**ÉRICA FRANZETTI**

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**EXPERIENCE**

**Dechert LLP,** Washington, DC

Partner, January 2018 – Present

Counsel, September 2015 – December 2017

* Represent companies in commercial and investment arbitrations in North, Central and South America, Asia, Europe and the Middle East, across multiple industry sectors, including oil & gas, mining, electricity, hospitality and telecommunications, under the rules of several arbitral institutions, including ICSID, the ICC, the ICDR, as well as under the UNCITRAL rules
* Act as arbitrator in international commercial arbitrations, including as the president of the tribunal
* Act as supervising partner in several *pro bono* projects with focus on international law and Latin America, including for the Center for Reproductive Rights and the Asociación de Mujeres en el Deporte Profesional
* Co-Chair of Dechert’s Latin America Affinity Group
* Local Liaison for Dechert’s Global Women’s Initiative Network in Washington D.C.
* Partner responsible for recruiting for and coordination of International Advisor Program

**Georgetown University**, Washington, DC

Adjunct Professor, 2018 – Present

Course: Investor-State Dispute Resolution

**Weil, Gotshal & Manges LLP**, Washington, DC

Senior Associate, July 2012 – September 2015

* Represented clients in commercial and investment arbitrations
	+ Acted as leading associate in several cases, including an international arbitration between Pluspetrol Perú et al v Perúpetro (ICSID Case No.ARB/12/28)
	+ Managed team of associates and paralegals
	+ Drafted pleadings, interviewed witnesses and prepared witness statements
	+ Worked with economic and industry experts, including defending their testimonies in arbitration hearings
	+ Conducted witnesses and experts cross-examinations and delivered oral arguments in international arbitration hearings
	+ Conducted legal research and drafted legal memoranda involving a wide range of legal issues
* Provided legal advice to a Brazilian private-equity company in pre-dispute settlement negotiations with a Chinese company in connection with a joint venture agreement for development of a mining project in Brazil
* Provided legal advice to a Brazilian construction company in connection with a dispute arising out of a consortium agreement for the construction of a utilities facility in Rio de Janeiro
* Worked with the Vance Center on a pro bono analysis of compliance of laws of certain countries in South America with the United Nations Convention on the Rights of Persons with Disabilities

**Crowell & Moring LLP**, Washington, DC

Associate, September 2008 – July 2012

* Represented corporate clients in international commercial and investor-state arbitrations
	+ Drafted pleadings and memoranda involving a wide range of legal issues, including matters related to corporate and commercial transactions under the laws of New York and Brazil, contract law and oil and gas transactions under the laws of Argentina and Chile, and mining issues under the laws of El Salvador and international law
	+ Interviewed witnesses and prepared witness statements
	+ Participated in arbitration hearings and conducted cross-examinations
	+ Managed all aspect of cases
* Advised a Bolivian company in pre-dispute negotiations with a Japanese company involving a conflict related to tax matters, obligations under a power line construction and transmission agreement and assignments of rights under a loan agreement
* Advised an American company regarding a Foreign Corrupt Practices Act (FCPA) investigation related to one of its Latin American subsidiaries
* Served as secretary of arbitral tribunal in an international commercial arbitration under the ICC rules involving a shareholding dispute between an American company and an Indian company
* Represented individual clients in *pro bono* matters involving immigration law
* Actively participated in client pitches and in the Latin America Committee for strategic decisions related to client development projects

**Wald & Associados Advogados**, São Paulo, Brazil

Associate, July 2001 – September 2006

* Prepared legal documentation and court pleadings, drafted legal opinions, attended court trials, discussed and implemented legal strategies and negotiated out-of-court settlements in complex commercial lawsuits
* Represented a concessionaire of Brazil’s most important federal highway in arbitration proceedings against a Brazilian telecommunications carrier
* Advised a major Japanese conglomerate in the purchase of shares of one of Brazil’s largest mining companies
* Provided legal assistance in connection with public bids, including the first Public-Private Partnership in the Brazilian highway sector
* Managed team of associates, interns and support staff

**Dinamarco & Rossi Advocacia**, São Paulo, Brazil

Associate, December 2000 – July 2001

Intern, July 1997 – November 2000

* Participated in meetings with clients, court hearings and trials; trained and supervised a team of five interns
* Performed extensive research on torts, consumer, commercial and administrative issues; drafted legal briefs and memoranda related to civil and commercial lawsuits

**EDUCATION**

**Georgetown University**, Washington, DC

Master of Laws (LL.M.), August 2007 – May 2008 (Graduated with Honors Distinction, Dean’s List)

**Getúlio Vargas Foundation**, São Paulo, Brazil

Graduate Studies in Economics and Business Law, April 2004 – May 2006

Graduate Paper: Government Guarantees in Brazilian Public-Private Partnerships

**University of São Paulo Law School**, São Paulo, Brazil

Bachelor of Laws (LL.B.), February 1996 – December 2000

**BAR ADMISSION**

Admitted in the District of Columbia (2010), New York (2009) and Sao Paulo, Brazil (2001)

**MEMBERSHIPS**

Arbitration and Mediation Committee of the International Court of Commerce (ICC) Brasil

International Bar Association – Dispute Resolution Section

Panel of Arbitrators of the International Centre of Dispute Resolution (ICDR)

Panel of Arbitrators of the American Arbitration Association (AAA)

Arbitral Women

Brazilian Arbitration Committee (CBAR)

**LANGUAGES**

English, Spanish and Portuguese

**AWARDS**

Chambers and Partners Global 2021, “up and coming”
Chambers and Partners USA 2020, “up and coming”

Recognized by Legal 500 USA 2019 and Legal 500 Latin America 2019

Who’s Who Legal Arbitration 2018 and 2019, Arbitration Future Leaders

Euromoney/Legal Media Group (Expert Guides series 2018 editions), "Rising Star” for commercial arbitration

Chambers Global 2013, 2014 and 2015, “Associate to Watch” for Arbitration (International): Latin America-wide

Latinvex 2015, “Rising Legal Star in Latin America”

**SELECTED MATTERS**

Representing **Turkish** **investors** in two investment disputes against Turkmenistan.

Representing **Guinean company** in commercial arbitration arising out of a mining services contract governed by the laws of the United Kingdom (ICC).

Representing a **Swiss company** against a Greek company in a dispute arising out of a share purchase agreement governed by the laws of the State of New York (JAMS).

**President of an arbitral tribunal** in a dispute between a Brazilian company and a North American company concerning the breach of a distribution agreement governed by the laws of the State of Florida (CIESP).

Representing **the investor** in MOL Hungarian Oil and Gas Company v. Republic of Croatia (ICSID Case No. ARB/13/32), in which claims are asserted under the Energy Charter Treaty for the unfair and inequitable treatment and expropriation of MOL's oil and gas sector investments in Croatia.

Representingan **Asian State** in an investor-state arbitration under the UNCITRAL rules involving an oil and gas project (PCA).

Advised a **Brazilian company** regarding the enforcement of an award in the United States.

Advising a **Kuwaiti conglomerate** regarding a number of investor-state claims involving several projects in the Middle East.

Represented a **Peruvian company** in a commercial arbitration against a major Brazilian group of companies involving an indemnity agreement governed by the laws of Brazil (ICC).

Advised a **Colombian** **company** regarding a dispute with a North American company regarding the breach of a franchise agreement governed by the laws of the State of Texas.

Represented **Respondent** in Croatia v. MOL Hungarian Oil and Gas PLC in a dispute regarding Croatia's rights to terminate a shareholders agreement and a gas master agreement based on allegations of corruption (UNCITRAL).

Advised a **Brazilian company** regarding a dispute with a North American company regarding the breach of a distribution agreement governed by the laws of the State of Tennessee.

**Sole arbitrator** in arbitration under the AAA Commercial Rules involving claims for breach of contract in the hospitality industry.

**Sole arbitrator** in arbitration under the AAA Commercial Rules involving claims for breach of contract in the financial services industry.

Advised a **multinational technology company** regarding the dispute resolution provisions in all of its contracts.

Represented **Afilias plc.** in a dispute with ICANN regarding the top-level domain .WEB.

Represented **Dotgay LLC** in a dispute with ICANN regarding the top-level domain .GAY.

Represented **Dotmusic LLC** in a dispute with ICANN regarding the top-level domain .MUSIC.

Represented **an American company** in an arbitration against a Colombian company in connection with a commercial representation agreement governed by the laws of the State of Texas (ICC).

Represented **a state-owned Dominican Republic fund** in a commercial arbitration involving a power company (ICC).

Advised a **Brazilian mining company** during pre-dispute negotiations with a Chinese company involving a joint-venture project in Brazil.

Represented **Amazon.com, Inc**. in a dispute with ICANN regarding the top-level domain .AMAZON.

Represented **Claimants** in Pluspetrol Perú et al v Perúpetro in a dispute arising out of a gas supply contract regarding royalty payments (ICSID Case No.ARB/12/28).

Represented **DotConnectAfrica Trust** v. ICANN in a dispute with ICANN regarding the top-level domain .AFRICA (ICDR).

Representedan **Argentinean law firm** in an arbitration against a Chilean gas company in connection with a fee agreement governed by Argentine law (ICDR).

Represented **Claimant** in Pac Rim Cayman LLC v. Republic of El Salvador in a dispute under the Central America-Dominican Republic-Unites States Free Trade Agreement regarding the government's refusal to issue mining exploitation licenses (ICSID Case No. ARB/09/12).

Representing **Claimant** in ICM Registry v. ICANN in a dispute with ICANN concerning the top-level domain .XXX (ICDR).

Representing **a Brazilian company** in arbitration against an American company in connection with a distribution agreement governed by New York Law (ICDR).

**SPEAKING ENGAGEMENTS**

**Key Types of Privilege and their Application in International Disputes** – Dechert Webinar, (March 17, 2021)

**Virtual hearings in International Arbitration** – Webinar, Vancouver International Arbitration Centre (October 5, 2020)

**Key Considerations for Legal Positions on Force Majeure: Practical Steps if Disputes are Inevitable** – Webinar, Nairobi Centre For International Arbitration (August 13, 2020)

**From NAFTA to USMCA: A Discussion on Key Changes to Trade and Investment** — Webinar, Dechert LLP (July 29, 2020)

**Procedimentos virtuais e táticas de guerrilha em arbitragem** – Webinar, INOVARB AMCHAM Brazil (June 4, 2020)

**Arbitrajes Virtuales: Ventajas e inconvenientes** – Webinar, Instituto Peruano de Arbitraje (May 14, 2020)

**Tribunal’s power to sanction misconduct** – ILA American Branch Investment Law Committee and Georgetown International Arbitration Society, Washington, D.C. (February 28, 2020)

**Investor-state disputes – a new dawn in treaty reform?** – Who's Who Legal Future Leaders: Arbitration Conference USA, Washington, D.C. (November 14, 2019)

**Arbitration, Cybersecurity and Data Protection** - VI CAM-CCBC Arbitration Congress, São Paulo (October 22, 2019)

**Social Media, Internet and BIT Protections** — FDI Pre-Moot Opening Event,Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados, São Paulo (October 18, 2019)

**The GAR Live Debate: “This house believes that the current format of investment treaty awards undermines the legitimacy of an investor-state arbitral dispute settlement**”— Fifth Annual GAR Live BITs, Washington, D.C. (May 16, 2019)

**La jurisprudencia como arma. ¿Es urgente y necesaria la fijación de criterios jurisprudenciales predecibles por las cortes nacionales sobre los cuestionamientos a los laudos arbitrales? –** XII Congreso Internacional de Arbitraje, IPA, Lima, (April, 24 2019)

**Ongoing Challenges to International Investment Arbitration** - 3rd Annual IAA Conference, Philadelphia, PA (March 22, 2019)

**Debating Transparency in International Arbitration** — Georgetown International Arbitration Society, Washington, D.C. (February 21, 2019)

**¿Ha llegado el invierno al arbitraje? ¿Crisis, ética y corrupción?** — Conferencia Internacional de Mujeres en Arbitraje, Instituto Peruano de Arbitraje, Lima (January 31, 2019)

**¿Cómo afrontar un arbitraje nacional o internacional de asociación público-privada?** — Lima (January 30, 2019)

**HIALSA Arbitration Workshop: Evidence in International Arbitration** — Cambridge, Massachusetts (October 2, 2018)

**Introduction to International Commercial & Investment Arbitration** — American University, Washington College of Law, Washington, D.C. (September 27, 2018)

**Duty to Disclose and Brazilian Arbitration Culture** — CCMA CIESP/FIESP Congress Arbitration Day, New York, NY (April 17, 2018)

**Energy Across Borders: Geopolitics, Conflict and International Arbitration** — Energy Days Conference, Pennsylvania State University, Pennsylvania (May 22, 2017)

**Visión de los árbitros y abogados sobre el desarrollo del arbitraje internacional** — Congreso de Arbitraje Nacional e Internacional, Centro de Arbitraje y Conciliación, Bogotá , Colombiá (April 02, 2017)

**Arbitration and Public Administration: a reality in Latin American countries? Case law and position of the Judiciary Branch** — III Congresso Pan-Americano de Arbitragem CAM-CCBC, Sao Paulo, Brazil (October 24, 2016)

**Aspectos Prácticos del Arbitraje Internacional** — International Centre of Dispute Resolution, International Arbitration Symposium, New York, NY (May 27, 2016)

**Strategies for Faster and Cheaper Cross-Border** — ACC GNY Signature CLE Program, New York, NY (January 14, 2016)

**Sentenças Parciais: São realmente úteis? Quando?** — Evento Migalhas**,** São Paulo (October 05, 2015)

**Is International Arbitration really open to new faces?** — 27th Annual ITA Workshop: Subconscious Influences of International Arbitration, Dallas, TX (June 17, 2015)

**Dispute Resolution Current trends involving arbitration and compliance issues in Brazil** — Georgetown University Law Center, Washington, DC (September 15, 2014)

**Specific Themes of Doing Business in Latin America** — ABA Section of International Law, New Perspectives for Infrastructure Projects in Latin America, São Paulo (August 24, 2013)

**Budgeting and Managing An International Arbitration: How to Keep Arbitration Cost-Efficient and Effective** — ABA Section of International Law 2013 Spring Meeting, Washington, DC (April 24, 2013)

**U.S. Judicial Discovery for Use in International Commercial Arbitration, Guest Lecturer** — International Commercial Arbitration Class at Georgetown University Law Center, Washington, D.C. (November 19, 2012)

**O Papel do Árbitro na Avaliação de Danos** — XI Congresso do Comitê Brasileiro de Arbitragem--CBAr: Aspectos Econômicos da Arbitragem, Porto Alegre (September, 2012)

**How to Handle a BIT Arbitration** — Ninth Annual Seminar on International Commercial Arbitration at American University's Washington College of Law, Washington, DC (October 3, 2012)

**Documentary Evidence and the Use of Discovery, Evidence in International** **Arbitration** — ICDR Young & International e ICC Young Arbitrators Forum, Bogotá (September, 2010)

**Jurisdictional Issues in ICSID Arbitration** — Seminário sobre questões jurídicas internacionais apresentado ao governo da República da Colômbia, Bogotá, (June, 2009)

**PUBLICATIONS**

**Litigation Alternatives for COVID-19 Hospitality Disputes** – *Law360* (May 11, 2020)

**COVID-19: Preparing for and Managing Cross-Border Commercial Disputes** – *Dechert OnPoint* (April 17, 2020)

**Navigating Investors' Rights under the USMCA** – *TDM 3* (March, 2020)

**Brazil’s “Car Wash” Operation Probes Banks for Employees Money Laundering Scheme –** – *Dechert OnPoint* (February 12, 2020)

**The USMCA Nears Entry into Force with Significant Consequences for Cross-Border North American Investors** – *Dechert OnPoint* (January 31, 2020)

**Mining Arbitration in Latin America: Social and Environmental Issues in Investment Arbitration Cases** – (July 01, 2019)

**Construction contracts in Brazil** – *Lexology Q&A* (March 15, 2019)

**A structured guide to arbitration law and practice in Brazil** – *Lexology Q&A* (17 September 2014, updated in March 2019)

**The Supreme Court of the United States Unanimously Reaffirms the Court's Jurisprudence Enforcing Contractual Arbitration Agreements As-Written** – *Dechert OnPoint* (January 11, 2019)

**Updated HKIAC Arbitration Rules Seek to Save Time and Costs** – *Dechert OnPoint* (November 28, 2018)

**TPP's Successor to Enter into Force, Ushering in New Trade and Investment Arbitration Opportunities** – *Dechert OnPoint* (November 06, 2018)

**United States: Arbitration Q&A** – *The In-House Lawyer* (October, 2018)

**USMCA Scales Back on Investor-State Arbitration but Preserves Trade Dispute Resolution in North America** – *Dechert OnPoint* (October 11, 2018)

**Swiss Court affirms parties' right to waive set-aside of arbitration award** – *Dechert OnPoint* (November 30, 2017)

**Arbitragem Comercial Envolvendo Administração Pública: uma Realidade na América Latina?** – *Revista Visão Jurídica* (April, 2017)

**Accountability and Transition in ICANN's New gTLD Program** – (August 16, 2016)

**Lições a respeito de decisões vinculantes e não finais proferidas por Dispute Adjudication Boards: o Caso CRW Joint Operation v. PT Perusahaan Gas Negara (PERSERO)** – *Revista de Arbitragem e Mediação – RArb, nº 48* (April, 2016)

**Directrices Prácticas Para la Redacción del Acuerdo Arbitral (Co-autora)** – *Tratado de Derecho Arbitral, Vol. 2* (March, 2011)

**US Judicial Discovery in Private International Arbitration: Outlook Remains Uncertain** – *Miami Arbitration Reports, Vol. 1, Issue 5* (October, 2009)