



Von Wobeser y Sierra

Wednesday, 11 February 2015 (3 weeks ago) • Survey: [GAR 100 - 8th Edition](#)

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The Mexican outfit defended a US\$500 million award in the local courts

People in Who's Who Legal:	1
Pending cases as counsel:	13
Value of pending counsel work:	US\$2.8 billion
Treaty cases:	2
Current arbitrator appointments:	20 (of which 8 are as sole or chair)
Lawyers sitting as arbitrator:	2

GAR's sister guide to law firms in Latin America, *Latin Lawyer 250*, singles out Von Wobeser y Sierra's arbitration practice as one of the best options in Mexico – thanks, largely, it says, to the impressive international profile of the firm's founder, Claus von Wobeser.

It's hard to disagree. On top of multiple bar association roles, von Wobeser is a vice president of the ICC Court and regularly sits as arbitrator in commercial and investor-state disputes. He has lately been on ICSID panels hearing claims against Spain, Costa Rica, Guatemala, Peru, Poland and Romania. In addition, he is sitting alone in a rare ICSID conciliation filed by Equatorial Guinea against CMS Energy Corporation.

The arbitration and litigation practice is headed by Marco Tulio Venegas, who has helped to build the team of around 12 lawyers versed in arbitration. Adrián Magallanes, who was promoted to partner in 2013, is considered a rising star. Another recruit, associate Victor Ruiz, used to work at the ICC Court and often sits as an arbitrator.

In 2014, the firm promoted Diego Sierra to partner. Sierra combines international arbitration work with an anti-corruption practice and is the son of one of the firm's founding partners.

Who uses it?

Anheuser-Busch InBev used the firm (with Skadden Arps and Sullivan & Cromwell) in a substantial case brought by Mexico's Grupo Modelo.

Construction companies, including Mexican market leader ICA and former Halliburton subsidiary KBR, are regular clients, and the firm also represents businesses in negotiations with state oil company Pemex or electricity utility CFE.

Track record

Anheuser-Busch won the arbitration with Grupo Modelo – prompting the boss to take the team on a night out. "When I received the award, I was compelled to find the arbitration team and celebrate," von Wobeser says.

In another case – for a chemicals company in ICC proceedings brought by a competitor over an alleged breach of a purchase agreement – the team won its client full costs after the tribunal dismissed the claim (Hunton & Williams was co-counsel).

The firm also secured a win for its client ICA in a multimillion-dollar claim regarding the

construction of a hydroelectric project. Following the win, ICA has instructed Von Wobeser y Sierra in a number of its most important arbitration cases.

Lawyers from the firm also act as expert witnesses on Mexican law in arbitrations and related litigation. Von Wobeser gave testimony in US court proceedings on behalf of KBR, which led to the successful confirmation of a US\$465 million ICC award against Pemex in 2013 (an appeal is pending). Von Wobeser was also an expert witness in the underlying arbitration.

Recent events

In another dispute involving Pemex, the firm successfully defended a US\$500 million award in favour of Siemens and South Korea's SK Engineering & Construction from a set-aside action.

It also settled a dispute between an oil major and Mexico's Federal Commission of Electricity (CFE) over the termination of five power contracts valued at over US\$1.2 billion. The firm says the settlement was triggered by an ICC claim it filed on behalf of the oil major.

Ruiz is acting for the applicants – 12 Mexican shareholders in a local insurance company – in what the firm describes as one of the first ICC emergency arbitrations concerning the Latin American region, which is seated in Dallas, Texas. The case arose out of agreements government by Mexican law, and the respondents are three Dutch shareholders in the insurer.

The firm has also been retained in five different ICC claims by clients in the consumer products, oil, alcohol and public works sectors.

In 2014, the team welcomed former president of the Supreme Court of Justice of Mexico, Guillermo Ortiz Mayagoitia, as of counsel.

Von Wobeser was appointed by Hungary to an ICSID tribunal hearing a claim by a French investor in the service voucher industry. He was also nominated to sit on an ad hoc committee considering Romania's bid to annul a US\$250 million award in favour of Sweden's Micula brothers – an award the European Commission believes to be in breach of EU state aid rules.

He also appeared as an expert for Mexican telecoms group Iusacell in US court proceedings. Despite his efforts, the court ordered a stay of Iusacell's US\$2.5 billion lawsuit against IBM pending the outcome of an ICC case in Mexico City.

Client comment

Lee Huckstep, Houston-based assistant general counsel at KBR, says that he goes to the firm "again and again" for its "excellent work", and that he has recommended Von Wobeser y Sierra to others.

Information is correct as of 22 January 2015

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