



Kate Brown de Vejar

Partner

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Kate Brown de Vejar focuses her practice on international commercial and investment arbitration. She has represented private corporations, sovereign states and state-owned entities in connection with international arbitrations under the leading institutional and ad hoc arbitration rules, including those of the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the International Centre for Settlement of Investment Disputes (ICSID), the United Nations Commission on International Trade Law (UNCITRAL), the Mexican Chamber of Commerce (CANACO) and the Japan Commercial Arbitration Association (JCAA). Ms. Brown de Vejar also acts as an arbitrator.

- Litigation, Arbitration and Investigations
- International Arbitration

English French Spanish

Widely recognized for her experience handling complex, high profile disputes in the energy and infrastructure sectors, Ms. Brown de Vejar's experience also extends to disputes in the aeronautical, financial services, mining and satellite/telecommunications sectors. She is Vice-President of the LCIA's Latin American Users' Council, Co-Chair of the IBA's Subcommittee on Recognition and Enforcement of Arbitral Awards, a Board Member of CAIC (the Arbitration Center for the Construction Industry in Mexico), a member of the ICDR-CANACO Joint Committee, and Vice President of ANZMEX (the Australia, New Zealand, Mexico Business Council).

In its 2021 Global Arbitration ranking, Who's Who Legal (WWL) includes Ms. Brown de Vejar in the highest category of "Global Elite Thought Leader," and ranks her the No. 1 arbitration practitioner in Mexico, noting that she "is celebrated as 'smart and strategic' by observers who cite her impeccable track record in disputes across the mining, oil and gas, and construction sectors." Legal 500 (2021) Latin America testimonials describe Ms. Brown de Vejar as "outstanding ... our firm finds that her focus, insight and strategic direction are best in class. Every interaction is the very definition of professionalism." Ms. Brown de Vejar has been named one of the top 100 female lawyers in Latin America by Latinvex in 2017-2020.

From 2008–2017, Ms. Brown de Vejar represented Australia, her country of origin, at the meetings of UNCITRAL Working Group II (Arbitration and Conciliation) and the Commission. In this role, she participated in the Working Group's 2010 and 2013 revisions to the UNCITRAL Arbitration Rules, the development of the UNCITRAL Rules on Transparency in treaty-based investor-State arbitration, the negotiation of the Mauritius Convention on Transparency, as well as the definition of the mandate for UNCITRAL Working Group III's

current work on reform of investor-State dispute settlement.

LANGUAGES SPOKEN

- English
- French
- Spanish

EXPERIENCE

- Ms. Brown de Vejar leads the team representing a US energy giant in a US\$30 million, Spanish language, Mexican law LCIA arbitration claim against the principal contractor in a dispute arising out of the electromechanical works on a hydroelectric project in Mexico.
- Ms. Brown de Vejar is lead counsel representing two investors in connection with their BIT claim arising out of investments in the renewable energy sector.
- Ms. Brown de Vejar is part of the team defending Lithuania in a US\$300 million case brought in relation to the bankruptcy of Bankas Snoras (*Fund for Protection of Investor's Rights in Foreign States v. Republic of Lithuania*, UNCITRAL Case).
- Ms. Brown de Vejar is lead counsel representing a tech sector client in an English language, San Francisco-seated ICC arbitration arising out of breach of a Delaware law confidentiality agreement
- Ms. Brown de Vejar is lead counsel representing an energy sector client in an English-language US\$100 million ICC arbitration arising out of a methanol plant project. The arbitration is seated in New York, with New York law and Delaware law applicable.
- Ms. Brown de Vejar is one of the lead counsel representing a retail sector client in a Spanish-language ICC arbitration seated in Mexico City arising out of a long term contract for the supply of hydro-electricity.
- Ms. Brown de Vejar is part of the team representing a national aviation authority in a commercial UNCITRAL arbitration with an International Organization.
- Ms. Brown de Vejar was one of the lead counsel that secured a comprehensive victory for Turkmenistan in a US\$570 million ICSID arbitration - all claims against Turkmenistan were dismissed and the claimant was ordered to pay US\$1.7 million in costs. The case (*İçkale İnşaat Limited Sirketi v. Turkmenistan*, ICSID Case No. ARB/10/24) involved 13 different civil engineering EPC contracts for facilities ranging from hotels and schools, to a man-made canal. The same team went on to defeat the claimant's request for a supplementary decision and rectification of the award in mid-2017.
- Ms. Brown de Vejar acted for a Mexican state-owned entity in an LCIA arbitration relating to a US\$45 million energy sector infrastructure project. This arbitration, which commenced in early 2017, is ongoing
- From 2017–January 2019, Ms. Brown de Vejar was one of the lead counsel in a multi-billion dollar ICC arbitration for Turkmengas, Turkmenistan's State-owned gas entity, against the National Iranian Gas Company. The arbitration is ongoing.
- Ms. Brown de Vejar was one of the lead counsel for Turkmenistan in a US\$450 million ICSID arbitration involving claims arising out of 31 distinct EPC contracts for the construction of a range of facilities, including an industrial steel mill, a water treatment plant and a recycling plant (*Muhammet Çap & Sehil İnşaat Endustri ve Ticaret Ltd. Sti. v. Turkmenistan*, ICSID Case No. ARB/12/6). This arbitration is ongoing.
- Ms. Brown de Vejar defended Venezuela in the ICSID case *Saint-Gobain Performance Plastics Europe v. Bolivarian Republic of Venezuela* (ICSID Case No. ARB/12/13). In December 2016, the Tribunal majority issued a decision accepting all of Venezuela's arguments on damages except one, including agreeing to apply a nominal discount rate of 19.88%, and to reduce the claimant's claimed future profits by 25% based on Venezuela's analysis that a willing buyer would have to spend at least that much on marketing and distribution.
- Ms. Brown de Vejar was a core member of the arbitration team which represented Algeria and its national oil company, Sonatrach, in parallel UNCITRAL and ICSID arbitrations brought by Anadarko and Maersk in 2009–2012, relating to the introduction of a windfall profits tax on petroleum operations. The arbitration was discontinued when the parties reached a settlement.

CREDENTIALS

Admissions

- New York
- Australia

Prior Experience

Until January 15, 2019, Ms. Brown de Vejar was a partner at a New York-based international law firm.

Recognitions

- *Chambers Global*
 - Band 5, USA International Arbitration: Counsel (2022)
- *Chambers USA*
 - Band 4, International Arbitration: Counsel (2022)
 - Band 5, International Arbitration: Counsel (2021)
- *The Legal 500 Latin America*
 - Next Generation Partner, International Arbitration (2022)
 - Next Generation Partner, Mexico Dispute Resolution: Arbitration (2022)
 - Recommended, International Arbitration (2019-2021)
 - Next Generation Partner, Mexico Dispute Resolution: Arbitration (2021)

Education

- LL.M., International Finance, Harvard Law School 2005
Australian Federation of University Women Fellowship 2004–2005
- LL.B., University of Queensland
first class honors
University Medal for Law
- B.A., French, University of Queensland

INSIGHTS

Publications

Mexican Energy Regulatory Commission imposes sanction of more than US\$450 million; Mexico's Supreme Court issues precedent unfavorable to permit holders

28 June 2022

Details of the decision and implications on private investments in the Mexican electricity market.

Supreme Court limits the use of 28 U.S.C. § 1782 discovery in international arbitration

27 June 2022

This decision largely puts an end to a long-standing debate.

Mexican Congress rejects electricity constitutional reform and approves bill to regulate lithium

20 April 2022

An outline of the House of Representatives' decision regarding the Electricity Reform and Mining Reform, as well as its possible implications.

Mexican Supreme Court dismisses Unconstitutionality Action against Electricity Industry Law reform

8 April 2022

Key developments and implications

New developments in the Mexican energy sector generate uncertainty

17 November 2021

A discussion of relevant measures, criticisms and comments.

President of Mexico files constitutional reform bill on electricity

7 October 2021

The result may include serious consequences for private investors in the energy sector in Mexico.

Reforms in the energy legal framework in Mexico and challenge mechanisms

4 June 2021

The Energy Counter-Reform includes variations which aim to restore the monopoly power of CFE and Pemex.

Mexico's Hydrocarbons Law Reform Bill: A controversial new measure in the Mexican energy sector

8 April 2021

The reform seeks to give Pemex the same monopoly control it had over the national market before the 2013 energy reform.

Reform to the Electric Industry Law: a new risk for energy projects in Mexico

10 March 2021

Foreign investors involved in energy projects in Mexico may wish to consider their rights and potential remedies under applicable investment treaties.

Online Arbitration Hearings: A review of key developments in response to COVID-19

28 September 2020

Virtual hearings

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

- DLA Piper Client Alert, "Further measures threaten investments in the Mexican energy sector," June 14, 2020
- DLA Piper Client Alert, "Mexican renewable energy projects affected by new measures," May 19, 2020
- DLA Piper Client Alert, "COVID-19 and investment claims under NAFTA," May 15, 2020
- DLA Piper Client Alert, "State defences to investment claims arising from COVID-19," April 29, 2020
- DLA Piper Client Alert, "COVID-19 – a legitimate basis for investment claims," April 16, 2020
- "The Economics of Access: Systemic Imbalances in ISDS," ICCA Congress Series No. 20 (2020)
- DLA Piper Client Alert, "Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors," October 1, 2019

Events

Previous

Korean companies in the global market – best practice to protect your foreign investments

5 November 2021
Webinar

What do in-house counsel expect from external firms during the arbitral process?

28 September 2021
Webinar

- Guest Lecturer, "Corrupción y arbitraje internacional," Joint class offered by la Cámara de Comercio Americana del Perú (AmCham Perú) and la Universidad del Pacífico (Perú), December 2, 2020
- Panelist, "Transparencia en la agenda de reforma del Sistema de solución de controversias entre inversionistas y Estados," Dia UNCITRAL (organized by ITAM and the Secretaria de Economía de Mexico), November 10, 2020
- Virtual Presenter, "Treaty-Based Protections for Foreign Manufacturing Investments," Smart Factory's Digital Manufacturing Week, November 9-13, 2020
- Moderator, "Hot Topics in International Arbitration," IBA Annual Conference, Virtually Together (International Arbitration Committee Panel), November 17, 2020
- Moderator, "Private investment in the Mexican Energy sector: is it time to lawyer up?" ANZMEX Energy Debate, October 22, 2020
- Panelist, "Disclosure practice and other ethical matters: the impact of recent rulings on arbitrators and experts" GAR Interactive Nth Am, October 14, 2020
- Panelist, "Advocacy in the Virtual Environment," Australian Arbitration Week, October 12, 2020
- Moderator - DLA Piper Client Webinar, "Live talk with LCIA Director General – Jacomijn van Haersolte-van Hof, focusing on the LCIA's increasing role in LatAm arbitrations," September 22, 2020
- Organized and moderated joint webinar between ArbitralWomen and DLA Piper, "Women in dispute resolution: navigating the new normal – adapting career strategies and building resilience after COVID-19," May 19, 2020
- Advocate-Speaker, The Praelium (advocacy display), New York, March 5, 2020
- Speaker, "El sistema de solución de controversias en el T-MEC", ICC México Arbitration Committee for the Bajío Region, February 6, 2020
- Panelist, "Elimination of Bias in International Dispute Resolution," ICDR-AAA California Summit, San Francisco, December 5, 2019
- Panelist, "The revision of final awards: when, if ever, is it acceptable? Dealing with requests for clarification seeking the revision of the award," 17th ICC Annual Miami Conference Miami, November 10-12, 2019

- Panelist, "ICC Advanced Arbitration Academy for Latin America, Alumni Workshop: Emergency Arbitrator," Miami, November 9, 2019
- Panelist, "Infrastructure Disputes - an in-depth analysis of the infrastructure and construction disputes that arise in the international oil & gas business," at the Association of International Petroleum Negotiators (AIPN) and ICDR Conference on Dispute Resolution in the International Oil & Gas Business, Houston, October 24-25, 2019
- Panelist, "New Techniques in Investment Treaty Drafting: their Use by States and Application by Tribunals," at the 9th Investment Treaty Arbitration Conference organized under the auspices of the Ministry of Finance of the Czech Republic, Prague, October 9-10, 2019
- Speaker, "Recent Challenges in Enforcing Commercial and Investor-State Awards Involving Sovereigns," at the Third Annual Juris Conference on Enforcement of Arbitration Awards, Boston, September 26, 2019
- Speaker, "International Arbitration Law Update (India, Mexico & California)," ICDR Event, Los Angeles, July 10, 2019
- Speaker, "Elimination of Bias in International Dispute Resolution," hosted by The Boeing Company, Los Angeles, July 9, 2019
- Panelist, "El Arbitraje en Iberoamérica – Retos y Tendencias," Arbitration Conference, México City, June 25-26, 2019
- Speaker, [Global Arbitration Review's 5th Annual "Live Bits" Conference](#), Washington, DC, May 16, 2019
- Speaker, "Complejidades actuales del cálculo de daños," XII Conferencia de Arbitraje Internacional, Quito, April 4-5, 2019
- Speaker, "The role of arbitral tribunals against corruption," 2nd ICC Peru Arbitration Day, Lima, October 11-12, 2018
- Panelist, "Hot Topic: Producción de documentos en el Arbitraje Internacional," LVYAP - Lima Very Young Arbitration Practitioners and Amcham Perú, Lima, October 11, 2018
- Panelist, "The use of evidence in international arbitration," Harvard International Arbitration Law Students' Association, International Arbitration Workshop, Cambridge, October 2, 2018
- Speaker, "Arbitration Challenged II: The Realities of Arbitration Economics: Who Gets to Play, and What are the Implications?" (cost allocation, security for costs and third party funding in ISDS: systemic imbalances), ICCA Congress, Sydney, April 16, 2018
- Speaker, "Arbitration with Public Entities," LCIA Latin American and Caribbean Users' Council Symposium, Buenos Aires, February 27, 2018
- Speaker, "Resource Nationalism in Emerging Markets," 5th Annual ITA-IEL Joint Conference on International Energy Arbitration, Houston, January 18-19, 2018
- Speaker, "Hot topics in international arbitration," IBA Annual Conference, Sydney, October 9, 2017
- Speaker, Young ITA Dallas Roundtable at the 29th ITA Workshop, Plano TX, June 14-16, 2017
- Panelist, Global Pound Conference, Miami, April 6-7, 2017
- Speaker, "Umbrella clauses in investment arbitration," Foro de Jóvenes en Arbitraje CAM – CANACO, Mexico City, March 2, 2017
- Speaker, "How to choose an arbitrator: A masterclass," Latin Lawyer – GAR Live Arbitration Summit, Miami, April 27, 2017
- Panelist, Global Pound Conference, Miami, April 6, 2017
- Speaker, "La cláusula paraguas: límites, alcances y su situación actual," Foro de Jóvenes en Arbitraje CAM – CANACO, Mexico City, March 2, 2017
- Speaker, "Hot topics in international arbitration," IBA Annual Conference, Washington DC, September 22, 2016
- Speaker, "Motions for Summary Dispositions in Arbitration," ArbitralWomen Breakfast Meeting and Panel Discussion at the IBA Conference in Washington, DC, September 19, 2016
- Speaker, "Transparencia en los arbitrajes," VIII Conferencia Latinoamericana de Arbitraje (CLA), Miami, June 21, 2016

NEWS

MEDIA MENTIONS

- Quoted, "Mexico faces potential claims over pandemic response," *Global Arbitration Review*, May 22, 2020
- Quoted, "COVID-19 Claims May Test Tribunals With Thorny Questions," *Law 360*, April 30, 2020
- Quoted, "Revised 'new NAFTA' signed in Mexico," *Global Arbitration Review*, December 11, 2019
- Mentioned, "Kate Brown de Vejar Is Appointed as Co-Chair of the IBAs Recognition and Enforcement of Arbitral Awards Subcommittee," *Arbitral Women*, October, 2019

- Quoted, "DLA Piper gains practice co-chair with Curtis hire," *Global Arbitration Review*, January 21, 2019
- Quoted, "Rising Star: Curtis' Kate Brown De Vejar," *Law 360*, August 6, 2018