrorism).
- US Department of State Superior Honor Award (counsel, multilateral negotiations).
- US Department of State Meritorious Honor Award (department-wide ethics counsel).
- Recognized in the 2018–2023 editions of Washington DC *Super Lawyers* for his international, business litigation, appellate and dispute resolution practices.
- Selected as a member of *Lawdragon* magazine's "500 Global Litigation Lawyers" guide for 2021–2023, which recognizes lawyers who specialize in international arbitration, public international litigation and global controversies.
- Named a 2018 Litigation Trailblazer by *The National Law Journal*.
- InterAction's Julia Vadala Taft Outstanding Leadership Award (April 2014).

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## Credentials

### EDUCATION

JD, University of California, Berkeley School of Law, 1998

MALD, Tufts University, Fletcher School of Law and Diplomacy, 1998

BA, University of California, Los Angeles, 1993

*cum laude*

### GOVERNMENT EXPERIENCE

Department of State

*Attorney-Adviser for Political-Military Affairs, Office of the Legal Adviser*

### ADMISSIONS

District of Columbia

New York

California

### CLERKSHIPS

The Hon. Joseph T. Sneed, US Court of Appeals for the Ninth Circuit, 1998 - 1999

### LANGUAGES

German