

Emerging Trends in International Arbitration in Latin America
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Conference Faculty Biographies

Juan M. Alcalá, UT Law '99, partner, Gardere Wynne Sewell. Juan Alcalá is co-chair of Gardere's International Dispute Resolution Group. Mr. Alcalá's practice focuses on solving problems for U.S. clients with high-exposure litigation and arbitration matters in or stemming from Latin America, as well as for Latin American clients with disputes pending in the U.S. and other parts of the globe. These litigation and arbitration matters have involved contractual disputes, collective actions, products liability claims, environmental tort claims, and intellectual property conflicts. Clients doing or wanting to do business in the region also rely on Mr. Alcalá's cross-border dispute experience for risk assessment counseling and guidance. Mr. Alcalá is named as a leading lawyer for Latin America by several publications. He is a member of the advisory board of the Center for Global Energy, International Arbitration and Environmental Law at The University of Texas School of Law.

Alfredo del Carril, legal manager, ENAP. Alfredo del Carril studied at the Universidad Austral (Argentina) and at the Universidad de Roma Tor Vergata (Italy). He has an LL.M. from the University of Virginia Law School. Mr. del Carril has extensive professional experience as a consultant to multinational companies on corporate matters as well as in the energy and construction industries. Just prior to joining ENAP, he served as legal director for South America in the Danish company Vestas. Previously, he held positions as legal adviser for Latin America in the Swedish multinational Skanska, consultant for the World Bank, and member of the law firms Pozo Gowland & Koch and Rosso, Alba, Francia & Ruiz Moreno. Since May 2014, he has served as general counsel at ENAP.

Cristián Conejero, member, Court of International Arbitration of the ICC Chile. Cristián Conejero is partner and head of arbitration at Philippi Yrarrazaval Pulido Brunner in Santiago, Chile, and has broad experience in arbitration, both as counsel and arbitrator, and in dispute resolution in general. He currently serves as the Chilean member of the ICC International Court of Arbitration and is a professor of international private law at the Pontificia Universidad Católica de Chile Law School. Mr. Conejero has a law degree from the Pontificia Universidad Católica de Chile Law School and an LL.M. from Columbia Law School. He has been consistently recognized as an expert in arbitration and international dispute resolution by Global Arbitration Review Ranking "GAR 45 under 45", Chambers and Partners, Legal500, Who's Who Legal, Expert Guides, Latin Lawyer, and Decideurs.

Martin Doe, legal counsel, Permanent Court of Arbitration. Martin Doe serves as legal counsel at the Permanent Court of Arbitration (PCA) in The Hague, an intergovernmental organization dedicated to the resolution of disputes involving States, State entities, intergovernmental organizations, and private parties. At the PCA, Mr. Doe works closely with arbitral tribunals constituted to resolve investment disputes under bilateral and multilateral investment treaties, contract claims involving State entities and international organizations, and sovereign disputes under the UN Convention on the Law of the Sea, international peace agreements, and other treaties. In particular, Mr. Doe handles matters involving Latin American States or where Spanish is a language of the arbitration.

Donald Donovan, partner, Debevoise & Plimton. Donald Donovan serves as counsel in international disputes before courts in the United States, international arbitration tribunals, and international courts. *Chambers Global 2013* recently identified him as one of the five leading public international lawyers and eleven leading international arbitration practitioners in the world. Mr. Donovan currently serves as president of the American Society of International Law. He also serves as a member of the U.S. Secretary of State's Advisory Committee on International Law; a member of the Advisory Committees of the American Law Institute for the Restatement of U.S. Foreign Relations Law and for the Restatement of the U.S. Law of International Commercial Arbitration; a member and honorary vice president of the International Council for Commercial Arbitration (ICCA); alternate U.S. member of the ICC International Court of Arbitration; and as a member of

the Board of Human Rights First and chair of its Litigation Committee. He teaches international arbitration and international investment law and arbitration at the New York University School of Law.

Elisabeth Eljuri, head of Latin America, partner, Norton Rose Fulbright. Elisabeth Eljuri is head of Latin America for Norton Rose Fulbright. She is also head of the corporate department of its Caracas office, head of the Oil and Gas Practice Group, and an active member of the International Arbitration Practice Group. In Latin America and in Venezuela in particular, Ms. Eljuri focuses on corporate and transactional work involving high-end sophisticated transactions for Fortune 500 corporations as well as international dispute work related to major projects and infrastructure. On the dispute side, she frequently acts as co-counsel in international arbitrations, including ICC and ICSID procedures. She has also been retained as an independent expert in international arbitrations and court proceedings and has spoken and published extensively in the area of energy and resources investment disputes and investment treaty law.

Karen L. Engle, Minerva House Drysdale Regents Chair in Law and founder and co-director of the Bernard and Audre Rapoport Center for Human Rights and Justice at the University of Texas School of Law. She teaches courses and specialized seminars in public international law, international human rights law, and employment discrimination. Professor Engle writes and lectures extensively on international human rights law. She is author of *The Elusive Promise of Indigenous Development: Rights, Culture, Strategy* (Duke University Press, 2010), which received the Best Book Award from the American Political Science Association Section on Human Rights.

Victor Ferreres Comella, professor of constitutional law, Pompeu Fabra University. Victor Ferreres Comella's work has focused on courts, fundamental rights, and European supranational structures. His most recent book is *Constitutional Courts and Democratic Values. A European Perspective* (Yale University Press, 2009). He has also written two books in Spanish: *Justicia constitucional y democracia* (Centro de Estudios Políticos y Constitucionales, 1997), which won the "Francisco Tomás y Valiente" Prize, and *El principio de taxatividad en material penal y el valor normativo de la jurisprudencia* (Civitas, 2002). He is a visiting professor at The University of Texas School of Law.

Gonzalo Flores, team leader/senior counsel, International Centre for Settlement of Investment Disputes. Gonzalo Flores serves as senior counsel at the International Centre for Settlement of Investment Disputes (ICSID), the World Bank Group's organization that provides facilities for the conciliation and arbitration of investment disputes between States and foreign nationals. In this capacity, Mr. Flores has served as secretary of the Tribunal in numerous ICSID and UNCITRAL arbitral proceedings instituted under the ICSID Convention, the ICSID Additional Facility Rules, and the UNCITRAL Arbitration Rules.

Gonzalo Fratini, in-house counsel, Pan American Energy. Gonzalo Fratini has a law degree from the University of Buenos Aires and an LL.M. from Columbia University. He is in-house counsel at Pan American Energy LLC. His practice focuses on the oil & gas sector, including association agreements, financing, mergers & acquisitions, corporate practice, and arbitration in diverse matters comprising investment disputes, joint venture agreements, gas price revision, transportation contracts, and infrastructure.

Ximena Fuentes Torrijo, professor, Universidad Adolfo Ibáñez Law School. Ximena Fuentes Torrijo has a Ph.D. from Oxford University and a law degree from the University of Chile Law School. She is a distinguished international law scholar whose work focuses on international environmental law, use of shared natural resources, human rights, the International Criminal Court (ICC), and maritime delimitation. Professor Fuentes Torrijo has a particular interest in the way international public law relates to national rights and has published extensively, both in Chile and abroad. She is of counsel at Bofill Mir & Álvarez Jana Abogados.

Álvaro Jana, partner, Bofill Mir & Álvarez Jana Abogados. With significant experience in the areas of litigation and corporate consulting related to commercial law, international economic law, and regulated markets, Álvaro Jana also co-leads the Antitrust and Unfair Competition Group and is partner-in-charge of the International

Trade and Economic Integration Group at Bofill Mir & Álvarez Jana. He has his LL.M. from Georgetown University and worked in the Directorate General of International Economic Affairs of Chile (DIRECON) as head of the World Trade Organization Department and as an internal and external advisor in multilateral and regional and international trade panels. Later, during the last two years of President Sebastián Piñera's term in office (2012-2014), he was appointed director general of DIRECON, thereby assuming the role of vice minister for trade and general director of international economic relations with the Chilean Foreign Ministry. In this capacity, he has advised the Chilean government in international negotiation processes, including the Trans-Pacific Partnership Agreement (TPP), the Pacific Partnership and its various instances of integration, the plurilateral agreement on services (TISA) and the so-called Bali Package, the Free Trade Agreements (FTA) with Hong Kong, Vietnam, and Thailand, the proposed modernization of the Association Agreement with the European Union, expanding the FTA with Turkey and Canada, and the expansion agreement with India.

Andrés Jana, partner, Bofill Mir & Álvarez Jana Abogados. Regarded by Chambers & Partners, Who is Who, and the Legal 500 as one of the best litigation attorneys in Chile and as a leading attorney in international arbitration in Latin America, Andrés Jana heads BMAJ's Litigation and International Arbitration Group. He has experience in commercial and investment arbitration, as counsel, arbitrator, and expert. He is the Chilean delegate to the Working Group on International Arbitration of the UNCITRAL and a member of the Special Drafting Committee of the Working Group on Arbitration Involving States or State Entities of the ICC. He has been appointed by Chile as a member of the list of ICSID arbitrators. He is also a member of the London Court of International Arbitration (LCIA). Mr. Jana is a visiting professor at The University of Texas School of Law.

Johanna Klein Kranenberg, counsel, Bofill Mir & Álvarez Jana Abogados, Johanna Klein Kranenberg's practice focuses on litigation and alternative international dispute resolution, in particular investor-state arbitration (ICSID). She is legal counsel of the Chilean government in a litigation in Dutch courts involving the immunity of jurisdiction of the Republic of Chile. She represents Chilean and Swiss investors in ICSID arbitrations against Bolivia and Venezuela. She has successfully represented the Republic of Chile in an ICSID arbitration initiated by a Spanish fishery. She has also represented the State of Eritrea in an International arbitration with the State of Ethiopia related to compensation for war damages before the Eritrea Ethiopia Claims Commission, with SEAT at the Permanent Court of Arbitration in The Hague (2006-2007).

James Loftis, UT Law '90, partner, Vinson & Elkins. James Loftis heads V&E's International Dispute Resolution practice and focuses his practice on the arbitration and litigation of international commercial and investor-state disputes and on counseling clients involved in matters involving international law and treaties. His practice includes disputes involving all aspects of energy, infrastructure development and construction, and disputes under investment laws and treaties, as well as boundary disputes, cross-border technology disputes and sovereign debt. He is a member of the ICC Commission on Arbitration, is listed in *Global Arbitration Review*, is the ABA's delegate to the LCIA Court of Arbitration in London, is listed in Legal Media Group's (Euromoney's) *Expert Guide to Commercial Arbitration*, and is ranked in international arbitration in *Chambers Global*, *Chambers UK*, *Chambers USA* and *Legal 500 UK*. He is listed in *The Best Lawyers in America*® for international arbitration. Mr. Loftis is an adjunct professor and chair of the advisory board of the Center for Global Energy, International Arbitration, and Environmental Law at The University of Texas School of Law.

Luis M. Martínez, vice president, region: South & Central America & North East USA, International Centre for Dispute Resolution. Luis Martínez is the vice president of the International Centre for Dispute Resolution. Mr. Martínez serves as an integral part of the ICDR's international strategy team and is responsible for international arbitration and mediation business development for the North East (from Washington, D.C. to Maine, including New York City) and Central and South America. In his capacity as president of the IACAC, Mr. Martínez was responsible for the oversight of its network of arbitral centers throughout the Americas.

Santiago Montt, senior manager, Group Legal Copper, Base Metals, BHP Billiton. Santiago Montt has an LL.B. from the University of Chile, an LL.M. and a J.S.D. from Yale University Law School, and an M.M.P. from Princeton University. He is the author of *State Liability in Investment Treaty Arbitration* (Hart, Oxford 2009 & 2012) and various papers on international arbitration, administrative law, and antitrust.

Dietmar W. Prager, partner, Debevoise & Plimpton. Dietmar Prager is a litigation partner in the firm's New York office who focuses his practice on international arbitration and litigation with a particular emphasis on Latin America. Mr. Prager has represented parties in numerous arbitrations throughout the world under the auspices of ICSID, the ICC, the AAA and ICDR, and the PCA as well as in ad hoc arbitration proceedings. Mr. Prager's recent representations include disputes involving bilateral investment treaties, mining ventures, the retail sector, the finance sector, the media sector, sovereign debt, and distribution agreements. Mr. Prager is ranked among the leading international arbitration practitioners by Chambers Global, Chambers Latin America, and Legal 500 Latin America. Mr. Prager is a member of the Executive Board of the Institute for Transnational Arbitration (ITA) and served as the first chair of ITA's Americas Initiative. Mr. Prager is also a member of the Asociación Latinoamericana de Arbitraje (ALArb) and its Committee for Relations to Other International Organizations, the Comitê Brasileiro de Arbitragem (CBAr), the IBA, the Club Español de Arbitraje and the American Society of International Law.

Alan S. Rau, Mark G. and Judy G. Yudof Chair in Law, The University of Texas School of Law. Alan Rau teaches and writes in the areas of contracts and alternative dispute resolution (particularly arbitration). He is co-author of *Processes of Dispute Resolution: The Role of Lawyers* (4th ed. 2006); *ADR and Arbitration: Statutes and Commentary* (West, 2000), and *Cases and Materials on Contracts* (West, 2nd ed. 1992) and the author of numerous articles, including most recently "Arbitral Jurisdiction and the Dimensions of Party 'Consent'" (*Arbitration International*, 2008); "Fear of Freedom" (*American Review of International Arbitration*, 2008); "The Arbitrator and Mandatory Rules" (*American Review of International Arbitration*, 2008), "Evidence and Discovery in American Arbitration: The Problem of 'Third Parties'" (*American Review of International Arbitration*, 2009); and "Understanding (and Misunderstanding) 'Primary Jurisdiction'" (*American Review of International Arbitration*, 2011).

Carlos Saavedra Teran, in-house counsel, YPFB-Andina. Carlos Saavedra is a Bolivian attorney with experience in commercial law, hydrocarbons, arbitration. Mr. Saavedra has served as legal adviser at the Internal Revenue Service and was a partner in Guevara & Gutiérrez, both in Bolivia. In Santa Cruz de la Sierra, hub of Bolivia's oil industry, he has worked at subsidiaries such as Tesoro Bolivia Petroleum Company (USA), Total Exploration Production Bolivie (France), Petrobras Inversiones y Services S.A. (Brazil), and at YPFB Andina S.A.

Lawrence Sager, Alice Jane Drysdale Sheffield Regents Chair, The University of Texas School of Law. Lawrence Sager is one of the preeminent constitutional theorists and scholars in the United States. Professor Sager came to Texas from New York University School of Law, where he was the Robert B. McKay Professor and co-founder of the Program in Law, Philosophy & Social Theory. He has also taught at Harvard, Princeton, Boston University, UCLA, and the University of Michigan. Professor Sager is the author or co-author of dozens of articles, many now classics in the canon of legal scholarship. He is the author of two books: *Justice in Plainclothes: a Theory of American Constitutional Practice* (Yale Univ. Press), and *Religious Freedom and the Constitution* (co-authored with Christopher Eisgruber) (Harvard Univ. Press).

Matthew D. Slater, partner, Cleary Gottlieb Steen & Hamilton. Matthew Slater's practice focuses on international investment-treaty and commercial arbitration. In his international arbitration and litigation practice, Mr. Slater often represents foreign sovereign governments. Mr. Slater's international arbitration practice has been recognized by *The Legal 500 U.S.* He frequently writes and speaks on international litigation and arbitration issues. Recent publications include regular articles for *The International Lawyer's* annual year in review issue and a chapter on the Energy Charter Treaty in *Alternative Dispute Resolution in the Energy Sector*, published by the Association for International Arbitration. In addition, Mr. Slater has addressed topics

involving arbitration of complex energy disputes, enforcement of international arbitral awards, the Energy Charter Treaty, and investment treaty arbitration.

Guido Tawil, partner, M. & M. Bomchil Abogados. Guido Tawil is one of M. & M. Bomchil's senior partners. He heads the firm's Administrative Law & Economic Regulation and Arbitration practices. He has represented some of the most important domestic and foreign companies in matters related to telecommunications, electricity and gas generation, transportation and distribution, postal services, water and sewage services, public works, airports, IT, grains production and trading, among others. Mr. Tawil is also known for his participation in international arbitrations under the rules of the International Chamber of Commerce (ICC), LCIA, ICSID, AAA/ICDR, Stockholm Chamber of Commerce, Energy Charter Treaty and UNCITRAL -among others- as chair, arbitrator, counsel and/or independent expert appointed by the Argentine Republic, former State-owned companies, governments and domestic and foreign private companies.

Melinda E. Taylor, UT Law '86, senior lecturer and executive director, Center for Global Energy, International Arbitration and Environmental Law at The University of Texas School of Law. Prior to joining the faculty in 2006, Melinda Taylor was the director of the Ecosystem Restoration Program of Environmental Defense where she managed a staff of attorneys, scientists, and economists engaged in projects to protect endangered species and water resources in the United States. Professor Taylor also served as deputy general counsel of the National Audubon Society in Washington, D.C., and was an associate at Bracewell & Patterson.

Tim Tyler, UT Law '94, counsel, Vinson & Elkins. Tim Tyler's litigation practice emphasizes both international commercial and investor-state arbitration and U.S. litigation with a non-U.S. element. His work involving contracts with state parties has a strong focus on the oil and gas industry. In practice, he regularly advises on and drafts international arbitration clauses in contracts as well as structuring transactions to gain investment treaty protection. He has been involved in ad hoc arbitrations under the UNCITRAL Rules, as well as institutional arbitrations under the rules of ICC, ICDR, ICSID, AAA, Singapore International Arbitration Centre, and Cairo Regional International Arbitration Centre. Mr. Tyler is also an adjunct professor in the Center for Global Energy, International Arbitration and Environmental Law at the University of Texas School of Law.