

## STEPHAN ADELL

Partner



### Bar admissions

Dominican Republic, Paris

### Languages

Spanish, English, French

✉ [sadell@adellmerizalde.com](mailto:sadell@adellmerizalde.com)

☎ +1 809 792 5200

### AREAS OF EXPERTISE

- Commercial Arbitration
- Investment Arbitration
- Engineering and Construction
- Oil & Gas
- Energy
- Corporate and Commercial law

### PROFESSIONAL PRACTICE

A dual Bolivian-French national with over 15 years of international arbitration experience, Stephan Adell's practice focuses on international commercial and investment arbitration. He has intervened in over **90 arbitrations**, particularly focusing on complex construction and investor-State disputes. He also acts as arbitrator.

Stephan has acted under major arbitration rules and institutions such as the International Centre for Settlement of Investment Disputes (ICSID), the United Nations Commission on International Trade Law (UNCITRAL), the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the Dubai International Arbitration Centre (DIAC) and the International Centre for Dispute Resolution (ICDR).

He has acted as counsel in more than **30 investment arbitrations**. In Latin America, Stephan has acted in arbitrations in Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Peru, and Venezuela.

Stephan was a member of the International Arbitration Court of the ICC for 6 years. Before founding Adell & Merizalde, he worked at two top-tier firms in international arbitration (Paris and Dubai offices).

He is a member of the ICC Commission on Arbitration and ADR and teaches Alternative Dispute Resolution at *Pontificia Universidad Católica Madre y Maestra*.

### AWARDS & RECOGNITIONS

- Who's Who Legal - Global Arbitration Review: Global Leader in International Arbitration
- The Legal 500: Key Lawyers - France
- Latin Lawyer
- Best Lawyers

### EDUCATION

- Université de Versailles, Master's in International Law and International Arbitration, (2007)
- Université Paris 2 Panthéon-Assas, Diploma in Comparative Law, (2007)
- Pontificia Universidad Católica Madre y Maestra, Law Degree, (2005)

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*According to a state client, a team recently led by Stephan Adell "provided 'outstanding client service'. The team worked to an agreed schedule and made sure the state 'could comment and offer input during the construction of each submission."*

### - GLOBAL ARBITRATION REVIEW

*Stephan Adell is "a skilled orator" who is recognized for his "brilliant drafting skills", "sharp mind" and "excellent advocacy". One peer says, "I particularly recommend him for construction disputes, where he is excellent in cross-examination."*

### - WHO'S WHO LEGAL

## MEMBERSHIPS

- ICC Commission on Arbitration & ADR
- ITA Board of Reporters (Dominican Republic)
- Latin American Arbitration Association (ALArb)
- Club Español del Arbitraje (CEA)
- Centro Internacional de Arbitraje de Madrid (CIAM)
- *Comité Français de l'Arbitrage*

## REPRESENTATIVE MATTERS

### EXPERIENCE AS AN ARBITRATOR

- **President.** Claimant v. Respondent 1; Respondent 2; and Respondent 3. International Chamber of Commerce (ICC). Case No: XXXXX/JPA.
- **President.** Claimant v. Respondent 1; and Respondent 2. Centro de Resolución Alternativa de Controversias (Cámara de Comercio y Producción de Santo Domingo). Case No: 1xxxxx3.
- **President.** Claimant v. Respondent 1; and Respondent 2. Centro de Resolución Alternativa de Controversias (Cámara de Comercio y Producción de Santo Domingo). Case No: 1xxxxx5.
- **Sole Arbitrator.** Claimant v. Respondent. Dubai International Arbitration Center (DIAC). Case No: XX/2022.
- **Co-arbitrator.** Claimant v. Respondent. Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC). Case No: XX/2022/SEC7.
- **Co-arbitrator.** Claimant v. Respondent. International Chamber of Commerce (ICC). Case No: XXXXX/ASM.
- Administrative secretary of the arbitral tribunal in over **20 international arbitrations.**

### INVESTMENT ARBITRATION (COUNSEL)

- Represented the Republic of Costa Rica in an ICSID arbitration filed by a Spanish investor related to the closure of poultry production facilities. Over US\$ 100 million in dispute.
- Represented the Republic of Kosovo in an ICSID arbitration initiated by a German investor concerning the tender for the privatization of the postal communication company. Over US\$ 400 million in dispute.

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*Stephan Adell was recognized as "is an excellent practitioner" with "exceptional communication skills".*

### - WHO'S WHO LEGAL

- Represented the Republic of Turkey in an ICSID arbitration brought by investors from the Netherlands regarding alleged sale of assets of a large mobile phone company. Over US\$ 19 billion in dispute.
- Represented a Latin American State in a PCA investment arbitration under UNCITRAL rules initiated by a US investor concerning the modernization of an oil refinery. Over US\$ 110 million in dispute.
- Represented an Eastern European State in an ICSID arbitration filed by a Hungarian investor relating to various regulatory measures on a gas trading business. Over US\$ 1 billion in dispute.
- Represented an African State in two PCA arbitrations regarding the alleged expropriation of a real estate project. Over US\$ 1.5 billion in dispute.
- Represented an African State in an ICC arbitration regarding the alleged expropriation of a real estate project. Over US\$ 200 million in dispute.
- Represented Joseph Lemire in an ICSID arbitration, and its subsequent annulment phase, against Ukraine arising out of regulatory measures affecting a radio communications business.
- Represented a Lebanese investor in an UNCITRAL arbitration against a Central Asian State regarding the alleged expropriation of poultry production facility. Over US\$ 100 million in dispute.

### COMMERCIAL ARBITRATION (COUNSEL)

- Represented a Middle Eastern company in an ICC arbitration seated in Paris, under Swiss law against a European enterprise concerning design defects and delays in the construction of an MDF plant. The language of the arbitration was English. Over US\$ 100 million in dispute.
- Represented a European public entity in an *ad hoc* arbitration seated in Santiago under Chilean law against a South American constructor regarding defects and delays in the construction of a highway. The language of the arbitration was English. Over US\$15 million in dispute.
- Represented a Latin American public entity in 3 ICC oil & gas arbitrations seated in The Hague under Dutch law. The language of the arbitration was English. Over US\$ 300 million in dispute.
- Represented a South American public entity in an ICC arbitration against a US services supplier for goods relating to oil & gas drilling. Over US\$ 250 million in dispute.

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*"Stephan Adell was recognized for his work in international arbitration in the city of Santo Domingo."*

- **LEGAL 500 LATIN AMERICA**

- Represented a Caribbean public entity in an ICC arbitration seated in Santo Domingo under Dominican law against a contractor from the US arising from a power generation project. The language of the arbitration was English. Over US\$30 million in dispute.
- Represented a European company in an LCIA arbitration seated in London under English law against a Middle Eastern contractor for delays and defects in the construction of a large-scale tram system. The language of the arbitration was English. Over US\$150 million in dispute.
- Represented a Top-tier European companies in an ICC commercial arbitration seated in the UAE under Dubai law relating to a large-scale infrastructure project in the Middle East. The language of the arbitration was English. Over US\$10 million in dispute.
- Represented a Middle East country in an ICC arbitration relating to construction projects. Over US\$ 100 million in dispute.
- Represented a Design company in a DIAC arbitration seated in Dubai under Dubai law relating to the construction of a large-scale medical facility in the Middle East. Over US\$ 470 million in dispute.
- Represented 2 Spanish companies in an UNCITRAL commercial arbitration seated in Geneva under Algerian law against an African publicly owned company relating to a natural gas liquefaction plant. The language of the arbitration was French.
- Represented a European State in a commercial PCA arbitration under UNCITRAL rules seated in Vienna under Kosovan law arising from a shareholders' dispute relating to a cement plant.
- Represented a European company in a UNCITRAL commercial arbitration seated in New York under New York law against a Caribbean company relating to a long-term natural gas supply contract. Over US\$300 million in dispute.

## SELECTED PUBLICATIONS

- Author, "Cross currents? How national ethics rules affect international arbitration", 40 under 40: Upcoming Issues on International Arbitration, 2018.
- Co-author, "Cooling-off periods in investment arbitration", in "Oxy Case: The Defense of a Sovereign and Legal Decision of the Ecuadorian State", Procuraduría General de la República de Ecuador, 2014.

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*Stephan Adell is "one of the most dynamic young lawyers I have worked with. I will watch his career with some interest."*

- **WHO'S WHO LEGAL**

- Co-author, "Los Nuevos Principios de Lealtad, Celeridad y Confidencialidad del Código de Procedimiento Civil Francés", Spain Arbitration Review, 2011.
- Author, "France – Enforcement of Money Judgments" Book Chapter in "Enforcement of Money Judgments", 2010.
- Co-author, "Panorama de Jurisprudencia Francesa", Commentary on the French case SNF vs. Cytec, Spain Arbitration Review, 2009.
- Author, "La Nouvelle loi Dominicaine sur L'arbitrage Commercial du 19 Décembre 2008", Revue de l'Arbitrage, 2009.
- Author, "L'exequatur d'une Sentence Arbitrale Attaquée au lieu du Siège de L'arbitrage, Dont le Droit est Soumis au Traité OHADA", Petites Affiches, 2008.

## RECENT SPEAKING ENGAGEMENTS

- "Oral advocacy, party autonomy and the determination of the facts of the dispute: the opening statement at the hearing", ICC Institute Advanced Level Training, organized at the occasion of the 11<sup>th</sup> ICC Brazilian Arbitration Day, Sao Paulo, March 2023.
- "Primer Congreso de Derecho Contemporáneo", Santo Domingo, Dominican Republic, November 2022.
- "Thinking outside the box: innovative ways to avoid and resolve disputes", 20<sup>th</sup> ICC Miami Conference on International Arbitration, October 2022.
- "Novedades del Reglamento de Arbitraje de la CCI frente a la Práctica Arbitral del CRC", ICC República Dominicana, Centro de Resolución Alternativa de Controversias y la Cámara de Comercio y Producción de Santo Domingo, Santo Domingo, Dominican Republic, August 2022.
- "Arbitraje y Recursos Naturales", 10mas. Jornadas Internacionales de Arbitraje", La Paz, June 2022.
- "El Futuro de los Tratados Bilaterales de Inversión", Podcast Hablemos de Derecho Internacional, January 2022.
- "The ICC Emergency Arbitrator Provisions", Dubai Arbitration Week, November 2021.

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- "Proyectos de Infraestructura 5G y su estandarización de acuerdo a la práctica global", Universidad del Externado de Colombia, June 2021.
- "Técnicas para la conducción efectiva del procedimiento arbitral", Centro de Resolución de Disputas de la Cámara de Comercio de Santo Domingo, February 2021.
- "Arbitraje en la industria de la Construcción: Perspectiva local e internacional", Centro de Resolución de Disputas de la Cámara de Comercio de Santo Domingo, December 2020.
- "ICC Report on Construction Arbitration Industries", ICC-FIDIC, Sao Paulo, February 2020.
- "Arbitration and State Entities: The tension between private and public", ICC-YAF, Medellín, September 2019.
- "ICC Arbitration: particularities and novelties", 9nas Jornadas Internacionales de Arbitraje, La Paz, June 2019.
- "Temas de actualidad en el arbitraje comercial de América Latina", ICC-YAF, La Paz, June 2019.
- "Shutting down businesses: when a party to an arbitral proceeding goes impecunious, bankrupt or insolvent", 16th ICC Miami Conference, November 2018.