



# José Miguel Júdice

## Independent Arbitrator

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It is possible to download my cv in a short and a more complete versions, this later with my experience as arbitrator provided in detail. No CV is enough to inform about a possible choice of an arbitrator. Please feel free to contact me by email if more or deeper information about my practice is deemed necessary or convenient.

## University Experience

### University of Coimbra:

- Degree in law in 1972 (graded 17/20).
- Assistant Professor, Law School (Political Science, Constitutional Law, Economic Organization Law), 1972-1977.

### University of Lisbon:

- Professor (International Law and Political Science), 1978-1981.

### University Nova of Lisbon:

- Management and Economy School: Associate Professor since 2004 (Business Law).
- Law School: Visiting Professor since 2018 (courses “International Commercial Arbitration” and “Investment Treaty Arbitration”).

### **University ISCTE (Lisbon):**

- Energy MBA with Columbia University (NY): Visiting Professor 2010-4 (Energy and Politics) (2010-3)

### **ISDE (Madrid) and Columbia Law School (NY)**

- Master on Arbitration, Professor (the course has been suspended *sine die*).

## **Lawyer Experience**

### **Institutional Activity**

- High Council of the Judiciary: member (1997-2001).
- General Council of the Portuguese Bar Association: member (1995-1998)
- President of the Portuguese Bar Association (2002-2005)
- President Human Rights Institute of the Portuguese Bar Association (2003-2004)
- PLMJ Founding Partner (1980-2019) and Head of PLMJ Arbitration until 2017

## **Arbitration Experience**

### **Institutional Activity**

- Member of the Portuguese Bar Association, IBA, Associação Portuguesa de Arbitragem (President of Procedural Law and Practice Committee, 2006-2008, Member of the Board - International Relations - 2008 - 2014), Association Suisse de l'Arbitrage, Club Español del Arbitraje (member of the Board of Directors, 2013-7), Comitê Brasileiro de Arbitragem, ICCA, LCIA.
- Commercial Dispute Resolution Editorial - Board Member (2012-5).
- Panel of Presidents for Labor Law Arbitrations of the Portuguese "Conselho Económico e Social" (2006-2011).
- CCIP - Portuguese Chamber of Commerce and Industry: Vice-President (2007 - ).
- ITA - Institute for Transnational Arbitration: Country Reporter for Portugal (2008 - ).
- ICC Arbitration National Committee: Vice-President (2009-12).
- ICC International Court of Arbitration: Member (2009-15).
- President of the Chamber of Commerce Centre of Arbitration, Lisbon (2013-6).
- Member of the Arbitrators' Designating Committee of CIAM (Madrid International Arbitration Centre) (2020- ).

### **Rosters and Panels of Arbitrators**

- ICSID Roster of Arbitrators and Conciliators (from 2013 and reappointed for more 6 years until 2025)
- Permanent Court of Arbitration (The Hague)
- Brazil-Canadá Chamber of Commerce Arbitration Centre (S. Paulo)
- São Paulo Industrial Association Arbitration Centre (FIESP-CIESP)
- Portuguese Chamber of Commerce in Brazil (S. Paulo)

- CAE - Eurochambers Mediation and Arbitration Centre (S. Paulo)
- CBMA - Brazilian Centre for Mediation and Arbitration (Rio de Janeiro)
- Industrial Association Arbitration Centre (Curitiba, Brazil).
- Brazilian Entrepreneurial Chamber of Arbitration (Belo Horizonte, Brazil)
- CAMARB - Business Arbitration Chamber (Belo Horizonte, Brazil)
- CAMITAL - Arbitration and Mediation Centre of Italy-Brazil Chamber of Commerce (S. Paulo)
- CEASP - Arbitral Chamber of S. Paulo State (S. Paulo, Brazil)
- CAMOB - Arbitration and Mediation Centre of Bahia-West (Brazil)
- Portuguese Chamber of Commerce and Industry Centre (Lisbon)
- Oporto Commercial Association
- Portuguese-Spanish Chamber of Commerce Arbitration Centre (Lisbon)
- Portuguese Centre of Construction Arbitration (Oporto)
- CIMA Corte Civil y Mercantil de Arbitraje de Madrid
- Korean Arbitration Centre (Seoul)
- Mozambique Arbitration Centre (Maputo)
- BVI Arbitration Centre (British Virgin Island)

### **Professional Arbitration Experience**

More than 40 years of experience in litigation and arbitration, as Founding Partner of PLMJ (the largest Portuguese law firm, also present in Africa and Asia) covering almost all the fields of law (International Contracts and Investments Public and Private Law, Public Procurement, Insurance and Banking, Construction, Oil & Gas and Energy, Concession contracts, Corporate Law, Environment, Real Estate, Hospitality and Tourism, Life Sciences, Mining, PPP's, Constitutional).

During his practice as lawyer, he accumulated large experience working for private and state controlled entities in areas related with different fields of practice.

As Counsel in Arbitration: more than 80 UNCITRAL, ICC, OHADA, ICSID and NAI, ad hoc national and international arbitrations, since 1979 (international contracts, transport, public procurement, public concession contracts, agency and distributorship, energy, oil & gas, construction and zoning, banking, finance and insurance, investment disputes, hospitality and tourism, labor, shareholder agreements and corporate, mining and industrial law, M&A, media and telecommunications). Applicable laws: Brazil, Angola, Mozambique, Cap-Vert, Portugal, S. Tomé and Príncipe, Spain, France, Nederland, Guinea Conakry, BIT's and International Law.

As Arbitrator: since 1997, more than 70 ICC, ICSID (ad hoc Committee), Permanent Court of Arbitration (The Hague), LCIA, Brazil-Canada Arbitration Centre (CCBC), ad hoc/UNCITRAL, Cámara de Madrid, CAIP (Chambre d'Arbitrage International de Paris), Lisbon and Oporto Arbitration centres, national and international arbitrations, as coarbitrator, sole-arbitrator (6) and Chairman (47), submitted to Brazil, Angola, Spain, France, Ecuador, Colombia, Peru, Bolivia, Portugal, BITs and International Law (oil & gas, energy, construction, agency and distributorship, insurance, transport, banking and finance, international contracts, mining, tourism, ppp's, telecommunications, investment disputes, public procurement, public

concessions, pharmaceutical and patents, mining, hospitality, golf and resort management, BIT disputes, etc) (see more details on some of these cases below).

The seat of the arbitration he chaired, or in which he is or has been co-arbitrator are S. Paulo, Rio de Janeiro, Luanda, Madrid, Barcelona, London, Zurich, Genève, Paris, Brussels, The Hague, New York, Washington, Santiago (Chili), Lisbon and Oporto.

## **Main recent cases as President of arbitral tribunals**

- ICC arbitration between USA and Brazilian companies related to a shareholder agreement in the area of energy, seat of the tribunal Rio de Janeiro, Portuguese and English languages, Brazilian law.
- ICC arbitration between Swiss and Brazilian companies related to a distribution contract termination, textile area, seat London, Portuguese and English languages, Brazilian law.
- ICC arbitration between German and USA companies related to an acquisition contract (reps and warranties and engines malfunction), automobile industry, seat Zurich, Portuguese and English languages (as the process has been bifurcated, two awards have been given), Brazilian law.
- ICC arbitration between Ecuador and Brazilian State controlled companies related to a loan finance contract, banking and power industries, seat Rio de Janeiro, Portuguese and Spanish languages, Brazilian law.
- ICC arbitration between Angola and a French major hospitality group related to hotel industry, seat Lisbon, Portuguese language, Angola law.
- Ad hoc arbitration between a Portuguese public entity and an international consortium related with a major underground transport system construction, seat Oporto, Portuguese language and *ex aequo and bono* arbitration.
- 3 ad hoc arbitrations between a Portuguese public entity and a construction consortium related with a major water system construction, seat Lisbon, Portuguese language and law.
- Ad hoc Portuguese arbitration between the employer and the concessionaire for a major highway to restore the financial equilibrium, Portuguese law and language.
- Ad hoc Portuguese arbitration between the owner of a large resort in the process of zoning and an investor, related to a plot for a hotel, near the sea in the Lisbon area, Portuguese law and language, seat Lisbon.
- PCA (The Hague) investment treaty arbitration between English Rurelec and Bolivia, energy industry, seat Hague, Spanish and English languages, BITs between the said country and UK and USA.
- Ad hoc arbitration between a Portuguese public entity and an international consortium related with a highway concession, finance and construction areas, seat Lisbon, Portuguese language and Portuguese public law.
- Cámara de Madrid Institutional international arbitration between an English major insurance group and a Spanish bank, related with a shareholder agreement and bancassurance contract, seat Madrid, Spanish language and law.
- Various Ad hoc arbitration cases between international pharmaceutical groups related to patents' licensing, seat Lisbon, Portuguese language and law.
- ICC arbitration related to a real estate M&A contract between an English and a Portuguese group,

English language, seat Lisbon, Portuguese law (sole arbitrator).

- Brazil-Canadá Centre arbitration between a Brazilian O&G company and a construction consortium, seat S. Paulo, related to an industrial refinery works contracts, Portuguese language and Brazilian law.
- International Treaty Ad hoc arbitration between two European Countries and a construction consortium, seat Brussels, related to a high-speed train construction contract, Spanish and French language and law.
- Portuguese Chamber of Commerce arbitration between a Portuguese and a Spanish Hotel Group, related to a management contract, seat Lisbon, Portuguese law and language.
- Portuguese Chamber of Commerce arbitration between the Portuguese Republic and a private hospital concessionaire, related to a PPP, Portuguese law and language.
- LCIA arbitration, between a major O&G and a Brazilian O&G company, related to an upstream contract, English language, seat S. Paulo, Brazilian Law.
- ICC arbitration, between a European major industrial group and a South-American consultant related to a procurement tender from a South-American Country, English language, seat Madrid, Spanish law (sole arbitrator).
- ICC Emergency arbitrator in a conflict between an African Country and a major telecommunication group, French law and language, seat Paris.
- ICC arbitration, related to a set of contracts for two hotels in the south of Brazil between a major hospitality international group and a local real estate developer, Portuguese and English languages, Brazilian law, seat S. Paulo.
- PCA (The Hague) investment commercial arbitration related to an Upstream Oil concession contract, between a Singapore O&G group and a South-American Spanish speaking country, Spanish language, Ecuador Law, seat Santiago (Chili).
- ICC arbitration related to a highway Public Concession Agreement in a South-American Spanish speaking country, between a Spanish Construction Group and a Australian controlled local concessionaire, Spanish language, Colombian Law, seat Madrid.
- PCA (The Hague) investment treaty arbitration related to a telecommunication investment, between swiss (also with dual nationality) investors and a South-American Spanish speaking country, Spanish and English languages, seat The Hague.
- ICC commercial arbitration related to an insurance guarantee of a real estate M&A contract in Portugal, between a Spanish and a USA controlled companies, English language, Portuguese law, seat Lisbon (Portugal) (sole arbitrator).
- PCA (The Hague) - Investment Treaty Arbitration related to an Agricole investment, between a Spanish group and a Central-American Spanish speaking country, Spanish language, seat The Hague.
- ICSID - Ad hoc Committee in an energy related Multilateral Investment Treaty Arbitration.
- CAIP (Centre d'Arbitrage International de Paris) commercial arbitration related to a Concession and Construction contract, between a South-American Municipality and a French group, Spanish language, seat Paris.
- ICC arbitration related to a M&A contract between a Brazilian and a Switzerland Group, Portuguese language, Brazilian law, seat S. Paulo.

## **Main recent international cases as co-arbitrator**

- Ad hoc international arbitration between a French group and a Portuguese company, construction industry, related to a M&A contract (Reps and warranties, accounts of the SPV, construction), seat Lisbon, Portuguese and French language, Portuguese law.
- ICC international arbitration between a Portuguese and a Spanish company, seat Barcelona, pharmaceutical and commercial concession contract, English language, Spanish law.
- Ad hoc national arbitration between a Port Authority and a concessionaire, seat Lisbon, Portuguese language and law.
- UNCITRAL international arbitration, between a French group and a Portuguese investor, seat Lisbon, banking industry, related to a shareholder agreement, Portuguese and French language, Portuguese Law.
- Ad hoc international arbitration related with finance contracts for a highway PPP, between a European consortium bank and a construction consortium for the said PPP, seat Lisbon, Portuguese and English language.
- Oporto Arbitration Centre arbitration between a Portuguese Group and a public entity related to internet infra-structures contract, seat Oporto, Portuguese language and law.
- Various ad hoc arbitration cases between international pharmaceutical groups, related to patents licensing, seat Lisbon, Portuguese law and language.
- Ad hoc arbitration between a Portuguese bank and a financial company shareholder of the bank, related to financial contract, seat Lisbon, Portuguese law and language.
- Brazil-Canadá Centre arbitration between arbitration between a mining company and a port concessionaire, both controlled by foreign entities (not Portuguese), related to a take or pay contract, seat S. Paulo, Brazilian law, English language.
- Ad hoc arbitration between a private developer and the Portuguese Republic related to contract for the zoning and developing a large plot of land in Lisbon area, Portuguese law and language, seat Lisbon.
- Brazil-Canadá Centre arbitration between a major O&G South-American company and an international shareholder of a common project related to O&G contract and a shareholder's agreement, Portuguese language, seat S. Paulo, Brazilian Law.
- ICC arbitration between a multinational industrial and a Spanish group, related to a sub-contract for a large Brazilian power plant, Portuguese language, seat S. Paulo, Brazilian Law.
- ICC arbitration between a major O&G South-American group and a South-American shipyard company, related to an EPC contract, English language, seat New York, Brazilian law. ICC arbitration between USA and Brazilian companies related to a shareholder agreement in the area of energy, seat of the tribunal Rio de Janeiro, Portuguese and English languages, Brazilian law.
- ICC commercial arbitration related to a design contract between Swiss and Brazilian controlled companies, English language, Brazilian law, seat S. Paulo (Brazil)
- ICC commercial arbitration related to a renewable energy set of contracts, between Spanish and Chinese controlled companies, English language, Portuguese law, seat Lisbon (Portugal).
- Portuguese Chamber of Commerce Arbitration, related to a hydropower dam construction, between a Spanish company and an international works consortium, Portuguese law and language, seat Lisbon (Portugal)
- ICC commercial arbitration related to a shareholder's agreement, construction industry and concession contract, between a Luxemburg and a Portuguese group, seat Lisbon, Portuguesa law.
- ICC commercial arbitration related to a PPP (construction and concession of bridges in Lisbon, between a

French group and the Portuguese Republic, Portuguese law and language.

## **Additional Information**

From the 1<sup>st</sup> January 2020 he is only active as Independent Arbitrator and legal expert.

Publications: *Capital Markets in Portugal* (1994); *Securities Law, Portuguese Chapter* (1996); *Takeover Portuguese Law* (1996); *“Direito do Petróleo”* (2013), *“100 years landmark international arbitral decisions* (2016), *Portuguese Arbitration Law – A commentary* (4d edition 2019)

Various conferences held and articles published in Portugal, Cap Verde, Brazil, Angola, Mozambique, Peru, Spain, Germany, South Korea, France, Argentina, USA, UK, Costa Rica, on litigation and arbitration, construction and PPP's, investment treaties, oil and gas, consumer law, class actions, public law, contracts, capital markets, business law, etc.

Some of these publications, articles and scripts of conferences are available at [www.josemigueljudice-arbitration.com](http://www.josemigueljudice-arbitration.com)

As Professor he teaches Arbitration and Dispute Resolution (International Commercial Arbitration), Energy and Politics and Business Law.

Star Individual in Chambers Directory (Dispute Resolution) and Tier 1 in the more relevant directories. Tier 1 in Chambers Most in demand Arbitrators. Received in July 2019 the Chambers Lifetime Achievement Award (the second Portuguese awarded ever)

Order of the Légion d'Honneur (France) and of Henri the Navigator (Portugal)

### **Languages Spoken**

Portuguese, English, French and Spanish. He acts as President of international arbitration tribunals in which the language was one of these, some of them bilingual cases.