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The guide to specialist  
arbitration firms 2015

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One of the firm's historic successes was helping the Nigerian arm of Hong Kong infrastructure group IPCO secure a US\$152 million award in 2004 in an ad hoc arbitration related to the construction of the Bonny oil export terminal. A UK court permitted IPCO to enforce a US\$53 million portion of the award in 2008 while the rest of the award was challenged in Nigeria.

The firm is also representing Frontier Oil in an ICC arbitration arising from a joint venture agreement.

#### Recent events

Fagbohunlu was welcomed as a new member of the LCIA Court in May 2014.

The firm also scored a great result for a consortium led by Italy's Eni in another of the cases against NNPC mentioned above, obtaining a final award worth US\$573 million in July 2014. That came after Aluko & Oyeboode lawyers persuaded the Federal Court of Appeal to lift an injunction in February that had prevented the arbitration from going ahead because it allegedly infringed the tax assessment powers of the country's revenue service. Hogan Lovells are again co-counsel in the arbitration.

In the third NNPC case, the firm reportedly helped a consortium led by Total obtain a partial award in December 2013. The award required the state oil company to execute a production sharing contract relating to a deepwater oil field. Freshfields is acting as co-counsel in that case.

#### Client comment

Olatowun Candide-Johnson, general counsel of Total in Nigeria, describes the firm as "capable and well resourced". She praises Babatunde Fagbohunlu SAN in particular for "seamlessly" taking over the conduct of an arbitration after the opposing side objected to foreign counsel's participation in the proceedings.

## ArbLit – Radicati di Brozolo Sabatini Benedettelli

People in <i>Who's Who Legal</i> :	1
Current arbitrator appointments:	13 (of which 6 are as sole or chair)
Lawyers sitting as arbitrator:	2

### *The young Italian boutique is handling some weighty treaty cases*

#### NEW ENTRY

This Milan-based outfit was launched by Luca Radicati di Brozolo and Michele Sabatini, who broke away from Bonelli Erede Pappalardo, Italy's largest law firm, in 2013. They brought some big cases with them, including two trailblazing ICSID claims concerning Argentina's 2001 sovereign debt default and no less than six Energy Charter Treaty claims filed by solar investors against the Czech Republic.

A well-known name in Italy, Radicati di Brozolo is also highly regarded for his expertise in EU and antitrust law, and was head of the competition department at Italy's Chiomenti Studio Legale in the 1990s, when he also headed the firm's Brussels office. He joined Bonelli in 2001, later heading its London disputes desk. He has sat as arbitrator at the ICC and LCIA, as well as the Milan Chamber of Arbitration

and the Geneva Chamber of Commerce and Industry. In addition, he is chair of private international law at the Catholic University of Milan and a former vice chair of the International Bar Association's arbitration committee.

Sabatini, who was a senior associate at Bonelli but joined ArbLit as partner, also sits as arbitrator in ICC cases and the Milan chamber. He is a member of the Milan and New York bars, and has particular expertise in FIDIC disputes.

A more recent addition to the partnership is Massimo Benedettelli, who joined in late 2014 from Freshfields Bruckhaus Deringer in Milan and is also an arbitrator and professor of international law.

#### Who uses it?

The International PhotoVoltaic Investors Club, a group of foreign investors in the Czech solar power industry, have retained ArbLit for a cluster of treaty claims relating to state reforms to that sector.

ArbLit is also representing Italian construction group Consta and its subsidiary, Mattioli Joint Venture, in contract-based claims against Ethiopian and Djiboutian state entities at the Permanent Court of Arbitration in The Hague and heard under the rules of the European Development Fund.

In commercial cases, its clients include Italian construction and defence companies, including Finmeccanica.

#### Track record

Already pretty good. In the past two years, the firm has won preliminary rulings in two ICSID cases brought on behalf of Italian holders of defaulted Argentine sovereign bonds who have refused to accept a haircut on the face value of the debt. In 2013, a majority panel in the *Ambiente Ufficio* case agreed to hear claims by around 90 bondholders under an investment treaty. In late 2014, a panel in the *Giovanni Alemanni* case rejected most of Argentina's objections to claims by 74 bondholders under the same treaty but joined certain jurisdictional issues to the merits.

Like the more famous *Abaclat* dispute, in which ArbLit is not involved, the cases raise controversial questions over ICSID's ability to handle multiparty proceedings and the role of investment arbitration in sovereign debt crises.

Radicati di Brozolo is no stranger to breaking new ground at ICSID. At his former firm, he was counsel to Italian oil company Saipem in a landmark ICSID case against Bangladesh, where a state court's interference in an ICC arbitration was held to amount to expropriation under a BIT.

#### Recent events

Radicati di Brozolo joined Fountain Court Chambers in London as a door tenant in April 2014. Benedettelli joined from Freshfields as a name partner in October.

The firm defended a Finmeccanica subsidiary in an ICC claim brought by French shipbuilder DCNS concerning a failed torpedo manufacturing joint venture. Benedettelli sat as an arbitrator in that case, which ended a few months before his move to ArbLit.

#### Client comment

Luigi Patanè, who stepped down as CEO of Consta in May, describes the ArbLit team as "a very good mix between experience and dynamism". The firm's small size guarantees "easy and direct contact" with the partners managing the case, he adds.

Frank Schulte, a member of the solar investors' club mentioned above, turned to Radicati di Brozolo and Sabatini to replace their original counsel in their dispute with the Czech Republic. He describes



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them as “excellent lawyers” whose in-depth involvement in the case “really makes them superior”.

Another client, an Italian company active in Romanian public works projects that instructed ArbLit for a FIDIC dispute, says the firm has “an effective network of associates” that are especially useful for dealing with local-law issues.

## Arias SLP

People in <i>Who's Who Legal</i> :	1
Pending cases as counsel:	14
Value of pending counsel work:	US\$998 million
Treaty cases:	3
Current arbitrator appointments:	11 (of which 5 are as sole or chair)
Lawyers sitting as arbitrator:	1

*The founder of this Spanish boutique is a rising star in the IBA*

### NEW ENTRY

David Arias spent 15 years with Spanish law firm Pérez-Llorca, where he built up and led a 30-strong disputes team, before breaking away to set up Arias SLP in Madrid in 2013. Since then he has been appointed as arbitrator in 17 new cases, pulled in new counsel engagements and recruited an entirely new team, including Dámaso Riaño, who became the firm's second partner in June 2014.

Arias is a senior vice-chair of the International Bar Association's arbitration committee and played a key role in the recent revisions to the IBA's guidelines on conflicts of interest, as well as in the drafting of its 2010 rules on the taking of evidence. He's also a co-chair of the Spanish Arbitration Club.

### Who uses it?

Clients so far have hailed mainly from western Europe, operating in the construction, real estate, energy and utilities, and IT sectors. Spanish clients include Gas Natural and Abengoa. France's Maire Tecnimont and Altarea Cogedim, and Italian manufacturer Danieli have turned to the firm for advice, as has Hewlett-Packard.

Commercial cases make up the majority of the firm's workload, though it is also handling some investment treaty matters. These include an Energy Charter Treaty claim brought on behalf of a Luxembourg company against the Spanish government.

### Track record

It's early days, but the firm already achieved some success for an Italian party in a €27 million dispute with a Spanish-owned steel manufacturer over the construction of a furnace. Arias SLP lawyers helped the client obtain interim measures from the Madrid courts, followed by a favourable arbitral award in April 2014.

### Recent events

Arias became senior vice-chair of the IBA arbitration committee in January 2015, following the completion of his role as co-chair of the subcommittee that oversaw revisions to the guidelines on conflicts of interest.

Alongside Riaño's promotion, the firm recently added senior associate José Luis de la Cuesta (formerly of Uría Menéndez and

Legazpi Buide & Asociados) to its ranks, along with a new junior associate, taking the headcount to six.

In February 2014, the firm was retained by a leading Spanish energy group to act as counsel in an US\$84 million arbitration against the country's main natural gas distributor relating to pipelines connecting Spain to France. It is also representing an Italian contractor in a billion-dollar ICC arbitration over the construction of a power plant in Chile.

### Client comment

Maire Tecnimont's senior counsel, Giovanni Pagnacco, describes Arias SLP as “very helpful, clear, straightforward and pragmatic”. He says the firm offers “competence, responsiveness and value for money”, and is a particularly good choice for arbitrations in Spanish or involving South America.

## Arista Chambers

*An Indian disputes boutique makes its debut*

### NEW ENTRY

Arista Chambers was founded in May 2014 by a group of four lawyers led by Promod Nair, a former partner at another *GAR 100* firm, J Sagar Associates. The firm is based in Bangalore, with plans to open offices in Mumbai and Delhi in 2015.

Nair enjoys a strong reputation in the United Kingdom as well as India, having spent four years with Herbert Smith Freehills in London before joining JSA in 2011. The following year, he was one of the lawyers that represented LCIA India as an amicus curiae before the Indian Supreme Court in the groundbreaking *Balco* case. He became a member of the LCIA Court in 2013 and has been playing an active role in LCIA India's revision of its procedures in the wake of the new LCIA Rules.

Although it's still early days for the practice, Arista already has some big international clients – including IBM, Nissan, GE, Rolls-Royce, ABB and Airbus, which have instructed the firm in disputes with Indian private and public sector entities.

The firm is a popular choice as co-counsel with international firms. It has recently worked with Allen & Overy in arbitrations in Singapore; and Herbert Smith Freehills in a number of matters arising out of a desalination plant project in India. The firm has also worked alongside South Korean firm Kim & Chang on behalf of a Korean company in arbitration-related litigation before the Bombay High Court.

Members of the practice also serve as arbitrators and Nair has recently been appointed to tribunals seated in India and Hong Kong.