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Prof. Dr. Marco de Benito

MARCO DE BENITO ESTUDIO DE ARBITRAJE
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Founder of MARCO DE BENITO ESTUDIO DE ARBITRAJE.

Jean Monnet Chair of European Civil Procedure at IE University.

Member of the ICC Institute of World Business Law, the International Association of Procedural Law, and the Procedural Law Board of the Spanish Royal Academy of Jurisprudence and Legislation.

Legal practice

Founder of MARCO DE BENITO ESTUDIO DE ARBITRAJE (marcodebenito.com) (2019-).

ICC Advanced International Arbitration Academy for Latin America (Buenos Aires, São Paulo, Rio de Janeiro, Bogota, Mexico City, Miami) (2016-2018).

Regularly ranked by Chambers, Leaders League, and Global Arbitration Review.

I have acted as sole arbitrator in (*inter alia*):

- A case between several Spanish public and private companies regarding a joint venture to build an important transportation infrastructure in the Middle East (Spanish Court of Arbitration, Madrid, Spanish law and language, €20M).
- A case between Danish and Spanish manufacturers in the pisciculture industry (ICC, Madrid, Spanish law and language, €2.5M).
- A case between an Italian and a Hong Kong company regarding the breach of a supply agreement for an oil & gas extraction project in Nigeria (Milan Chamber, Milan, Italian language, Italian law, €2M).
- A case between two Spanish firms regarding the reconstruction of a road in Armenia with financing from the Asian Development Bank (Spanish Court of Arb., Madrid, Spanish law and language, €2M).
- A case between a foundation and a biomedical engineering corporation regarding a joint venture to develop and market a patent (Madrid Court of Arbitration, *amiable composition*, €1M).

I have represented as counsel (*inter alia*):

- A sovereign state in the first action ever filed in Spain for annulment of an investment treaty award (*ad hoc* UNCITRAL, Madrid, £1.4B).
- A Spanish engineering against a US group in a case regarding the financing of a large renewable energy project in Peru (ICC, Miami, \$467M).
- Two private equity banks against an Australian fund in a case regarding willful misconduct in a stakeholders' agreement on an infrastructure Spanish corporation (ICC, Paris, €56M).
- A Dutch electrical corporation against a Peruvian company in a case regarding the challenge of an expert determination of the company's EBITDA (Swiss Rules, Geneva, €26M).
- A Spanish corporation against a US group in a case regarding the construction of renewable energy plants in Italy (ICC, London, Italian law, €24M).
- A Spanish distributor against an Austrian manufacturer for undue termination of distribution contract (*ad hoc* UNCITRAL, Paris, Austrian law and *lex mercatoria*, €12M).
- A British investment fund against a US investment fund group in a case regarding a joint venture for the construction and operation of renewable energy plants in Mexico (ICC, Madrid, \$7M).

Academic positions

- Jean Monnet Chair of European Civil Procedure, IE University (civilprocedure.ie.edu) (2019-).
- Jean Monnet Module of European Private Law (privatelaw.ie.edu) (2013-).
- Associate Professor of Procedural Law, IE University (2011-).
 - Academic director of the LLM in International Dispute Resolution.
 - Undergraduate teaching: Comparative Civil Procedure / European Legal History / Contracts.
 - Postgraduate teaching: International Arbitration / Transnational Civil Procedure.
- Co-editor-in-chief of *Arbitraje. Revista de arbitraje comercial y de inversiones* (2020-).

Education

- Comillas Pontifical University (Madrid), *Doctor en Derecho* (Dr. iur./Ph.D.), 2010.
- Max Planck Institute for Comparative and Int'l Private Law (Hamburg), *Forschungsgast*, 8/2007, 8/2008.
- Yale Law School, Visiting Scholar, 2008-2009.
- Universidad Carlos III de Madrid, LLM, 2001.
- Universidad Carlos III de Madrid, LLB, 2000.

Legislative consultancy

- Advice to the Legal Affairs Section of the Argentinian Cabinet of Ministers on the reform of the Argentinian Law on Arbitration (2016).
- Advice to the Justice Commission of the Spanish Congress on the reform of the Spanish Law on Arbitration (2010-2011).

Memberships (*inter alia*)

- ICC Institute of World Business Law
- ICC Spanish Committee
- Int'l Association of Procedural Law
- Procedural Law Board of the Spanish Royal Academy of Jurisprudence and Legislation
- European Law Institute
- Madrid Bar Association

Languages

- Spanish (C2)
- English (C2)
- Italian (C2)
- German (B2)
- French (B1)
- Portuguese (A2)

Publications (*inter alia*)

Over 30,000 visits on marcodebenito.academia.edu.

- Books:
 - DE BENITO, M., *Justicia o burocracia*, Civitas, 2017 (foreword by TARUFFO, M.).
 - WAUTERS, B., DE BENITO, M., *A History of Law in Europe*, Edward Elgar, 2017 and 2018. / *Historia del derecho en Europa*, Aranzadi, 2013.
 - DE BENITO, M., *El convenio arbitral: su eficacia obligatoria* (foreword by FERNÁNDEZ-ARMESTO, J.), Civitas, 2010.
- Book chapters:
 - DE BENITO, M., “Las medidas cautelares en las Reglas europeas de proceso civil,” GARCÍA MARRERO, J. (coord.), *Medidas cautelares y diligencias preliminares en el ámbito civil*, Aranzadi, 2021.
 - DE BENITO, M., “Back in Focus: Case Overload and Case Selection Standards in the Spanish Supreme Court,” BRAVO, P. (coord.), *Overburdened Supreme Courts. Transplanting Solutions?*, Springer, 2021.
 - DE BENITO, M., “Court Management in Spain: Towards a Bureaucratization of Civil Justice,” JEULAND, E., *Gestion du tribunal: Pour un principe de coordination en matière de gestion du tribunal*, Sorbonne-IRJS, 2020.
 - DE BENITO, M., “Civil Cassation in Spain: Past, Present, and Future,” VAN RHEE, C.H., LIN, Y. (dirs.), *Supreme Courts in Europe and China*, Springer, 2017.
- Articles in specialized journals:
 - “Eficiencia y fe en el derecho” (*Spain Arbitration Review*, XXXVI-2019).
 - “El arbitraje internacional como orden jurídico espontáneo” (with HUERTA DE SOTO, S., *Spain Arbitration Review*, XXII-2015).
 - “El arbitraje y la acción” (*Arbitraje. Revista de Arbitraje Comercial y de Inversiones*, II-2014).
 - “Contratto alieno, arbitrato, diritto europeo dei contratti,” in *Rivista del Consiglio, Ordine degli Avvocati di Milano*, Wolters Kluwer Italia, III-2013.
 - “Consideraciones sobre la reforma de la Ley de Arbitraje” (*Spain Arb. Review*, VIII-2010).
 - “Asimetría, separabilidad, sinalagma” (*Spain Arb. Review*, V-2009).
 - “Alcance del efecto negativo de la Kompetenz-Kompetenz” (*Spain Arb. Review*, I-2008).
- Prefaces:
 - Preface to COLLANTES, J. L., *La sede y el ordenamiento aplicable en el arbitraje internacional: enfoques cruzados*, Castillo Freyre, 2021.
 - Preface to CÓRDOVA, J., *El convenio arbitral. Principios, vinculación a los no-signatarios y transmisión del acuerdo arbitral*, Pacífico, 2018.
- Coordination of collective works:
 - COLLANTES, J. L. (dir.), BAIZEAU, D., DE BENITO, M., *et al.* (coords.), *Enciclopedia del arbitraje*, Castillo Freyre, 2018.
 - COLLANTES, J. L. (dir.), DE BENITO, M. (coord.), *Arbitraje comercial internacional en Europa*, Castillo Freyre, 2013.

Addresses at conferences (*inter alia*)

- Lecture, “*Los fundamentos normativos del arbitraje*,” Universidad Católica Argentina, 29/2/2021.
- Lecture, “*El proceso civil europeo armonizado*,” Universidad Austral, Buenos Aires, 5/26/2021.
- Address, “Towards Prudential Case Management,” official presentation of the ELI-UNIDROIT European Rules of Civil Procedure, ELI Annual Conference, Vienna, 9/10/2020.
- Address, “*Arbitrato e ordine pubblico*,” VI Rapporto annuale sull’arbitrato, Associazione Bancaria Italiana / Corte Nazionale Arbitrale, Rome, 6/25/2019.
- Keynote speech, “*Eficiencia y fe en el derecho*,” XII Conference of CEA -40, Spanish Arbitration Club, Madrid, 6/16/2019.
- Lecture, “*Justicia o burocracia: análisis crítico de dos décadas de reformas en materia de Justicia*,” Spanish Royal Academy of Jurisprudence and Legislation, Madrid, 12/13/2018.
- Address, “*Convenio de La Haya sobre acuerdos de elección de foro y Convenio de Nueva York: ¿aliados o enemigos?*,” V Conf. of the Int’l Chapters of the Spanish Arb. Club, Rome, 10/5/2018.
- Address, “*Lodi arbitrali, soft law: e tendenze civilistiche?*,” University of Bologna, 3/16/ 2018.
- Lecture, “*La riforma processuale civile spagnola: tra la ragione e la forza*,” University of Pavia, 3/14/2018.
- Lecture, “*L’accesso alla Corte suprema e al Tribunale costituzionale in Spagna*,” University of Florence, 3/13/2018.
- Lecture, “*La reforma procesal civil española: entre la realidad y el deseo*,” Asociación Nacional de la Magistratura, Buenos Aires, 2/22/2018.
- Lecture, “Let the Witness Speak: Orality and Immediacy in Int’l Arbitration,” Harvard Law School, 4/7/2017.
- Lecture, “*Cortocircuitos jurídicos: el contrato alieno*,” PUCP, Lima, 5/28/2017; *Escuela Libre de Derecho*, Mexico City, 2/7/2017; *Univ. Austral*, Buenos Aires, 10/24/2016.
- Address, “The Unspoken Rules in Modern Arbitration,” Miami International Arbitration Society and FIU College of Law, Miami, 11/4/2015.
- Address, “International Arbitration: A Principled Order,” 17th Annual Federalist Society Faculty Conference, Washington, D.C., 1/3/2015.
- Participation in ICC conference “The New World Order of Economic Relations in the Light of Arbitral Jurisprudence,” Beaune (France), 9/27/2014.
- Lecture, “*El arbitraje internacional como orden jurídico espontáneo*,” with HUERTA DE SOTO, S., IE Law School, Madrid, 12/03/2014.
- Address, “Last Resort Appeals in Spain: Past, Present, and Future,” Peking University, Beijing, 4/13/2014.
- Lecture, “*Contratto alieno, arbitrato, diritto europeo dei contratti*,” Scuola Superiore dell’Avvocatura, Milan, 5/19/2013.
- Lecture, “*L’autonomia privata nel processo civile: i contratti di composizione delle liti*,” Scuola Superiore Sant’Anna, Pisa, 3/13/2013.
- Lecture, “*I contratti processuali*,” Real Colegio de España en Bolonia, 3/11/2013.