

**HENRY G. “Harry” BURNETT**

**King & Spalding LLP  
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**PROFESSIONAL EXPERIENCE**

**KING & SPALDING LLP, New York, New York (June 2012 – present)**

Partner, Trial and Global Disputes

Co-Head Latin America Practice

General commercial, investor-state arbitration practice as well as domestic and international litigation (state and federal). Serve as both advocate and arbitrator (sole, co-arbitrator and chair).

Represent clients in arbitration of international commercial disputes under rules of the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), American Arbitration Association (AAA), JAMS International and the CPR International Institute for Conflict Prevention & Resolution, and in investor-state arbitrations under the rules of the International Centre for Settlement of Investment Disputes (ICSID), the ICSID Additional Facility, the UN Commission on International Trade Law (UNCITRAL) and the ICC related to claims under bilateral investment treaties, contracts with state entities, the Energy Charter Treaty, multilateral investment instruments and local investment laws.

**CROWELL & MORING LLP, New York, New York (Jan. 2010 – June 2012)**

Partner

Member, Firm Management Board

Head, International Dispute Resolution

Co-Partner-in-Charge of New York Office

Head, Latin America Practice

General commercial, domestic and international litigation (state and federal) and arbitration practice. Served as both advocate and arbitrator (ICC, ICSID, ICDR, CPR, AAA, JAMS, UNCITRAL, Energy Charter Treaty, BITs).

**FULBRIGHT & JAWORSKI LLP, New York, New York (Dec. 2002 – Jan. 2010)**

Partner

Co-Head, Latin America Practice

Co-Head, New York Office International Arbitration Group

General commercial, domestic and international litigation and ADR/IDR practice.

## **OWEN & DAVIS PC, New York, New York (Sept. 1998 – Dec. 2002)**

Partner, January 2000 to December 2002 (merged with Fulbright in 2002)  
Sr. Associate, September 1998 to January 2000  
General commercial litigation and ADR practice in state and federal forums.

## **EDUCATION**

**VANDERBILT UNIVERSITY SCHOOL OF LAW**, Nashville, Tennessee -- J.D. May 1989

**UNIVERSITY OF NOTRE DAME**, Notre Dame, Indiana -- B.A. (Philosophy and Spanish)  
June 1985

## **RECOGNITION AND ASSOCIATIONS**

- Fellow, Chartered Institute of Arbitrators
- *Chambers Global*: International Arbitration
- *Chambers USA*: International Arbitration
- *Chambers: Latin America* – International Arbitration
- *Legal 500: Latin America* – International Arbitration
- *Latin Lawyer 250*
- *The International Who's Who of Oil & Gas Lawyers*
- *The International Who's Who of Energy Lawyers*
- Approved Leading Private Practitioner in Arbitration – Latin American Corporate Counsel Association
- Director, Brazilian American Chamber of Commerce, New York
- Visiting Professor, Short course: International Investment Arbitration, Vanderbilt University School of Law
- Member, Center for Effective Dispute Resolution (“CEDR”) Investor-State Mediation Law Firm Advisory Group Member, International Bar Association International Arbitration Committee
- Member, International Arbitration Club of New York
- Member, Prospectors and Developers Association of Canada
- Member, Rocky Mountain Mineral Law Foundation
- Member, Center for Effective Dispute Resolution (“CEDR”) Investor-State Mediation Law Firm Advisory Group

## **BAR ADMISSIONS**

**Bar Admissions:** United States Supreme Court; New York; Second Circuit Court of Appeals; Fourth Circuit Court of Appeals; U.S. District Courts for the Southern and Eastern Districts of New York; New Jersey; U.S. District Court for the District of New Jersey; Illinois; Seventh

Circuit Court of Appeals; U.S. District Court for the Northern District of Illinois; U.S. District Court for the Northern District of Oklahoma; U.S. District Court for the District of Nebraska; Member, Federal Trial Bar for the Northern District of Illinois.

## **LANGUAGES**

English (native); Spanish (fluent); Portuguese (fluent)

## **REPRESENTATIVE ARBITRATION EXPERIENCE AS ARBITRATOR**

- Co-Arbitrator, appointed by claimant, in a dispute under the ICSID Additional Facility Rules, administered by ICSID, related to allegations of breach of Special Contract concerning project in the Dominican Republic. *EnviroGold (Las Lagunas) Limited v. Dominican Republic* (ICSID Case No. ARB(AF)/20/1) (Mining)
- President of Tribunal in a dispute under the ICC Rules relating to claims for breach of a distribution agreement (Technology/IT)
- President of Tribunal in a dispute under the ICDR Rules relating to a patent license agreement (IP)
- Co-arbitrator in a dispute under the ICC Rules related to breach of a joint venture agreement for distribution of apparel in Asia (Apparel)
- Co-arbitrator in multi-party arbitration dispute under the ICDR Rules (Gaming)
- Sole arbitrator in a dispute under the ICDR Rules between a Brazilian entertainment company and U.S. talent agency (Entertainment)
- Sole arbitrator in a dispute between a Brazilian company and Australian party under the AAA Commercial Rules (Shipping)
- Sole arbitrator in a dispute between a Brazilian company and U.S. company under the ICDR Rules regarding a joint venture agreement (Corporate)
- Co-arbitrator in a dispute between a U.S. company and South American company under the ICDR Rules (Corporate)

## **AS COUNSEL**

- Representation of owner of manufacturing plants in Brazil in an ICDR arbitration (governed by AAA Construction Rules) against Brazilian contractor concerning termination of EPC agreement
- Representation of a state-owned entity in a multibillion-dollar ICC arbitration in a construction dispute relating to the expansion of an oil refinery.
- Representation of Corporación América S.A. and Sociedad Aeroportuaria Kuntur Wasi S.A. in an ICSID case against Peru for breach of contract and violations of international law concerning the termination of an agreement for the design, construction and operation of an international airport.
- Representation of Desarrollo Vial de los Andes S.A.C. in an ICSID case against Peru for

breach of a toll road concession agreement.

- Representation of specialty contractor in ICC cases against Latin American governmental entities concerning breach of contracts for the construction and operation of communications systems.
- Representation of global hospitality company in two separate ICC arbitrations related to the management and operation of hotel properties in Brazil.
- Representation of Asian conglomerate in ICC arbitration in a post-M&A dispute with a Latin American party.
- Representation of a Brazilian pharmaceutical company in ICC arbitration related to a post-M&A dispute with European party.
- Representation of a Mexican pharmaceutical company in an ICC arbitration related to claims arising out of the sale of the company to an international pharmaceutical company.
- Representation of an international telecommunications provider in an ICC arbitration involving breach of contract and fraud claims concerning a master services IT agreement.
- Representation of an international telecommunications provider in an ad hoc arbitration under the UNCITRAL Rules concerning breach of contract claims and counterclaims for monies allegedly owed for termination of international call traffic.
- Representation of an Argentine client in an ICDR arbitration against a South American gas distribution company.
- Representation of a Brazilian product manufacturer against a U.S. distributor in an ICDR arbitration.
- Representation of a multilateral, quasi-governmental entity in an ad hoc arbitration under the UNCITRAL Rules in a procurement dispute with an Asian supplier.
- Representation of a Brazilian product manufacturer against a U.S. joint-venture party in an arbitration under the JAMS International Arbitration Rules.
- Representation of a Brazilian product distributor against Asian manufacturer in an international arbitration under the ICDR Rules.
- Representation of a Brazilian claimant in an enforcement action in the United States under the Panama Convention of an arbitral award rendered by a tribunal in an arbitration seated in Brazil.
- Representation of an Eastern European governmental entity in both an ICC arbitration and arbitration before an Eastern European arbitral institution concerning breach of contract, fraud and related claims under a state contract for the manufacture of identification documents.
- Representation of international voice and data communications company against telecommunications companies in two West Africa countries in ad hoc arbitrations under the UNCITRAL Rules.
- Representation of an international voice and data communications company in separate ICDR proceedings, and related New York litigations, against two South American

telecommunications companies.

- Defeated anti-suit injunction action brought against client, a South American corporation, seeking to enjoin the client from proceeding with an action in South America.
- Representation of claimant investor in the mining sector in a UNCITRAL BIT arbitration against a Latin American state.
- Representation of claimant South American Silver Ltd. in a UNCITRAL arbitration brought under the UK-Bolivia bilateral investment treaty for expropriation of mining assets.
- Representation of claimant, The Renco Group, in separate contract and treaty arbitrations under the UNCITRAL Rules against Peru concerning a copper mining project and poly-metallic smelting operation.
- Representation of claimant Bear Creek Mining Company in an ICSID arbitration against Peru for expropriation of mining assets in the first case brought under the Canada-Peru Free Trade Agreement.
- Representation of Khan Resources Inc. in the jurisdictional phase of an Energy Charter Treaty arbitration (including contract and investment law claims) against Mongolia for expropriation and related claims concerning a uranium mining project.

#### RECENT PUBLICATIONS

- Co-author, *Arbitration of International Mining Disputes – Law and Practice* (Oxford 2017)
- Co-author, *Arbitration of Social Disputes in Connection with Mining Projects*, in *The Guide to Mining Disputes* (Global Arbitration Review 2019)
- Co-author, *Systematic Advocacy: A Guide to Cross-Examination in International Arbitration*, in *Revista Brasileira de Arbitragem* (2016)
- Co-author, *Interim Measures in Response to the Criminal Prosecution of Corporations and Their Employees by Host State in Parallel with Investment Arbitration Proceedings*, 30 MD. J. Int'l L. (2015)
- Co-author, *Avoiding Improper Proceedings Abroad: Anti-suit and Anti-arbitration Injunctions*, in *Practicing Law Institute: International Arbitration* (PLI 2014)
- Co-author, *Criminal Prosecution of Business Executives by Host States*, in *Lex Petrolea* (2013)
- Co-author, *Commentary: Resource nationalism and mining reforms: An increased potential for international disputes*, in *The Northern Miner* (2013)
- Co-author, *La responsabilidad civil de los árbitros y las instituciones arbitrales*, in *Arbitraje Internacional: Pasado, Presente y Futuro, Libro Homenaje a D. Bernardo Cremades y D. Yves Derains*, C.A. Soto Coaguila, D.R. Marsano de Mur, Eds., Instituto Peruano de Arbitraje (2013)
- Author, Book Review of *Arbitration and the Constitution*, by P. Rutledge in *Global Arbitration Review*, Vol. 8, Issue 4 (2013)

- Author, Book Review of *International Commercial Arbitration in New York*, J. Carter and J. Fellas, Eds., in *Global Arbitration Review*, Vol. 5, Issue 4 (2010)

## RECENT SPEAKING ENGAGEMENTS

- Panelist, “Mining Disputes Involving Local Opposition, Human Rights, Environmental Concerns, Corruption and Cultural Heritage and Specific Challenges in Disputes Over Non-Producing Properties”, GAR Interactive: Mining 2021 Conference
- Speaker, “Mining for Damages: Why, When and How to Determine Damages for Non-Operational Mining Projects”, IBA Annual Conference (2020)
- Webinar Speaker, *The Use and Defense of U.S. Discovery for Arbitrations and Litigations in Brazil* (2020)
- Tribunal Member, *Simulación De Audiencia Virtual: Un Peaje Demasiado Lejos?* (2020)
- Guest Speaker, *Arbitrating with States and State-Owned Entities*, Columbia Law School (2020)
- Speaker, *Energy Arbitration in Latin America*, Columbia Arbitration Day (2019)
- Speaker, *Social License and the State’s Role in the Social License Process in Connection with Mining Projects*, PDAC Mining Conference, Toronto (2019)
- Speaker, *Arbitral Seats and Enforcement of Arbitral Awards*, PDAC Mining Conference, Toronto (2018)
- Guest lecturer, *Defensa Sistemática: Guía para Contra-Interrogatorio en Arbitraje Internacional*, BFE+ Taller de Litigio – Sesión de Cross-Examination (2018)
- Speaker, *Compliance, Anti-corruption Measures in Latin America: Are the International Standards Enough to Encourage Global Investors? What More Can Be Done?*, GRI Infra Latin America Meeting (2018)
- Speaker, *Asian Investment in Latin America: Common Goals and Contrasting Cultures*, ABA International Law Section Conference (2018)
- Speaker, *Ejecución de Laudos Arbitrales Internacionales*, Congreso de Arbitraje, Centro de Análisis y Resolución de Conflictos, Pontífica Universidad Católica del Perú (2019)
- Speaker, *The commodity price downturn: will the industries survive?*, Energy, Environment, Natural Resources and Infrastructure Law Section, IBA Annual Conference, Washington, D.C. (2016)
- Speaker, *International Investment Disputes: Arbitration, Litigation, and Investor-State Relations*, International & Comparative Law Symposium, University of Maryland School of Law (2014)
- Speaker, *Anti-suit Injunctions in International Arbitration Proceedings: Judicial, Practitioner and Academic Perspectives*, PLI Conference, New York (2014)

- Speaker, *Environmental and Social Issues in Investment Arbitration*, IBA Latin America Forum Meeting, Punta del Este, Uruguay (2014)
- Speaker, *Mining Disputes: Lessons and Best Practices*, PDAC Mining Conference, Toronto (2014)
- Additional information for prior years available upon request