

# VIAC – Questionnaire for Arbitrators

**1. Name:** David Arias

**2. Citizenship:** Spanish

**3. Contact information:**

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**4. Current position:**

Partner at Herbert Smith Freehills

Professor of Procedural Law and Arbitration

Honorary President of the Club Español de Arbitraje

**5. Education:**

PhD with Honours in Law. Universidad Complutense de Madrid. 1993

BA in Law with Honours. Universidad Complutense de Madrid. 1991

**6. Practiced experience in arbitration**

David Arias has served as counsel and arbitrator in more than 150 cases in venues across Europe, America and Africa, and he regularly participates in proceedings administered by the main arbitration institutions (ICC, PCA, LCIA, ICDR and SCC, among others). He also has extensive experience as counsel in complex commercial litigation.

- How many arbitrations have you participated in (domestic/international); under which Rules? 151, under the rules of ICC, PCA, LCIA, ICDR, SCC, UNCITRAL, IACAC, LCC, (Lima Chamber of Commerce), CAM (Madrid Court of Arbitration), CIMA (Civil and Mercantile Court of Arbitration) or ICAM (Court of Arbitration of the Madrid Bar Association).
- How often have you acted as Chairman? 26
- How often have you acted as Sole Arbitrator? 11
- How often have you acted as Co-Arbitrator? 61
- How often have you acted as Counsel? 50
- How often have you acted in a different function (e.g. Administrative Secretary)? 3

**7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

**Key recent publications**

- La anulación del laudo en la sede y la anulación del laudo por la autoridad cuya Lex Fori se aplicó, *Spain Arbitration Review*, nº 35 (2019)
- Soft Law Rules in International Arbitration: Positive Effects and Legitimation of the IBA as a Rule-Maker, *Indian Journal of Arbitration Law*, vol. 6.2 (2018)
- Un caso práctico de tácticas de guerrilla en arbitraje internacional, *Anuario de Arbitraje 2017* (Coord. María José Menéndez Arias. Civitas, 2017)
- El procedimiento de árbitro de emergencia: una visión práctica, *Anuario de Arbitraje 2016* (Coord. G. Jiménez-Blanco. Civitas, 2016)
- Law & Practice Spain, *Chambers Legal Practice Guides: International Arbitration* (Chambers & Partners, 2015)
- Arts. 44 and 45, *Comentarios a la Ley de Arbitraje* (Coord. C. González-Bueno. Consejo General del Notariado, 2014)
- Law & Practice Spain, *Chambers Legal Practice Guides: Litigation* (Chambers & Partners, 2014)
- El arbitraje internacional, *Revista Jurídica de Castilla y León*, No. 29 (2013)
- Spain, *Arbitration World*, 4th edition (Thompson Reuters, 2012)
- Reflexiones Ley de Mediación (VIII), *Diariojuridico.com* (2012)
- The Role of the Spanish Courts under the Framework of the Arbitration Act, *The Global Legal Post* (2010)
- El nuevo Reglamento de Arbitraje de UNCITRAL, *Revista Ecuatoriana de Arbitraje*, No. 2 (2010)
- Fast-track arbitration: An option worth seriously considering, *Chambers Magazine* (2010)
- Spain, *Arbitration World*, 3rd edition (Thomson Reuters, 2009)

#### **Key recent conferences**

- 17th Annual ICC Miami Conference, Interest and inflation adjustment in international arbitration (10 November 2019, Miami, The United States of America)
- Regional Arbitration Symposium, Taking stock of the New Rules of the Arbitral Institutions (14 June 2019, Frankfurt, Germany)
- King's College London conference on Transnational Construction Arbitration and ADR in the 21st Century, Good faith, collaborative contracting and beyond: The role of arbitration & ADR in shaping alternative approaches to contracting (6 June 2019, London, United Kingdom)
- ICC Arbitration Conference, Enforcement, Setting Aside and Related Treaty Claims: A View From Europe, The practice of national courts in relation to the setting aside and enforcement of arbitral awards (10 May 2019, Geneva, Switzerland)
- 60 years of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, Key issues and future challenges, *The arbitral agreement* (5 April 2018, Seville, Spain)

- 11th Congress of the Centro de Arbitragem Comercial, Influence of soft law in the application of the Voluntary Arbitration Law (6 July 2017, Lisbon, Portugal)
- International conference of the Universidad Carlos III: Retos de la Nueva CNMC, Arbitrabilidad de los sectores regulados: el caso Enagás v. Gas Natural (amicus curiae) (25 November 2016, Madrid, Spain)
- 4th Conference of Judges and Arbitrators, Independencia e imparcialidad: visión transnacional (24 November 2016, Madrid, Spain)
- 14th Annual ICC Miami Conference, A Conversation with the Institutions: IBA-ICC-ICCA – States as Principal Stakeholders of the Arbitration Process (15 November 2016, Miami, United States)
- Iberian Lawyer Breakfast Masterclass, Is the legitimacy of international arbitration at risk? (14 November 2016, Miami, United States)
- 14th Annual ICC Miami Conference, Oral versus Written Advocacy: Counsel and Tribunal Perspectives (13 November 2016, Miami, United States)
- 3rd Pan-American Arbitration Conference, Cases in which there are parties non-signatory to arbitration, inclusion and treatment. Analysis of repertoire of prima facie decisions (24 October 2016, São Paulo, Brazil)
- 5th Asia Pacific ADR Conference, Different Perceptions of International Arbitration in Different Jurisdictions (12 October 2016, Seoul, South Korea)
- 2nd Spanish Forum on ICC Arbitration: El arbitraje comercial y de inversiones – un mecanismo adecuado para las empresas, La situación actual de las empresas españolas frente al arbitraje comercial internacional. Consecuencias de un mercado global común (4 October 2016, Madrid, Spain)
- 11th International Conference of the CEA: Nuevos factores en la ejecución y anulación de laudos (12-14 June 2016, Madrid, Spain)
- CAM seminar on damage determination and evidence, Prueba de los daños: diferentes perspectivas (7 April 2016, Madrid, Spain)
- 9th International Arbitration Conference, El arte de manejar a las partes y a los coárbitros (1 April 2016, Quito, Ecuador)
- 3rd Conference of Judges and Arbitrators, El orden público y el control judicial del arbitraje (25 November 2015, Madrid, Spain)
- 13th Annual ICC Miami Conference, Tools for urgent and preliminary relief in international arbitration: a mock case closing session (2 November 2015, Miami, United States)
- ICC Conference on Resolution of Disputes in the International Energy Sector, Reconocimiento de laudos relacionados con disputas en el sector energético (27 August 2015, City of Mexico, Mexico)
- 2nd Annual ITA-IEL Joint Conference on International Energy Arbitration, The revised IBA Guidelines on conflicts of interest in international arbitration (15-16 January 2015, Houston, United States)
- 2014 IBA Annual Conference, Conflicts of interest in international arbitration: the new IBA Guidelines (19-24 October 2014, Tokyo, Japan)

- 8th Conference of the Centro de Arbitragem Comercial, Medidas cautelares (10-11 July 2014, Lisbon, Portugal)
- 1st Conference of the Latin American Arbitration Association, Las Directrices de la IBA sobre representación de parte en el arbitraje de internacional (17 June 2014, City of Mexico, Mexico)
- YAF Roundtable on Arbitrability and Public Policy, La sede del arbitraje: qué efectos tiene en el desarrollo del proceso y la ejecutabilidad del laudo (16 June 2014, City of Mexico, Mexico)
- 17th IBA International Arbitration Day, The Gathering and Taking of Evidence: Should We Seek to Level the Playing Field? (14 February 2014, Paris, France)

#### **8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

- Madrid Bar Association
- IBA Arbitration Committee
- ICC Latin American Arbitration Group
- Arbitration Commission, Spanish ICC Committee
- London Court of International Arbitration (LCIA)
- Club Español del Arbitraje (CEA)
- Latin American Arbitration Association (ALARB)
- International Law Association (ILA)
- International Council for Commercial Arbitration (ICCA)
- Korean Commercial Arbitration Board (KCAB)
- ICC Institute of World Business Law
- Club of Arbitrators of Milan Chamber of Arbitration
- Asian international Arbitration Centre (AIAC)
- British Virgin Islands International Arbitration Centre (BVI IAC)
- Conciliation, Arbitration and Amicable Composition Center of the Chamber of Commerce of Medellín for Antioquia
- Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC)
- National and International Center for Arbitration of the Chamber of Commerce of Lima (CCL)

#### **9. Languages**

Mother tongue: Spanish

Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language): English

**10. In which legal systems have you trained?**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Civil Law | <input type="checkbox"/> Common Law    |  |
| <input type="checkbox"/> Austrian Law         | <input type="checkbox"/> Hungarian Law | <input type="checkbox"/> Swiss Law               |
| <input type="checkbox"/> Czech Law            | <input type="checkbox"/> Polish Law    | <input type="checkbox"/> Ukrainian Law           |
| <input type="checkbox"/> German Law           | <input type="checkbox"/> Slovakian Law | <input checked="" type="checkbox"/> European Law |

Other: \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

Spain

**12. In which jurisdictions are you admitted to the bar?**

Spain

**13. Special expertise or specializations (please list a maximum of five):**

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Antitrust/Unfair competition               | <input type="checkbox"/> Damages                 | <input type="checkbox"/> Insolvency                | <input type="checkbox"/> Power plants           |
| <input type="checkbox"/> Aviation                                   | <input type="checkbox"/> Distribution            | <input checked="" type="checkbox"/> Insurance      | <input type="checkbox"/> Private Intern. Law    |
| <input checked="" type="checkbox"/> Banking & Finance               | <input type="checkbox"/> Domain name disputes    | <input type="checkbox"/> Intellect. property (IP)  | <input type="checkbox"/> Public Intern. Law     |
| <input type="checkbox"/> Capital markets                            | <input type="checkbox"/> Employment              | <input type="checkbox"/> ISDS/ Foreign invest.     | <input type="checkbox"/> Real estate            |
| <input type="checkbox"/> CISG                                       | <input type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Joint ventures | <input type="checkbox"/> Shipping               |
| <input type="checkbox"/> Civil fraud disputes                       | <input checked="" type="checkbox"/> Engineering  | <input type="checkbox"/> Licensing                 | <input type="checkbox"/> Sports                 |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment           | <input type="checkbox"/> Life sciences             | <input type="checkbox"/> State/Public contracts |
| <input type="checkbox"/> Commodity market                           | <input type="checkbox"/> Healthcare & Pharmac.   | <input type="checkbox"/> Maritime arbitration      | <input type="checkbox"/> Technology             |
| <input type="checkbox"/> Company/Corporate/M&A                      | <input type="checkbox"/> Hotel/Gastro./Tour.     | <input type="checkbox"/> Media                     | <input type="checkbox"/> Telecommunication      |
| <input type="checkbox"/> Construction                               | <input type="checkbox"/> Inform. technology (IT) | <input type="checkbox"/> Mining                    | <input type="checkbox"/> Transport              |
| <input type="checkbox"/> Contract law                               | <input type="checkbox"/> Infrastructure          | <input type="checkbox"/> Natural resources         |   |
| <input type="checkbox"/> Other _____                                |  |  |   |

**14. Date of birth:** March 2, 1968

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

February 13th, 2020

Date

and

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Signature