

**Javier Fernández-Samaniego**

## International Arbitrator and Mediator | Counsel

Spain's appointee as Conciliator of the Panel of Arbitrators and Conciliators of The International Centre for Settlement of Investment Disputes (ICSID) (term Feb 2020-Feb 2026)

March 2021

**Full name**

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**SAMANIEGO Law**

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**Citizenship (& immigration status in the U.S.)**

- Spanish
- French
- Approved by USCIS (*United States Citizen and Immigration Services*) as “alien of extraordinary ability” for the USA (visa type E11)

**Admissions**

- **Spain:** Admitted to practice Law in Spain (Madrid Bar Association, 1995, bar number 56.601)
- **USA:** Certified Foreign Legal Consultant by The Florida Bar (Bar number: 299306 / NCBE No: N10310343, admitted 1 April 2017)

**Career to date**

- **Jan 2017 – present - SAMANIEGO Law (Miami, U.S. – Madrid, Spain)**

Managing Director

SAMANIEGO Law is an Iberoamerican Alternative Law firm which focuses on technology and dispute resolution and counts with a trusted network of professionals and legal interim managers. Its clients are normally business technologists, providers and builders of digital transformation solutions as well

as customers who reinvent their business. Though acting globally, the firm has a clear focus on the Latin Atlantic region. Main practices are: Dispute Resolution (Litigation, Arbitration, Mediation); Technology Law & Transformational Projects; Cybersecurity & Privacy & Data Protection; Lobbying & Regulatory; Legal Interim, Contracts & Legal Projects Management. For more information please check [www.samaniegolaw.com](http://www.samaniegolaw.com) available in four languages.

- **2005 – 2016 – Bird & Bird LLP (Madrid office, Spain)**

Managing Partner, Head of Dispute Resolution and Commercial and IT Law Madrid team. Founder of Madrid office.

Bird & Bird is an international law firm with headquarters in London and with over 1300 lawyers and legal practitioners in 29 offices worldwide. Javier was the partner in charge of Dispute Resolution and Commercial and IT Law of its Madrid office.

- **2000 – 2005 – Linklaters LLP (Madrid office, Spain)**

Head of IT & Comms practice of the Madrid office of the firm

Linklaters LLP is a multinational law firm headquartered in London. Founded in 1838, it is a member of the Magic Circle of elite British law firms. It currently employs over 2,000 lawyers across 30 offices in 20 countries and specializes in corporate/M&A law, capital markets, banking and finance, restructuring and insolvency, antitrust and tax.

- **1996 – 2000 – Cuatrecasas (Madrid, Spain)**

Associate of litigation team and Head of Technology Law and Data Protection team, Spain

Cuatrecasas is a leading Spanish law firm with over 900 lawyers in 26 offices in cities in Europe, America, Asia and Africa and headquarters in Barcelona, Madrid and Lisbon. It advises on all areas of business law.

- **1995 – 1996 – CDTI (Centre for the Development of Industrial Technology) (Madrid, Spain)**

In-House Legal Counsel

CDTI is a Public Business Entity, reporting to the Ministry of Industry, Economy and Competitiveness aimed to foster technological development and innovation of Spanish companies. It is the entity that channels the funding and support applications for national and international R&D&i projects of Spanish companies and the Spanish representative of ESA (European Space Agency).

## Languages

- Spanish (native)
- English (full professional proficiency)
- French (limited working proficiency)
- Italian (limited working proficiency)

## Education and relevant training

### Academic degrees

- Business Administration & European Law European Business Certificate, Università Politecnica delle Marche, Ancona, Italy, 1994.
- Law Degree: San Pablo CEU University Madrid (Spain), 1993

## Accreditations

- Harvard Negotiation Institute (HNI), Program on Negotiation (PON) and Harvard Law School – Advanced Mediation Workshop “Mediating Complex Disputes” (2016)
- Registered Commercial and Insolvency Mediator (Spanish Ministry of Justice, Mediators Register, 2015)
- Spanish Mediation Law Accreditation (ISDE and Madrid Chamber of Commerce, 2015)
- CEDR Accredited International Mediator (Center of Effective Dispute Resolution, CEDR, London, UK, 2011)
- Besides, frequent participant of international conferences, forums and congresses organized by ICC ADR, CPR, LCIA, JAMS, CIArb, CEDR, etc.

## Relevant rosters and affiliations

Javier F. Samaniego forms part of these panels:

- Javier F. Samaniego is Conciliator of the **Panel of Arbitrators and Conciliators of The International Centre for Settlement of Investment Disputes (ICSID)** appointed by the Kingdom of Spain (term Feb 2020-Feb 2026)
- Member International Centre for Dispute Resolution / American Arbitration Association (**ICDR/AAA**) panel of arbitrators USA (since 2017)
- Mediator at Center of Business Mediation (CMEM) and member of Arbitrators roster at the TIC section of the Court of Arbitration of the **Madrid Chamber of Commerce**
- Member of Arbitrator Research Tool of Global Arbitration Review (**GAR ART**), USA
- Member of European Advisory Board (EAB) of Center of Conflict Prevention and Resolution (**CPR**), NY, USA as well as in CPR’s Working Group on Cybersecurity in Arbitration and CPR Task Force on Remote Video Arbitration Proceedings
- Arbitrator at Arbitration Court of the **Madrid Bar (ICAM)**, Spain
- Member of European Arbitration Association, Madrid, (**AEADE**), Spain
- President of the Mediators’ Appointment Committee of Madrid International Arbitration Center (**MIAC**)
- Mediator at the Spanish Mediation Center (**CEM**) of the Spanish Chamber of Commerce

Javier is member of ADR organizations and has contributed to ADR initiatives such as:

- Miami International Arbitration Society (**MIAS**), USA
- Silicon Valley Arbitration & Mediation Center, (**SVAMC**), USA
- **Russian Arbitration Center** at the at the Russian Institute of Modern Arbitration, Moscow, Russia
- Spanish Chapter of **ICC**, Spain (International Chamber of Commerce)
- Mediation Committee at Spanish Arbitration Club (**CEA**), Spain
- **ICCA-IBA Taskforce on Data Protection in International Arbitration** (2019)
- ADR Advisory group pf the **Spanish Ministry of Justice** (Grupo de Solución Extrajudicial de Conflictos), 2015

Besides Javier is:

- Senior Fellow at **Florida International University (FIU)**, developing Latin Atlantic Tech Law Collaborative
- Member of ICC **Commission on Digital Economy**
- Member of Spanish major think-tank FIDE – **Foundation for the Research and Development of Business**

## Relevant Experience:

Over 200 litigation, arbitration and mediation cases in the last 25 years acting as counsel, mediator or arbitrator. As counsel, Javier has spent more than 50% of his time on DR matters and advocated in numerous disputes and having solved a considerable percentage of these amicably. He has been at the forefront of reaching settlement agreements in some of the biggest disputes in the IT consultancy and media sectors in Spain.

### Fields of legal expertise

- Civil law (Spain)
- European law
- International law

### Specialization

- Corporate Law
- Distribution, Franchising
- Construction & Engineering
- Energy and Natural Resources
- Environment
- Finance and Banking
- Information and Communication Technologies
- Insurance
- Intellectual Property
- Joint Ventures, Consortia, Cooperation
- Pharmaceutical
- Sales, Purchases
- Transport
- Partnership disputes

Javier believes in the importance of controlling the mediation process but his role of the mediator unless requested otherwise by parties is **facilitative**. Javier has extraordinary interpersonal skills which are a powerful advantage at the mediation process.

## Relevant acknowledgement

ADR-related recognitions include:

- **Chambers & Partners** legal directory: Javier Fernández-Samaniego is ranked among Most in Demand Arbitrators (Europe guide – Spain, since 2019), and he is also Recognized Practitioner for Dispute Resolution (in Europe and Global guides, since 2017)
- **Leaders League**: Samaniego Law is Highly Recommended in "Spain - International Arbitration Ranking 2020: Best Law Firms" guide and Recommended in "Spain - Commercial Litigation Ranking 2020: Best Law Firms" and "Spain - Insolvency Litigation Ranking 2020: Best Law Firms" guides. Besides Javier F. Samaniego is ranked as Excellent in "Ranking 2020 - Best Arbitrators - Spain"
- **Acritas Stars** legal directory: Javier F. Samaniego has been named "Acritas Star – independently rated lawyer" in its prestigious ranking for 2019
- Javier forms part of the **Select Counsel** network

- **Best Lawyers** legal directory recognizes Javier F. Samaniego in several categories including Arbitration and Mediation, International Arbitration, Litigation
- **Who's Who Legal** directory features Javier F. Samaniego in its listing Arbitration: Future Leaders – Partners (2018), and in the National guide Florida 2020 in the categories including Arbitration and Mediation.

*Javier Fernández-Samaniego advises on competition and antitrust litigation, as well as international arbitration arising from contractual disputes. He is also a key figure in mediation.*

Chambers Global and Chambers Europe 2021

*Javier [...] assists with unfair competition and antitrust litigation, as well as international arbitration arising from contractual disputes. He is known as an excellent mediator with a focus on post-M&A conflicts. One satisfied client describes him as "very knowledgeable, very personable and very down to earth."*

Chambers Europe 2020

*Javier [...] is highlighted by sources for his "very impressive career as arbitrator and mediator." He is regularly appointed to act as arbitrator in multi-jurisdictional cases and also receives instructions to act as mediator in ad hoc proceedings.*

Chambers Europe 2019

## Relevant lectures and press coverage

### Selection of recent publications:

- **THĒMIS-Revista de Derecho** Special issue on Arbitration. Issue 77; *Cybersecurity and International Arbitration: The ICCA- CPR- NY City Bar Protocol for Cybersecurity in Arbitration*. August 2020. Javier F. Samaniego – co-author.
- **Practical Guide Arbitration 2020-2021**. Coordinators: José María Alonso Puig and Víctor Bonnín. Edited by Lefebvre. July 2020. Chapter 1. Introduction. Section 1. "Arbitration and other methods of ADR". Javier F. Samaniego – co-author.
- **CIAR Global**. Article *The most challenging aspect of the online arbitration is not technological but human*. 6 July 2020. Author - Javier F. Samaniego. More information here.
- **Transnational Dispute Management**. Article *The Draft ICCA-CPR-New York City Bar Association Protocol for Cybersecurity in Arbitration: A Leading Light, at Least*. Vol. 16, Issue, 3. May 2019. Authors – Javier F. Samaniego and Gonzalo Hierro. More information here.
- **CPR Speaks Blog**. *The EU Mediation Blues: Is there a way to resolve the EU Mediation "Paradox"?* 7 November 2017. Article by Javier Fernández-Samaniego. More info here.
- **European Company Law Journal**. Chapter *Mediation in Corporate Disputes in Spain*, co-author, edited by Kluwer Law International, 2017.
- **Mediation in the Booklet on Law for Engineers**. Chapter *Mediation as a structured process*. Edited by Wolters Kluwer and Iberdrola, 2014.
- **Lexology**. Article *Spain introduces regulations on insolvency mediators*. Co-author. March 28, 2014.
- **Lexology**. Article *Spain approves Secondary Regulation on mediation*. 10 Jan, 2014.

- Contributor to the **Code of Good Practice for Mediation** edited by the Mediation Committee of the Spanish Arbitration Club, 2013.

#### Selection of recent media coverage:

- **Lawyerpress.** Article *MIAC incorporates international mediation into its services*. 8 Oct 2020. Javier F. Samaniego mentioned. More information [here](#).
- **El País.** Article *Alternatives to judicial collapse are yet too green*. 4 May 2020. Author - Iván Romero Díaz. Javier F. Samaniego mentioned in the article. See more information [here](#).
- **Expansión Jurídico.** Article *Let's avoid now the courts' collapse*. 7 April 2020. Javier F. Samaniego and Blas Piñar mentioned in the article. See more information [here](#).
- **Diario La Ley.** Article *Spain trusts in the parity of women and men for World Bank's ICSID*. 21 Feb 2020. Javier F. Samaniego mentioned in the article. See more information [here](#).
- **Expansión Jurídico.** Article *Ministry of Economy appoints new Spanish arbitrators for ICSID*. Javier Fernández-Samaniego mentioned in the article. February 11, 2020. More information [here](#).
- **Confilegal.** Article *A new Spanish brio for the World Bank arbitration court*. Author - Telmo A Valle. Javier Fernández-Samaniego mentioned in the article. February 10, 2020. More information [here](#).
- **Vozpopuli.** Article *Who are the new conciliators and arbitrators of Spain at ICSID*. Author - Álvaro Zarzalejos. Javier Fernández-Samaniego mentioned in the article. February 10, 2020. More information [here](#).
- **CIAR Global.** Article *Spain renews its ICSID arbitrators and conciliators with 4 women and 4 men*. Javier Fernández-Samaniego mentioned in the article. February 7, 2020. More information [here](#).
- **CIAR Global.** Article *Singapore Convention on Mediation, news on Discovery or Prague Rules, also in 2019*. Javier Fernández-Samaniego mentioned in the article. January 13, 2020. More information [here](#)

#### Recent speeches and educational work:

- **General Council of Spanish Lawyers, ICC Spanish Committee and Madrid International Arbitration Center (MIAC).** II Executive Program on International Arbitration (January-February 2021). Class "*Soft Law*" Rules in Arbitration. 5 Feb 2021. Javier Fernández-Samaniego – lecturer. More info [here](#).
- **18<sup>th</sup> ICC Miami Conference.** Trainer at the ICC Institute on "Data Protection and Cybersecurity in Virtual Proceedings". November, 9 and 10, 2020.
- **12th IPA (Instituto Peruano de Arbitraje) (Perú) webinar on Arbitration and Mediation.** Panelist in webinar on Arbitration & Mediation. 19 August 2020.
- **Centro de Solución de Conflictos (CESCON) Panama.** Panelist in webinar on International Arbitration in pandemic times. 4 August 2020
- **Alcalá University.** Online class *Arbitration and Mediation: new challenges for the legal profession*. 30 June 2020. Javier F. Samaniego - co-speaker. More info here and here.
- **FIDE.** Online session *Online mediation: current experiences for a post covid-19 world*. 22 June 2020. Javier F. Samaniego - co-speaker. More info here.
- **Spanish Arbitration Club (CEA).** Online session *ADR vs Covid-19 in the construction sector*. 26 May 2020. Javier Fernández-Samaniego – moderator. More info here.



- **General Council of Spanish Lawyers and the ICC Spanish Committee.** Executive Program on International Arbitration (April-May 2020). Class "*Soft Law*" Rules in Arbitration. 8 May 2020. Javier Fernández-Samaniego – lecturer. More info here.
- **CPR.** Task Force on Remote Video Arbitration Proceedings. Webinar *Beyond the Basics: Thorny Issues in Conducting Real Arbitration Proceedings in a Virtual Hearing Room*. Javier F. Samaniego - co-speaker. 4 May 2020. More info here. Read here about CPR's Annotated Model Procedural Order for Remote Video Arbitration Proceedings.
- **CMEM / CAM.** Webinars on current arbitration and mediation issues. *Meeting with the ICSID mediators*. Javier F. Samaniego - co-speaker. 30 April 2020.
- **JAMS.** Virtual Roundtable Series *Debate on conflict resolution in Latin America in the context of Covid-19*. Javier F. Samaniego – participant. 23 April 2020.
- **The Florida Bar. International Law Section (ILS).** *2020 Richard DeWitt Memorial Vis Pre-Moot Competition*. Javier F. Samaniego – volunteer arbitrator. 29 Feb 2020, Miami. More info here.
- Member of the delegation appointed by Madrid Court of Arbitration in the **UNCITRAL** (United Nations Commission on International Trade Law Working Group II (Dispute Settlement) 71<sup>st</sup> session on UNCITRAL Draft provisions on expedited arbitration. New York, 3–7 February 2020.
- **ICEX - Spanish Institute of Foreign Trade.** International Arbitration Direct Mission Spain – Americas Arbitration Forum. Session Mediation and Arbitration: hot topics. Javier Fernández-Samaniego - moderator. Miami, 24 June 2019. More info here.
- **ICC 1st Iberian Arbitration Day 2019.** Session Data protection, privacy, transparency and cybersecurity in international arbitration. Lisbon, 20 May 2019. Javier F. Samaniego – panel speaker. More information here.
- **2019 CPR European Conference.** Panel ADR preparing for the Robo-Revolution. London, 15 May 2019. Javier F. Samaniego – moderator. More information here.
- **XII International Law Congress 2019.** Session International Law and Conflict Management. Valladolid, 11 May 2019. Javier F. Samaniego – panel speaker. More information here.
- **ICC YAF and CEA-40.** Conference Ten shots on confidentiality in commercial arbitration: interview with the institution, the lawyer and the client. Madrid, 14 March 2019. Javier Fernández-Samaniego – panelist.
- **CPR, Samaniego Law and Hendel IDR** in collaboration with Arbitral Women, Alma Women's Club and Women in a Legal World. Working breakfast and roundtable Future of ADR through the eyes of users. Madrid, 14 March 2019. Samaniego Law - sponsor and organizer, Javier Fernández-Samaniego – moderator.
- **Fordham University School of Law.** Fordham International Arbitration and Mediation Conference. Panel on GDPR: International Arbitration meets Data Protection: Practical Guidance for Compliance. 2 November 2018. New York. Javier Fernández-Samaniego - panel speaker. More info here.
- **Latham & Watkins.** Seminar Cybersecurity in International Arbitration. London, 1 June 2018. Javier Fernández-Samaniego - speaker. More info here.
- **ISDE University.** Class for Master in International Sports Law. Mediation: An effective process to resolve international complex commercial disputes. Madrid, 11 April 2018. Javier Fernández-Samaniego – lecturer.

- **CPR.** Seminar Cybersecurity in International Arbitration. Paris, 10 April 2018. Javier Fernández-Samaniego – speaker. More info here.
- **HIALSA** (Harvard International Arbitration Law Students Association). Round table Future of Arbitration and Technology. Boston, 29 March 18. Javier Fernández-Samaniego – speaker. More info here.
- **ISDE University.** Class for Master in International Law, Foreign Trade and International Relations. Mediation: An effective process to resolve international complex commercial disputes. Madrid, 2 March 2018. Javier Fernández-Samaniego – lecturer.
- **CEA.** Seminar “Arbitrator as Mediator” organized by Mediation Committee of Spanish Arbitration Club and CEA-40, Madrid, December 2017.
- **Peruvian Arbitration Association.** XI Latin American Arbitration Congress. Panel on Good & bad practices of precautionary measures. Lima, 24-26 April 2017 Javier Fernández-Samaniego - panel speaker.
- **CPR.** Annual meeting. Seminar on Settlement Facilitation. Miami, March 2017. Javier Fernández-Samaniego – co-speaker.
- **Global Pound.** Conference series. Panel How can the dispute resolution system be improved? Obstacles and challenges to overcome. Shaping the Future of Dispute Resolution & Improving access to Justice. Madrid, 20 October 2016. Javier Fernández-Samaniego - co-speaker. More info here.
- **Client seminars** at the premises of American best-friend law firms on International Arbitration - California, USA, 2014.

### Other relevant initiatives:

- Usual ADR trainer for in-house legal teams
- Mentor at **Mentoring for Women Program** of the Spanish Arbitration Club (CEA)
- Javier frequently acts as volunteer arbitrator in professional competitions – moots – both in Spain and US, including Florida Bar ILS (International Law Section) Richard DeWitt Memorial Vis Pre-Moot (2020, 2021 editions).