

VIAC – Questionnaire for Arbitrators

1. **Name:** Luis Capiel

2. **Citizenship:** Argentine and German

3. **Contact information:**

Address: Herbert Smith Freehills
Velázquez 63
28001 Madrid
Spain

Telephone: +34 914 234 000

Fax: +34 914 234 122

E-Mail: luis.capiel@hsf.com

Website: www.herbertsmithfreehills.com

LinkedIn: www.linkedin.com/in/luis-capiel-883b8020

4. **Current position:**

Of Counsel at Herbert Smith Freehills

5. **Education:**

- Humboldt Universität zu Berlin (Law Degree, First State Exam, 2003)
- Berlin High Court of Justice (*Rechtsreferendariat*, Second State Exam, 2006)
- The University of Auckland (LL.M., First Class Honours, Commercial Law, 2007)
- Spanish qualified lawyers transfer test for EU-lawyers (2008)

6. **Practiced experience in arbitration**

- How many arbitrations have you participated in (domestic/international); under which Rules?

38 (8 domestic / 30 international);

ICC, Swiss Rules, ICDR/AAA, ICSID, AmCham Peru, Madrid Court of Arbitration, Corte Civil y Mercantil de Arbitraje (CIMA, Madrid), *ad hoc*.

- How often have you acted as Chairman?

-

- How often have you acted as Sole Arbitrator?

2

- How often have you acted as Co-Arbitrator?

-

- How often have you acted as Counsel?

24

- How often have you acted in a different function (e.g. Administrative Secretary)?

12 (7 as Administrative Secretary; 5 as arbitrator's assistant)

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

Speaking and teaching engagements

- Universidad Autónoma de Madrid, Master's Degree in the Legal Profession: International litigation, *International arbitration* (2017-2019, Madrid, Spain)
- XIII CEA-40 Conference: Efficiency in arbitration: The end justifies the means?, *Panel session on expedited and emergency arbitrator proceedings* (Moderator) (16 June 2019, Madrid, Spain)
- ICDR Young & International: Latin American Arbitration, *Panel discussion on Latin American arbitration* (2 October 2018, Paris, France)
- VIII Annual Congress of the Austrian-Spanish Lawyers' Association (AHAUJ): Arbitration, mediation and other alternative means of dispute resolution: New developments, *Commercial and corporate arbitration in Spain and Latin America* (5 May 2017, Vienna, Austria)
- CEA-40: The second chair lawyer up for debate: the best techniques in support of the first chair lawyer in an arbitration, *Opening and introduction* (23 February 2017, Madrid, Spain)
- Universidad Internacional de La Rioja, Master's Degree in Corporate Legal Counseling: EU Law and international regulation of markets, *Dispute resolution in international trade, Practical case* (2017, Logroño, Spain)
- Universidad Autónoma de Madrid, Master's Degree in the Legal Profession: Private International Law, *Investment arbitration and practical arbitration cases* (2016, Madrid, Spain)
- Universidad Autónoma de Madrid, Degree in Business Administration: International Trade Law, *International Commercial Arbitration* (2015, Madrid, Spain)
- IE University: *Transnational lawyer* (21 November 2012, Segovia, Spain)

Publications

- Arbitraje y Mediación – Crónica legislativa y jurisprudencial (Ed.), *Actualidad Jurídica Uría Menéndez* (2015-2017)
- Arbitrating Conduct of Business Duties for Investment Services Providers, *Butterworths Journal of International Banking and Financial Law*, Vol. 31, No. 4, (2016)
- Spain, *International Arbitration* (Global Legal Group, 2016)
- Novedades en el Reglamento Bruselas I refundido, *Actualidad Jurídica Uría Menéndez*, Nº 40 (2015)
- Spain, *International Arbitration* (Global Legal Group, 2015)
- El Arbitraje Comercial Internacional en Latinoamérica, *Cuadernos de Derecho para Ingenieros. El marco jurídico de las empresas multilatinas* (Iberdrola/La Ley, 2014)
- Arbitraje CCI en torno a una garantía bancaria sujeta a derecho inglés: el principio de "cumplimiento estricto" (strict compliance) y las garantías a primer requerimiento, *2014 Práctica Contenciosa para Abogados* (La Ley, 2014)
- El Arbitraje Comercial Internacional en Alemania, *El Arbitraje Comercial Internacional en Europa* (Palestra Editores, 2013)
- El Juez de Apoyo en la Nueva Legislación Arbitral Francesa, *Spain Arbitration Review*, Nº 11 (2011)
- Spain, *Getting the deal through. Arbitration in 50 jurisdictions worldwide. 2010.* (Global Arbitration Review, 2010)
- Madrid Update: Arbitral Tribunals May Award Interest Even If Not Requested, And May Decide Procedural Requests Without Hearing The Opposing Party, *Mealey's International Arbitration Report*, Vol. 25, Issue 11 (2010)
- Madrid Update: Invoking A Set-Off-Defense May Jeopardize The Effectiveness Of An Arbitration Clause, *Mealey's International Arbitration Report*, Vol. 25, Issue 10 (2010)
- El Principio de Kompetenz-Kompetenz en España, *Spain Arbitration Review*, Nº 8 (2010)
- Madrid Update: Sole-Option Arbitration Clauses Under Spanish Law, *Mealey's International Arbitration Report*, Vol. 25, Issue 8 (2010)

- Madrid Update: The Scope Of Judicial Scrutiny Of Awards Involving Third Parties, *Mealey's International Arbitration Report*, Vol. 25, Issue 4 (2010)
- Madrid Update: Supreme Court Standard For Liability Of Arbitrators, *Mealey's International Arbitration Report*, Vol. 25, Issue 1 (2010)
- Pasado, Presente y Futuro de la Convención de Nueva York. Reseña con Consideración del Borrador de Van den Berg, *Arbitraje Comercial y Arbitraje de Inversión. La Convención de Nueva York de 1958: Reconocimiento y Ejecución de Laudos Arbitrales. Tomo 2* (Magna Ediciones, 2009)
- Madrid Update: Executing Foreign Awards Challenged In Their Country Of Origin – Evidence Of A French Position's Influence On Spanish Courts, *Mealey's International Arbitration Report*, Vol. 24, Issue 9 (2009)
- The 2009 Rules of Arbitration, *The International Litigation Quarterly*, Vol. 25, Issue 3 (2009)
- The 2009 Rules Of Arbitration Of The Court Of Arbitration Of Madrid, *Mealey's International Arbitration Report*, Vol. 24, Issue 3 (2009)
- Madrid Update: The Arbitration Exception In Art. 1(2)(D) Of Regulation (Ec) No. 44/2001: Spanish And European Positions, *Mealey's International Arbitration Report*, Vol. 24, Issue 2 (2009)
- Madrid Update: Foreign Arbitral Award: Parallel Evaluation Of The Validity Of An Arbitral Clause By The Court Of Exequatur And By An Ordinary Court In The Same Jurisdiction, *Mealey's International Arbitration Report*, Vol. 24, Issue 1 (2009)
- Madrid Update: Concurrence Of Applicable Treaties Recognizing Arbitral Awards, And The Unrelated Yet Binding Nature Of An Award And Its Recognition By The Judiciary In Country Where Award Was Rendered, *Mealey's International Arbitration Report*, Vol. 23, Issue 8 (2008)
- Madrid Update: Untimely Allegation Of Arbitrator's Lack Of Impartiality And Independence, *Mealey's International Arbitration Report*, Vol. 23, Issue 7 (2008)
- Madrid Update: Consumer Protection - Ex Officio Declaration Of Nullity Of Arbitral Clauses During Execution Phase, *Mealey's International Arbitration Report*, Vol. 23, Issue 6 (2008)
- Madrid Update: Arbitration Clause In Organization's By-Laws, *Mealey's International Arbitration Report*, Vol. 23, Issue 5 (2008)

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

- International Bar Association
- *Club Español del Arbitraje*, co-chair of the under-40 group (2011-2012)
- *Deutsche Institution für Schiedsgerichtsbarkeit* (DIS)
- Austrian Arbitration Association (Arb|Aut)
- Court of Arbitration of the Madrid Bar Association (panel of arbitrators)

9. Languages

Mother tongue: Spanish and German

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): Spanish, German, 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 checked="" 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 and Latin America. Admitted to practice in Germany and Spain (Munich and Madrid bars).

12. 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 checked="" type="checkbox"/> Power plants |
| <input type="checkbox"/> Aviation | <input type="checkbox"/> Distribution | <input type="checkbox"/> Insurance | <input type="checkbox"/> Private Intern. Law |
| <input 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 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 checked="" type="checkbox"/> Company/Corporate/M&A | <input type="checkbox"/> Hotel/Gastro./Tour. | <input type="checkbox"/> Media | <input type="checkbox"/> Telecommunication |
| <input checked="" 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 _____ | | | |

13. Date of birth: 6 May 1977

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>.

15 July 2019
_____ Date

and

_____ Signature