



## EDUARDO J. DE LA PEÑA BERNAL

### PARTNER

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Eduardo J. De la Peña Bernal is a Partner in the Miami office of Shutts & Bowen LLP, where he is a member of the International Litigation and Arbitration Practice Group.

Eduardo focuses his practice on international arbitration and litigation, representing corporate transnational clients in complex disputes across the Americas stemming from a broad array of industries and sectors (e.g. power/energy, water, petrochemical projects, mining, construction, infrastructure, concessions, commodities, manufacturing, distribution, utilities, tariffs, hospitality, financial services, post M&A/joint ventures/shareholder agreements, and others). Eduardo's most recent representations involve large-scale disputes in, arising from, or related to: Argentina, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, Mexico, Panama, Peru, the United States of America, and Venezuela.

Eduardo has extensive experience handling complex international arbitration proceedings conducted in English or Spanish, under the rules of the major international arbitration institutions or bodies (e.g. ICC, ICDR, AAA, LCIA, IACAC, UNCITRAL), and key regional centers (e.g. Mexico's CAM and CANACO, Panama's CeCap, Peru's CCL), and involving the application of U.S. law or the laws of a variety of Latin American countries. Eduardo also advises frequently in investment treaty-arbitration issues and related matters.

Eduardo also represents clients in commercial litigation matters before state and federal courts in the United States. He additionally manages civil, criminal, and administrative litigation proceedings seated in Latin America for U.S., European and Asian based corporations, devising the overall litigation strategy while coordinating and overseeing the work of local counsel.

Eduardo serves as President of the globally renowned International Association of Young Lawyers (AIJA). He has been a speaker on issues related to international arbitration and litigation at specialized conferences throughout the world (North America, Central America, South America, Europe and Asia), and currently teaches the course of International Arbitration in Latin America and the Caribbean at the University of Miami School of Law.

### Notable Experience

- Representation of a Caribbean electricity generation and distribution company in an ICDR arbitration against a market dominant Caribbean energy generator over the interpretation and implementation of a number of power purchase agreements, and the application of the complex regulatory framework of the country's electricity sector;
- Representation of a South American engineering and construction company in an arbitration under the rules of a regional institution against a state-owned corporation over the completion of large-scale expansion and modernization works in an international airport in the Americas;
- Representation of a South American engineering and construction company in an arbitration under the rules of a regional institution against a Latin American group of companies over the design and installation of the air conditioning system and infrastructure for an airport in the Americas;
- Representation of a leading North American equipment provider for the energy industry in an ICC arbitration over the construction of turbines, its installation and maintenance for a power generation plant operated by a state-owned company in the Southern Cone;
- Representation of a trading and logistics global conglomerate in an arbitration dispute under the rules of an Andean institution involving an M&A dispute concerning tax contingencies related to representations and warranties in a share purchase agreement over a mining business in South America;
- Representation of European multinationals in an ICC arbitration against a State regulatory entity in connection with a concession contract related to the provision of utility services (water) and application of tariffs in an Andean country;
- Representation of the public transport concessionaire (a joint venture of a Latin American group) in a Central American country in an ICC arbitration against the State and its Transit Authority;
- Representation of a leading global conglomerate in the chemical and petrochemical industry in a dispute under the ICC rules with a state-owned company in connection with the supply of hydrocarbons in a Latin American country;
- Representation of a multinational oil and gas company in arbitration disputes under local arbitration rules against state-owned entities over contracts related to the transportation of oil through the pipeline system of an Andean country;
- Representation of an Asian subsidiary of a North American multinational company in connection with a dispute under the LCIA rules over the compensation for works related to the construction of a hydroelectric project in Latin America;
- Representation of a Latin American cement company in an IACAC arbitration related to an M&A dispute over the sale of shares in an Andean company;
- Representation of a Latin American subsidiary of one of the world's largest car manufacturers in a dispute under the LCIA rules in connection with wind power supply to automobile manufacturing

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plants;

- Representation of the Central American subsidiary of one of the largest automobile assemblers in the world in an ICDR arbitration against a Central American company in connection with issues related to the termination of the automobile concession and distribution contract;
- Representation of a Latin American leading company in the production and marketing of home cleaning products and chemicals in an ICDR arbitration against an Asian corporation over the international sale of raw materials;
- Representation of a Central-American company in an M&A dispute adjudicated via ICDR arbitration against an Asian conglomerate in connection with the purchase price and earn out formula of an Andean agrochemical business;
- Representation of a US company in an ICC arbitration arising from a dispute related to the business of supplying and trading commodities in South America;
- Representation of a US financial institution in an ICC arbitration against a US investment firm in connection with the sale of the assets of a financially troubled South American company that owed significant amounts to each of them;
- Representation of the European affiliate of a Latin American company in connection with an investor-state dispute arising from the construction and operation of a massive infrastructure project in an Andean country;
- Representation of a European conglomerate in connection with an investor-state dispute arising from the concession and operation of a waste management center in a Latin American country;
- Representation of a group of US investors in an arbitration against a Latin American state under the UNCITRAL rules for violations of international law under the applicable bilateral treaty resulting from the expropriation of the investors' land without compensation;
- Representation of an American manufacturer in the litigation and defense strategy against politically motivated criminal proceedings in a Southern Cone country for alleged overvaluation of imported raw materials as a scheme to violate foreign exchange restrictions;
- Representation of a prominent reinsurance company in the litigation and defense strategy of a dispute in an Andean country arising from the construction of an important infrastructure project;
- Representation of a car manufacturer financial services branch in Mexico in connection with the coordination and oversight of multiple actions before Mexican courts pursuant to collect unpaid balances resulting from the financing of a fleet of public transportation vehicles in a Northern Mexican province;
- Representation of a multinational corporation in connection with distress loans and leases in default throughout Latin America, including workouts, restructurings, and full-blown litigations;
- Representation of an international trade finance institution in connection with the coordination of litigations before Florida courts related to the prosecution of claims against high profile debtors in default;

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- Representation before Florida courts of a landing gear services provider in a dispute arising from contractual breaches claimed against a Latin American airline company.

### Practice Areas

International Litigation and Arbitration

Litigation

### Industry Focus

Construction

Energy

Financial Services

Hospitality

Manufacturing

### Accolades

- *The Best Lawyers in America*©
  - International Arbitration - Commercial, 2021-2025
  - International Arbitration - Governmental, 2025
- "Highly recommended" in 2023 edition of the Latin Lawyer 250 – Arbitration
- Up and Coming, *Chambers & Partners*, USA, 2016, 2017, and 2018
- Highlighted by *Legal 500* Latin America, 2012-2019
- Rising Legal Star in Latin America, *Latinvex*, 2015
- Foreign Expert for Mexico, *Chambers & Partners*, Global, 2016
- Associate to Watch, *Chambers & Partners*, USA, 2014 and 2015
- Associate to Watch, *Chambers & Partners*, Latin America, 2011, 2012, 2013, and 2014

### Education

- University of Miami School of Law, J.D., *cum laude*, 2008
  - Claude M. Olds Scholar
  - CALI Excellence for the Future Award for Excellent Academic Achievement

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- Assistant Coach for the Willem C. Vis International Arbitration Moot Team
- Escuela Libre de Derecho, Mexico, J.D. 2001
- Instituto Tecnológico Autónomo de México, Commercial Arbitration Diploma, 2001

### Bar Admissions

Florida

Mexico

### Court Admissions

- All Florida State Courts
- All Courts in Mexico

### Languages

Spanish

### Professional and Civic

#### **In AIJA - INTERNATIONAL ASSOCIATION OF YOUNG LAWYERS:**

- President (2023-present);
- First Vice-President & Member of the Bureau (2022-2023);
- Treasurer & Member of the Bureau (2020-2022);
- Co-Chair 60th AIJA Annual Congress (Singapore 2022);
- President International Arbitration Commission (2019-2021);
- Co-Chair AIJA's Fall Half-Year Conference (Miami 2019);
- Vice-President International Arbitration Commission (2017-2019);
- Chair AIJA's 10th Annual Arbitration Conference (Singapore 2018).

#### **OTHER PROFESSIONAL ASSOCIATIONS:**

- Former Vice-Chair NAFTA Committee, Florida Bar Int'l Law Section;
- Former Secretary of the International Commercial Arbitration Committee, Latin American Arbitration Association (ALARB).

## Presentations

- AIJA Americas Meeting, (Miami 2022), *Navigating a Legal Minefield: The Legal Implications in the Americas of Russia's Invasion of Ukraine*
- IBA 2020 Virtually Together Conference (United States 2020), *Disentangling the expert kaleidoscope: efficient and effective use of multiple experts in complex disputes*
- KNect365's 2nd Annual Conference: Advising Latin American Families in a Transparent World, (Miami 2019), *Political Risk Planning, Investment Protection Treaties & How to Sure the Government*
- AIJA Annual Arbitration Conference (Singapore 2018), *Time to Take Stock of the Investor-State Dispute Resolution System. What does the future hold for the Investor-State Dispute Resolution System?*
- Warsaw Arbitration and Mediation Days (Warsaw 2018), *Debating UNCITRAL's Convention on Enforcement of International Settlement Agreements*
- AIJA Annual Arbitration Conference (Stockholm 2017), *Annulment of Awards on Grounds of Public Policy – A Review of The Merits Through the Back Door?*
- AIJA Annual Arbitration Conference (New York City 2016), *Conducting a Successful Cross Examination Before Arbitrators from Varying Backgrounds*
- ABA Section of International Law, Americas Forum (Miami 2016), *The Past, Present, and Future of Arbitration in the Americas*
- AIJA Annual Congress - Litigation and Arbitration Working Session (London 2015), *Interim Measures in International Arbitration*
- Annual Symposium, Association of International Credit & Trade Finance Professionals (Fort Lauderdale 2015), *Latin America - Creditors' Rights and Protection – Lessons Learned the Hard Way*
- Inter-American Commercial Arbitration Commission, Congress on the 40 Years of the Panama Convention (Panama 2015), *IACAC and the Panama Convention: Article III and Related Issues*

## Publications

- "[International Investment and Dispute Resolution in the Wake of Mexico's Dramatic Judicial Reform](#)," *Daily Business Review* (November 11, 2024)
- GAR Latin Lawyer: The Guide to Arbitration in Latin America (2022-2023), *International Commercial Arbitration in Mexico*
- Global Arbitration Review's the Guide to Advocacy – Second and Third Editions (2017-2018), *Cultural Considerations in Advocacy: Latin America*.