



- Litigation
- Arbitration
- Infrastructure
- Power
- Construction
- Finance
- Investor-State

International Dispute Resolution: Latin America Overview

Brazil; Peru; Venezuela; Colombia; Guatemala; Argentina; Ecuador - These are just a selection of the Latin American countries in which our internationally recognized International Dispute Resolution team has operated in during the last five years alone.

Deploying from across our global network of offices, our team has acted in a range of disputes, including, commercial arbitrations, co-ordinating domestic and cross-border litigations and prosecuting claims against states and state-entities for the breaches of both investment guarantees and international treaty obligations.

Drawing on both our in-depth knowledge of the energy sector (V&E continues to be recognized as the “World’s Leading Energy Law Firm”) and our familiarity with the culture and structures of the region, we can offer our clients the right solution to resolve their disputes, whether they involve a pure commercial breach of contract, or issues arising out of expropriation of assets, the imposition of targeted taxes or the involuntary restructuring of investment models by the state. In doing so, we are also able to interface seamlessly with our network of extensive contacts throughout the region, to ensure the right resources are available to our clients whatever the forum is when a dispute arises.

As advocates and trial lawyers, we pride ourselves on offering our clients a package designed for the effective resolution of any dispute – taking into account political, regional or other sensitivities, and not merely fighting a case.

We focus on our client’s end goal, not simply the next step.

Representative Experience:

- Represented an oilfield services corporation and a large construction company in connection with obtaining the dismissal of US\$11 million claim by Spie Enertrans S.A. in a dispute arising out of a project involving the design and construction of production facilities for the Barracuda and Carating oil fields in Brazil
- Acted in an AAA-administered arbitration involving a dispute over a two million acre hydrocarbon exploration concession located on the eastern slope of the Andes in Peru

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- **“James Loftis leads on a variety of matters, including many Latin American cases. He is adept at both investor-state and international commercial arbitration”** – *Chambers Latin America* 2011
 - **“Awesome opponents”** - Frequently mentioned by corporate counsel as the ones they prefer to steer clear of in Litigation – *Law360* 2010
 - **“Notable practitioner in International Arbitration: Latin America-wide”** – *Chambers Latin America* 2010
 - **“It’s clear that V&E, more than many firms has a global practice”** – *Global Arbitration Review* 2010
 - **“James Loftis is noted for his experience in energy and infrastructure disputes in particular, and especially praised for his Latin America practice”**– *Chambers Global* 2010
 - **“Deal of the Year in the Disputes Category”** – *Latin Lawyer* 2010
 - **Ranked as one of the top firms in International Arbitration** – *Chambers Global* 2009
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- Represented the owner/operator of a South American gas transportation facility in multiple ICC arbitrations involving various claims for stabilization/change in law indemnities arising from changes in the tax laws and in official interpretation of the tax code and claims for construction costs, rate design, and gas quality; this case gave rise to complex issues of issue estoppel and the ability of a sovereign to avoid its consent to arbitration
- Representation of the claimant parties in English High Court proceedings concerning the sale of hydrocarbon products into Guatemala
- Representing a US investor in a bilateral investment treaty claim against the Republic of Ecuador, arising out of the indirect expropriation of power generation
- Represented a power company and its Brazilian subsidiary in the enforcement of a US\$100 million ICC arbitration award against its Brazilian contractor and in connection with collection under performance and retention bonds
- Representing a Chinese oil and gas client, a joint venture between two PRC state entities, in its LCIA arbitration against a major North American oil company, concerning the right to an indemnity in respect to Ecuador's declaration of cancellation of rights in a certain hydrocarbons block in Ecuador
- Counsel to an American energy company against a South American state oil company in a US\$1 billion dispute over the state's claims of hardship and changed circumstances with respect to a contract for the construction and operation of a gas-fired power plant
- Represented the operator of a natural gas transportation concession in a South America state in a dispute over cost recovery and other rate-design issues; we advised the client on its rights under the applicable bilateral investment treaty and worked directly with the staff at the ICSID in preparing the arbitration request; our lawyers helped the client secure key assistance from in-country officials of the U.S. Departments of State and Commerce and conduct negotiations with officials of the government
- Representing the holders of a state concession in Peru in ICSID arbitration claims against the government over breach of legal stability agreements, denial of justice, and expropriation
- Acted for investors in a gas transportation project in claims against the Republic of Argentina over the 2002 emergency economic laws, which arose under the bilateral investment treaty between the United States and Argentina
- Defended foreign state-owned oil company in ad hoc arbitration proceeding with American oil company asserting claims for US\$600 million involving dispute over ownership interests and the determination of rights and obligations under exploration and development agreements with respect to properties located in Peru and Venezuela
- Advised an ad hoc group of bondholders (hedge funds and investment banks) holding defaulted Euro-style MTNs issued by a Latin American sovereign in relation to the standard claims limitation provisions contained in the terms and conditions of Euro-style debt securities
- Won a significant arbitration award on behalf of an energy company that exercised certain contractual rights in connection with a power plant in Brazil

Prior results do not guarantee a similar outcome.

For more information, please contact:



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