

## What McIlwrath did next

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*Michael McIlwrath*

After 22 years steering litigation for General Electric's oil and gas division and for former GE subsidiary Baker Hughes, **Michael McIlwrath** has founded a new company devoted to providing in-house litigation support to private and public organisations facing international disputes.

MDisputes, launched today, will operate from Florence, Italy, where McIlwrath lives, and aims to help organisations bring the risks and costs of disputes under control. Its support includes assistance with assessing and settling disputes or managing those that do not settle; defining clear objectives for parties and developing strategies to achieve them; retaining counsel and experts at fees reasonable for the amount in dispute;

appointing mediators and arbitrators; and preparing claims for financing by third parties.

MDisputes will also help elevate soft skills across organisations, by providing negotiation training or other courses tailor-made to address and mitigate key risk areas.

The company has its own staff plus an international network of collaborators with expertise in international arbitration, mediation, online dispute resolution, complex engineering and training. According to McIlwrath, it is poised to assist with a broad range of challenging international disputes in existing and emerging markets, including disputes concerning energy transition and decarbonisation.

"In my 22 years as in-house litigation counsel for some of the world's largest companies, I have seen how organisations respond differently to disputes, especially when they arise outside of a home jurisdiction," he says. "For example, when facing an international arbitration or a litigation in a foreign court, some of the first questions anyone asks are: *how* should we handle this; *who* should handle it; *what* is the risk; *how much* will it cost; and, even, are there ways to fund this or make it affordable?"

He says MDisputes will work transparently with all stakeholders, including with in-house lawyers and external counsel, "applying the highest levels of integrity and modern standards of ethical conduct, diversity and low-environmental impact."

"By working collaboratively, MDisputes can assist with an organisation's ongoing improvement efforts while at the same time reducing the costs of disputes," he says. "These improvements will remain long after our support has been provided."

McIlwrath, 58, joined GE in the Italian city of Florence in 1999, after starting out as an editor, writer and teacher and spending several years practising as a lawyer in New York. A few months after his arrival, **Jean Claude Najjar** joined as general counsel of GE, and introduced him to luminaries of the arbitration world, including the likes of **Emmanuel Gaillard**, **Gary Born** and **Thomas Walde**, who had a considerable influence on his development.

"And then Jean-Claude pretty much got on with being GC, trusting me to do a lot of our arbitration work internally to meet our budget targets, while relying on law firms where it made sense," McIlwrath has told GAR.

McIlwrath was head of litigation at GE's oil and gas division from 2002 until 2017, when GE and oil field services company Baker Hughes merged. He then became vice president of litigation at the combined company. He has described his successful in-house career as "in part serendipity" but also down to "having those who mentored me or nudged me in the right direction, keeping my feet on the ground."

He also praised his co-workers at GE and Baker Hughes, saying that he had always believed in building the strongest team he could and hiring people who "would be better than me".

He retired in March this year, soon after fending off a US\$763 million ICDR oil claim brought against Baker Hughes over a project to build a pair of liquefied natural gas plants in Nigeria (and winning US\$8.8 million into the bargain).

"Despite all the challenges of 2020 for an energy company, my team had a fantastic year, and the company did well too. So after 22 years, it just seemed the right time to move on, and do it on a high note," he told GAR.

Since then, he has spent time on the Italian coast, developing his family's holiday rental business and "not getting round to clearing out the garage", while colleagues speculated as to what his next steps would be.

Today, members of the arbitral community welcomed the opening of MDisputes, including former secretary general of the SCC Arbitration Institute **Annette Magnusson**, whose newly founded Climate Change Counsel is one of the "collaborators" that will enable MDisputes to provide in-house dispute resolution support on climate-change related issues.

According to Magnusson, efficient dispute management "has an important role to play in the Race to Zero" (meaning the global campaign to reach zero carbon emissions).

"We are pleased to be part of the MDisputes' network of international collaborators and look forward to supporting climate mitigation measures in general and energy transition in particular in the MDisputes context," she says.

Alongside his new venture, McIlwrath will continue to be an adjunct professor at Bocconi School of Law in Milan and chair of the ICC's governing body for dispute resolution services. He has been recognised by ArbitralWomen as a "champion of change" for his efforts in promoting diversity in international arbitration.