

Javier Fernández-Samaniego

International Arbitrator and Mediator | Counsel

March 2023

**Full name**

First Name Francisco Javier
Surname Fernández-Samaniego Fernández

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

- Spanish
- French
- US “green card” holder. 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

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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 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.

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- 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)
- Javier is Arbitrator at the Pool of Arbitrators of the **European Commission** for dispute settlement panels under trade agreements to which the EU is a party (List of Candidates Suitable for Appointment as Arbitrators from 23 June 2022)
- Member International Centre for Dispute Resolution / American Arbitration Association (**ICDR/AAA**) panel of arbitrators USA (since 2017)
- Javier is arbitrator at **Madrid Court of Arbitration** of the Madrid Chamber of Commerce, at the TIC section. Besides, Javier is mediator and President of the Business Mediation Advisory Committee at the Center of Business Mediation (**CMEM**)
- Member of Arbitrator Research Tool of Global Arbitration Review (**GAR ART**), USA
- Neutral of the Center of Conflict Prevention and Resolution (**CPR**), NY, USA, as well as Member of European Advisory Board (EAB), its Mediation Committee, its Working Group on Cybersecurity in Arbitration and its 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**) and member of its Working Group on Digital Economy
- 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

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- 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 of the **Spanish Ministry of Justice** (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

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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

- **Chambers:** Javier Fernández-Samaniego is ranked in Europe and Global guides among Most in Demand Arbitrators (since 2019), and as a Recognized Practitioner for Dispute Resolution (since 2017).
- **Leaders League:** Javier F. Samaniego is ranked as Excellent in "Best Arbitrators - Spain"(since 2020), the firm is ranked among Recommended law firms in "Commercial Litigation - 2023", "International Arbitration - 2023" and "Trademark Litigation - 2022".
- **Best Lawyers** recognizes Javier F. Samaniego in several categories including Arbitration and Mediation, International Arbitration, Litigation.
- **Who's Who Legal** features Javier F. Samaniego in its National guide Florida 2020 in the categories including Mediation.
- Javier forms part of the **Select Counsel** network.

Recognised by sources as "an incredible mediator," Javier Fernández-Samaniego advises on competition and antitrust litigation, as well as international arbitration arising from contractual disputes.

"He is a lawyer with an enormous capacity to understand the client's needs. In addition, he has the ability to analyze complex issues to which he provides solutions due to his deep knowledge in commercial law and arbitration."

"Javier is a pleasure to work with and always keeps his focus on the overall goal of a project."

Chambers Global and Chambers Europe 2023 and 2022.

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



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Relevant lectures

Javier lectures on ADR in universities and business schools such as:

- **IE.** Program LLM IDR 2021-2022. Classes *Business mediation & ADR*. March-May 2023 and 2022. Javier F Samaniego – Lecturer. More information [here](#).
- **Universidad Francisco Marroquín (UFM)**, Guatemala. Faculty of Law. Seminar on Mediation and other ADR. 10 March 2022.
- **General Council of Spanish Lawyers, ICC Spanish Committee and Madrid International Arbitration Center (MIAC)**. Executive Program on International Arbitration. Class "*Soft Law*" Rules in Arbitration. Editions of the program in the last three years (2022, 2021 and 2020). Javier Fernández-Samaniego – lecturer. More info [here](#).
- **CIMA-ISDE**. Civil and Commercial Court of Arbitration and Higher Institute of Law and Economy. Specialization Course in Civil and Commercial Mediation for CIMA associates. Javier – organizer and co-speaker. 2021. More information [here](#).
- **Santander Legal Academy**. Executive training: Informative session and practical case on mediation of complex business conflicts. June 15 and 17, 2021. 15 and 17 June 2021. More information [here](#). Javier regularly delivers ADR training for in-house.
- **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.
- **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.
- **ISDE University**. Class for Master course in international Sports Law and Master course in International Law, Foreign Trade and International Relations. *Mediation: An effective process to resolve international complex commercial disputes*. Madrid, 2018. Javier Fernández-Samaniego – lecturer.
- **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.

Other relevant initiatives:

- Mentor at **Mentoring for Women Program** of the Spanish Arbitration Club (CEA)
- **The Florida Bar. International Law Section (ILS)**. Annual *Richard DeWitt Memorial Vis Pre-Moot Competition*. Javier F. Samaniego – volunteer arbitrator. Miami. More info here.

Selection of recent publications and relevant press coverage

- **CPR Alternatives**. Article *The effects on cross-border disputes one year after the entry into force of the Singapore Mediation Convention*. January 2022. Author - Javier F. Samaniego. More information [here](#).
- **CMEM**. Interview with Javier F. Samaniego, mediator and President of the Business Mediation Advisory Committee at the Madrid Center of Business Mediation. 16 August 2021. More information [here](#).

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- **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.
- **Diario La Ley**. Article *Experts estimate that the crisis will lead to increased litigation funding*. 23 April 2020. Javier F. Samaniego mentioned in the article. See 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 mentioned in the article. See 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](#)
- **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](#).
- **Global Arbitration Review**. Article *ICCA and IBA join forces on data protection*. Author – Jack Ballantyne. 12 Feb 2019. Javier Fernández-Samaniego mentioned in the article. To read PDF please click [here](#) or subscribe [here](#)
- Contributor to the **Code of Good Practice for Mediation** edited by the Mediation Committee of the Spanish Arbitration Club, 2013.
- **CIAR Global**. Article *Achmea case and the Prague Rules, a before and after the arbitration in 2018*. Javier Fernández-Samaniego mentioned in the article. January 16, 2019. 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.
- **Confilegal**. Article *Company lawyers rescue mediation from the collapse of the courts*. 9 October 2016. Javier F. Samaniego mentioned. More information [here](#).
- **Lexology**. Article *Spain introduces regulations on insolvency mediators*. Co-author. March 28, 2014. Click [here](#) to read.
- **Lexology**. Article *Spain approves Secondary Regulation on mediation*. 10 Jan, 2014. Click [here](#) to read.
- **Mediation in the Booklet on Law for Engineers**. Chapter *Mediation as a structured process*. Edited by Wolters Kluwer and Iberdrola, 2014.
- **Code of good practices in Mediation**. Spanish Arbitration Club, 2013. Javier F. Samaniego - co-author. More information [here](#).
- **Iberian Lawyer**. Article *The new Spanish mediation law receives mixed reviews*. April 2012. Javier F. Samaniego – author.

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Selection of recent relevant conferences

Below is a selection of some of the recent presentations, panel moderations and similar contributions made by Javier F. Samaniego about ADR:

- **The Florida Bar International Law Section / JAMS.** Conference *International Arbitration: Battle Royale: Civil v Common Law*. 28 Oct 2022, Miami. Javier F. Samaniego – co-speaker. More info [here](#).
- **IBA Annual Conference.** Fundamentals of International Legal Business Practice: IBA Young Lawyers' Training Course. Session *Law and Technology*. 28 Oct 2022, Miami. Javier – co-speaker. More info [here](#).
- **CPR.** Mediation Committee Meeting. Presentation *Mediating across borders and the Singapore Convention*. Javier F. Samaniego - speaker. 22 Sep. 2022. More information [here](#).
- **Association of Lawyers (UIA).** 30th World Forum of Mediation Centers. Session *The new world order: best practices when conducting mediation online* Javier F. Samaniego - co-speaker. 17 Sep 2022, Malaga, Spain. More information [here](#).
- **CPR European Advisory Board.** Annual meeting. Presentation on the Singapore Convention. 29 de June 2022, Paris.
- **Aranda Mediation.** 2022 Aranda Mediation Conference (Singapore). Sessions *Legal tech and the ongoing transformation of Mediation Advocacy* (Javier F. Samaniego - speaker) and *The Singapore Convention on Mediation in the EU and the UK* (Javier F. Samaniego - co-speaker). 26 May 2022. More information [here](#).
- **ICC Panama.** International Conference. Session *The need for ADR in the new ways of doing business*. 17 May 2022. Javier F Samaniego – co-speaker. More information [here](#).
- **Illustre Col·legi de l'Advocacia de Barcelona.** Webinar *Mediate in commercial conflicts. What is left unsaid about mediation that we should know?* 8 March 2022. Javier F Samaniego – speaker. More information [here](#).
- **CPR.** 2021 CPR International Conference on Business Dispute Management. Panel *Effects on Cross-Border Disputes After the Singapore Convention*. 6 Oct 2021. Javier F. Samaniego - panel chairman. More info [here](#).
- **CEA XV Congress** of Spanish Arbitration Club. 13 Sep 2021. Panel *"New opportunities for arbitration in the digital economy"*. Javier F. Samaniego – panel chairman. More info [here](#).
- **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](#).
- **18th ICC Miami Conference.** Trainer at the ICC Institute on *"Data Protection and Cybersecurity in Virtual Proceedings"*. 9-10 Nov 2020.
- **CESCON / CNA / CEA Digital Law.** [Center of Conflict Resolution of Panama, Commission on Mediation and Arbitration at the Panama Bar and Euro-American Committee of Digital Law](#). Online session *Digital evidence and Data Protection in Arbitration proceedings*. 1 October 2020. Javier Fernández-Samaniego – co-speaker. More info [here](#).
- **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

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- **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.
- 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) 71st 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.
- **Latham & Watkins.** Seminar Cybersecurity in International Arbitration. London, 1 June 2018. Javier Fernández-Samaniego - speaker. More info here.
- **CPR.** Seminar Cybersecurity in International Arbitration. Paris, 10 April 2018. Javier Fernández-Samaniego – speaker. More info here.
- **CEA.** Seminar "Arbitrator as Mediator" organized by Mediation Committee of Spanish Arbitration Club and CEA-40, Madrid, December 2017.

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- **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.](#)
- **ACC Europe.** Seminar *Mediation: an effective method for resolving complex business disputes.* Madrid, 5 October 2016. Javier Fernández-Samaniego - co-speaker.

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