

María Beatriz Burghetto

*Admitted to the Paris and the Buenos Aires (Argentina) Bars
Admitted to enrol as solicitor of England & Wales (QLTS)*

*Mobile phone: 0033(0)6 73 01 24 24
Email address: maria.beatriz.burghetto@orange.fr*

Tri-lingual (Spanish, English & French) International Arbitration Specialist

Admitted to the Paris & the Buenos Aires Bars

Admitted to enrol as Solicitor of England & Wales (QLTS)

Summary of Qualifications

- Over 15 years' experience in international arbitration in complex contractual disputes, both at a first-rate US law firm and at the ICC Secretariat (sectors: construction; energy and mining, pharmaceuticals), under both civil and common law systems.
- Over 5 years' experience in complex international and domestic litigation.
- Over 3 years' experience in the structuring, drafting and negotiation of international contracts.
- Strong publications, conferences and professional activities in international dispute resolution.
- Strong representation of international and regional organizations in arbitration with an entrepreneurial track record.
- Strong, both deep and broad network of international arbitration contacts and relationships.

See also my *LinkedIn profile*: www.linkedin.com/in/maria-beatriz-burghetto-b382103

Professional experience

Consultant with various law firms in international arbitration and litigation; arbitrator (January 2020-present)

JA Cremades & Partners (Paris)

Of-Counsel (January 2016-December 2019)

- International commercial & investment arbitration.
- Preparation of a multi-billion USD international mass litigation matter on behalf of victims of an oil spill, including applying for third-party funding.
- Arbitrator, ICC arbitration

Hughes Hubbard & Reed (Paris)

**Counsel (January 2010-December 2015)
Associate (2005-2009)**

- Managed all stages of arbitral proceedings, from drafting the Request to the post-hearing brief, including challenge of arbitrators and other procedural motions (ICC and UNCITRAL Rules, other domestic arbitral institutions -some experience under ICSID Rules-).
- Reviewed and analysed different arbitration laws and national legislation, including English law (40%), civil law (French, Spanish and Argentine law) and UNIDROIT contract principles) (60%).
- Conducted procedural and evidentiary hearings (preparation and cross-examination of witnesses).
- Developed strategy and worked on challenges and enforcement of arbitral awards and parallel proceedings involving resolution of complex private international law issues.
- Researched and drafted legal opinions on numerous issues of international arbitration.

Selected and Representative Matters in International Arbitration

Construction arbitration

- Advised and represented EPC contractors in the pre-arbitration stage and in arbitrations over the design and construction of power plants and an oil refinery in Europe, Latin America and Africa (amounts in dispute ranging from 20 to 200 M€).

María Beatriz Burghetto

Energy and Mining sector arbitration

- Represented as co-counsel a South American company in an ICC arbitration over an international consulting agreement with a multinational in the Middle East oil and gas sector (amount in dispute: 100 M USD).
- Represented a Brazilian mining company in an ICC arbitration over an international sale of mineral products (amount in dispute: 9 M USD).
- Represented a French-based multinational in an ICC arbitration over an energy-related international supply agreement (amount in dispute: 53 M€).

Pharmaceutical sector arbitration

- Represented a US global biopharmaceutical company in an ICC arbitration with the patent holder of a medicine arising out of damages caused by the premature lapse of the French patent rights on such medicine, sold by the US company under a license agreement in France (amount in dispute: 18.6 M€).
- Represented an Argentinean pharmaceutical company in an ICC arbitration over the registration of a drug and breach of a supply agreement (amount in dispute: 4 M USD).

Corporate and Commercial Agreements arbitration

- Represented a French-based multinational in an ICC arbitration over the purchase of an industrial business in Argentina (amount in dispute: 580 M USD).
- Represented a French company in an arbitration conducted by the Barcelona Arbitration Tribunal over the breach of a set of contracts related to an international sale of goods and lease-management of going-concern (amount in dispute: 10.7 M €).

Investment arbitration

- Represented Lithuanian investors in an investment arbitration against the Republic of Serbia, related to the purchase of a fertilizer production facility (amount in dispute: 49 M €).

International Court of Arbitration (ICC) (Paris)

Assistant Counsel (2002-2004)

- Managed over 100 arbitral proceedings up to the constitution of the Arbitral Tribunal;
- Assisted the parties and the arbitrators at every stage of the arbitration and
- Presented the matters before the Court for the taking of different decisions (including the scrutiny of draft awards).

Marval, O'Farrell & Mairal / Estudio Beccar Varela (Buenos Aires)

Associate (1999-2002)

- Advised different types of companies in contractual and company law matters (e.g.: international construction agreements, services, technology, data transmission and Internet website agreements, international distribution and acquisition agreements, mortgaged loans, guarantees, trusts, urbanization operations).
- Drafted and negotiated contracts and corporate documents.
- Represented a multinational company in international litigation.

Herbert Smith (London)

Foreign lawyer (1997-1998)

- Represented (as part of a 7-lawyer team) a Latin American State in a cross-border securities corporate fraud litigation (amount claimed: US\$ 150 million).
- Drafted a final award in an ICC arbitration (claim: US\$ 20 million).

María Beatriz Burghetto

Cassini & Rosati / Consorcio Beccar Varela, Bunge, Fiorito & Lynch (Buenos Aires) Associate (1994-1995 and 1997)

- Managed over 500 litigation matters (claims ranging from US\$ 10,000 to US\$ 100,000).
- Supervised a 3-lawyer team in over 200 litigation matters.

Court of Appeal in Commercial Matters (Branch D) (Buenos Aires) Clerk (Assistant Counsel to an Appeal Judge, 1992-1994)

- Drafted opinions on several civil and commercial matters and handled day-to-day procedural matters.

Academic and Professional teaching and publications

Lectures and conference presentations:

- Speaker at a webinar on ‘Force Majeure, Hardship, Frustration and Related Doctrines: Comparative Views from Europe, the Middle East and the Americas’, co-organised with the CREDIMI (University of Burgundy) (3 September 2020).
- Speaker at Paris Arbitration Week webinar on ‘Arbitration Reform I: Unilateral Party Appointment & The Investment Court Project’, at a panel with Jan Paulsson, Nigel Blackaby QC & Salim Moolan QC (Moderator: Gustavo Laborde) (10 July 2020).
- Moderator at the XIth edition of the ‘Franco-Spanish Cross Looks’ colloquium, organised by the Spanish Arbitration Club (28 February 2020, Paris, France).
- Visiting Professorial Lecturer in Dispute Resolution (LL.M. in International Business Law, in English), Catholic University of Lyon (academic year 2019-2020).
- Panellist on third-party funding at the Colloquium on “Actors in International Investment Law: Beyond Claimants, Respondents and Arbitrators,” Paris, 26-27 September 2019, jointly organised by the CERSA (CNRS - University Paris II Panthéon-Assas, France; the University of Zaragoza, Spain and the National and Kapodistrian University of Athens, Greece).
- Moderator at conference on ‘Environmental issues, legal challenges in the light of the COP 25 in Chile’, Paris Bar open commission (29 May 2019).
- Speaker at the Symposium on ‘Judicial Control over Arbitral Awards: Scope, Vacation and Public Policy’ (Lyon Catholic University, 26-27 April 2019).
- Organiser / moderator at conference on Mediation in Latin America & France (Paris Bar Latin America open commission, Paris, December 2018).
- Co-organiser / moderator at conference on domestic arbitration in France – Etats Généraux de l’Arbitrage -2^e édition (States General of Arbitration, 2nd edition) (Paris, June 2018, Conseil National des Barreaux -French National Bar Federation).
- Panel speaker on investment protection in Latin America, at conference of Paris Bar Latin America open commission on Trade and investment between Latin America and the European Union: a strengthened legal framework? (May 2018).
- Course on international arbitration in Latin America for the on-line Master (MOOC) on Arbitration of the University of Montpellier (2015-present)
- Guest lecturer at the University of Le Havre, France (2010, 2011, 2017-present).
- Panel speaker at joint conference of the Paris Bar Latin American and French-Brazilian open commissions on: Compliance: Precautions and Challenges for Companies doing Business in Brazil and Latin America (Paris, December 2017).
- Panel speaker at conference of the Paris Bar Latin America open commission on: Public-Private Partnership (PPP) in France and Latin America (October 2017).

María Beatriz Burghetto

- Panel speaker at conference of the Paris Bar Latin America open commission on Doing business in Argentina: current business climate and assets for investors (March 2017).
- Co-organiser / panel speaker at the First conference on domestic arbitration (Etats Généreaux de l'Arbitrage - 1ère édition – States General of Arbitration, 1st edition) organized by the French National Bar Federation (Paris, June 2016).
- Speaker on advance conflict waivers in arbitration, at the 2015 annual congress of the Union Internationale des Avocats (Valencia – international arbitration commission).
- Panel moderator at the Latin-American Conference on Arbitration (Buenos Aires, June 2013).
- Lecturer on arbitration at the Paris Bar Law School (2013).
- Panel speaker on comparative law on recognition of arbitral awards in France and South America, at the Comparative law seminar on French and South American law, University Paris-Dauphine (2013).
- Panel speaker at conference of the Paris Bar Latin America open commission on Recognition and enforcement of foreign judgments and arbitration awards: France-Latin America comparative review (February 2012).
- Speaker and moderator at roundtables on arbitrators at the II and IV International Arbitration Competitions (University of Buenos Aires - September 2009 and 2011).
- Speaker at UBIFRANCE conference on investment and dispute resolution in Argentina & Chili (May 2009).
- Guest lecturer on international arbitration at the University of Alcalá (Spain) (2005-2006).
- Lectures on arbitration issues (continuing legal education) 2006-2007.
- Panel speaker at conference on 'Trade, Investment and Finance law in Mercosul' (British Institute of International and Comparative Law, London, 1999).
- Assistant Professor, Private International Law (University of Buenos Aires) (Professors: Eduardo Fermé, María Blanca Noodt Taquela & Fernando Spano) (1992-1994 / 2002) (practical cases methodology and analysis).

Attended courses:

- Centre for Effective Dispute Resolution (CEDR): Mediation skills training (October-November 2020).
- Chartered Institute of Arbitrators (several courses on arbitration and cross-examination techniques – 2014 and 2010).
- NITA course on US litigation (2007).

Other academic work:

- **Curriculum development:** designed, co-lead and delivered in modular format an on-line learning programme on arbitration (French law) addressed to lawyers (Conseil National des Barreaux – Paris, January-April 2019).
- LLM Dissertation Supervision services for the University of Reading (2014).
- Arbitrator at Montpellier (2019) & Madrid arbitration moots (2015), Pre-Vienna moot practice at the ICC (2008-2013) and at the II and IV Competitions on international arbitration (University of Buenos Aires, 2009 and 2011); coach of a team for the Moot organised by Sciences Po University (Paris, 2013-2014); arbitrator in Madrid Moot (April, 2015).

Articles:

- Book chapter on '*Risk assessment and third-party funding in investment arbitration with a focus on developing countries*' (upcoming – to be published as part of a book on Private Actors in International Investment Law: Beyond Claimants, Respondents and Arbitrators – Editor: Springer).
- Country report (Argentina) on '*Judicial Control over Arbitral Awards: Scope, Vacation and Public Policy*' in The Cambridge Handbook of Judicial Control of Arbitral Awards (Cambridge University Press, October 2020).

María Beatriz Burghetto

- Article on the new Argentinean law on international arbitration- *Les Cahiers de l'arbitrage* (The Paris Journal of international arbitration) 2018-4, pp. 861-873, Lextenso, Paris, France.
- *The applicable law in international arbitration* (co-authored) (in Spanish), in *La cláusula arbitral: Estudios sobre un clásico en perspectiva contemporánea* (The arbitration clause: Study on a classic with a modern perspective), published online and in hard copy by Estudio Castillo Freyre -Peruvian law firm- and Jorge Luis Collantes -law professor at the Catalonia International University), in Biblioteca del arbitraje –Arbitration library – November, 2017 -Portuguese version to be published in *Revista de Arbitragem e Mediação* (Brazilian journal on arbitration, Thomson Reuters).
- *The evolution and current status of the concept of indirect expropriation in investment arbitration and investment treaties* (co-authored), *Indian Journal of Arbitration Law*, volume 6, number 2 (January 2018).
- *The circulation of the arbitration clause* (co-authored), in *Les cahiers de l'arbitrage 2017 (Arbitration notebooks)*, 3rd edition, December 2017 (Conseil National des Barreaux – French National Bar Federation-)
- *Comparative judicial incentives for parties to use ADR (England-France)*, (in French) Newsletter of the French Arbitration Association (October 2017).
- Article (in French) comparing the enforcement of foreign arbitral awards under the French system and those of South-American countries, in *Codification of private law and evolution of arbitration law*, Society of Comparative Law, France, 2014 - book on a conference on comparative law at the University of Paris-Dauphine on 3-4 October 2013.
- *The contribution made by the reform to French arbitration law*, in *Past, present and future of International Arbitration - Liber Amicorum Bernardo Cremades and Yves Derains*, vol. II, Peruvian Arbitration Institute (March 2013) (co-authored).
- *May courts in Latin American countries refuse recognition and/or enforcement of a foreign arbitral award that is being challenged at the place of arbitration?* in *Liber Amicorum Bernardo Cremades -La Ley*, pp. 273-289 (June 2010).
- *El sistema de arbitraje CCI (The ICC arbitration system)*, in *Resolución Alternativa de Conflictos (Alternative conflict resolution)*, Editorial Hammurabi, Buenos Aires, pp. 415-472 (October 2010).
- *ICC arbitration* (co-author of series), *Global Arbitration Review* (2006-2015).
- *Current status of arbitration legislation in Argentina*, *Journal of International Arbitration*, vol. 21, no. 6, pp. 519-538 - December 2004).
- *Notes on arbitration in Argentina*, *The Law and Business Review of the Americas*, vol.9, no. 3, 2003, pp. 471-511.

Activities –Memberships

- Member, ICC Commission on Arbitration and ADR (on behalf of ICC Argentina) – Task Force on Arbitration of Climate Change Related Disputes.
- Arbitrator listed in the rosters of the Court of Arbitration for Art (CAfA) and of the Court of Arbitration of the AmCham Peru; member of the Commission of award scrutiny of the International Centre of Arbitration of Madrid (CIAM).
- Current co-chair, Latin American Open Commission (Paris Bar).
- Founding member and President, French-Argentinean lawyers' forum (Paris, 2005-present).
- Founding member and moderator of 'Wake up (with) arbitration!' Bi-monthly round tables-.
- Member, Chartered Institute of Arbitrators (accelerated route).

María Beatriz Burghetto

- Member, ICC Latin American group.
- Board Member, Arbitral Women (2018-2022) (international women's association: <http://www.arbitralwomen.com/>).

Bar admissions / Education

- Paris Bar (2005) and Buenos Aires Bar (1994); passed the QLTS (England & Wales) in 2016.
- University of London (Queen Mary College) - LL.M. on International Business Transactions, 1996 (with Merit).
- University of Buenos Aires (Argentina) - LL.B., 1992.

Nationalities / Languages

- Argentinean and Spanish (EU).
- English (fluent), French (fluent) and Spanish (mother tongue).