



## PAULINO FAJARDO

PARTNER

[Madrid](#)  
[Latin America Group](#)

Paulino is the Regional Head of Disputes EMEA and works with clients on international dispute resolution and insurance matters.

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 +34 91 423 4110

 [paulino.fajardo@hsf.com](mailto:paulino.fajardo@hsf.com)

 [linkedin.com/in/paulino-fajardo-3b5907167](https://www.linkedin.com/in/paulino-fajardo-3b5907167)

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## BACKGROUND

Paulino is dual qualified as an English solicitor and as a Spanish lawyer. An accredited mediator by CEDR, he holds a PhD *cum laude* from *Universidad Pontificia Comillas* (ICADE) and obtained a law degree at Granada University. He developed further studies on English law at the London School of Economics (LSE) and on International Protection of Human Rights at the Basque Country University (UPV).

Author of "Cooperation as a Strategy. Mediation of commercial disputes" (Ed. Aranzadi-Thomson Reuters).

He has recently coordinated a special issue of the ICADE Law School Journal, "[The challenge of COVID-19 for business law](#)" (nº 110/2020)

Procedural law professor at ICADE, he lectures on International Arbitration and Mediation on the Master's Degree in Access to the Legal Profession and Negotiation, Mediation and Conflict Resolution on the Inter-University Degree of Comillas, Deusto and Ramon Llull Universities in Philosophy, Politics and Economics (FIPE). He collaborates as a visiting professor with Carlos III University of Madrid (Mediation) and University of Navarra (Insurance Contract Law).

## VIDEOS:

["El arbitraje y la mediación"](#), Talk between Paulino Fajardo y Josep Aguiló, Professor of Philosophy of Law in the seminar series "The Science and the Art of Law, University of Granada.

["#Tomate un café con... Paulino Fajardo"](#), Talk with Ignacio Sánchez Rojo, Risk Control/Engineering Area Manager, El Corte Inglés.

## KEY SERVICES

International Arbitration  
Commercial Litigation

## KEY SECTORS

Insurance  
Energy

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## EXPERIENCE

Dual qualified lawyer (Spain/ England & Wales) and accredited mediator (CEDR), Paulino holds a PhD cum laude and lectures as a Procedural Law Professor at Universidad Pontificia Comillas- ICADE.

He works with clients on dispute resolution and insurance matters. Experienced negotiator and legal strategist, he is conversant with comparative law, different legal systems and the use of ADR. With almost 30 years' of experience, he is a recognised player in the international financial markets. He acts as an advocate before civil and criminal courts, mediator, arbitrator and counsel to arbitration.

His areas of practice include, offshore and onshore energy (oil & gas, renewables), infrastructure, construction & engineering, banking and financial fraud, political risk, corporate and shareholders disputes, breach of contract, D&O and director's liability, professional indemnity, W&I, BBB, K&RE, transport (aviation, marine, rail) and reinsurance.

Clients highlight his "practical insight and specialist knowledge" and his skill in handling large and complex cases.

His practice is recognised in the Chambers Europe and Legal 500 EMEA directories, where he is ranked in Band 1 and "Leading Individual" for the Insurance practice and Band 3 for Litigation and Arbitration.

## RECENT PUBLICATIONS

### Books

- Cooperar como estrategia: Mediación de conflictos empresariales, Ed. Aranzadi-Thomson Reuters (2016) [Cooperation as a strategy: Mediation in Commercial Dispute]

- Coordination of the special issue of the ICADE Law School Journal, "The challenge of COVID-19 for business law" (nº 110/2020)  
<https://revistas.comillas.edu/index.php/revistaicade/issue/view/1035>
- *Formularios de Compraventa. [Sales Contract Model Forms]* Ed. Comares (1997)

## Articles

- "Las reclamaciones por pérdida de beneficios derivada de Covid-19. Una perspectiva de derecho comparado", *La Ley Mercantil*, nº 88 (2022) [*Claims for business interruption due Covid-19. A comparative law perspective*]
- "Gestión eficiente de acuerdos: una alternativa al conflicto", *Revista CEO*. [*Settlement Efficient Management: an alternative to dispute*]
- "[Promover una cultura de acuerdo es garantía de sostenibilidad](#)", *El Confidencial* (2018). [*Promoting a culture of agreement is a guarantee of sustainability*]
- "[Tratar igual a los iguales: de cómo impulsar la mediación a través de la legislación fiscal](#)" *Expansión* (2018). [*Treating equals equal: how to promote mediation through tax legislation*]
- "Apuntes para incentivar la mediación a través de una reforma de la Ley de Enjuiciamiento Civil", *Actualidad Jurídica Aranzadi* (2017). [*Notes to encourage mediation through a reform of the Civil Procedure Act*]
- "¿Para qué sirve un abogado? El papel del abogado de empresa en el siglo XXI", *Anuario de Mediación* (2015). [*What is a lawyer for? The role of the business lawyer in the 21st century*]

## CHAPTERS IN COLLECTIVE BOOKS

- "Extinción de la acción de resarcimiento por daños derivados del transporte aéreo en el Convenio de Montreal: ¿caducidad o prescripción?", en *Anuario Contencioso* 2018, Ed.

La Ley-Wolter Kluwers (2018). [*Termination of the action for damages resulting from air transport in the Montreal Convention: how should limitation be interpreted under Spanish Law?*]

- Cooperar como estrategia- La filosofía de la cultura de paz", en *Mediación y Resolución de Conflictos: Técnicas y ámbitos*, Ed. Tecnos (2017). [*Cooperation as a strategy: Philosophy in the culture of peace*]
- "Climate-Change Litigation: American Phenomenon or Global Trend?", in Munich Re, *Liability for Climate Change?* (2010)

## **AWARDS**

- AMMI National Award for "the best book in mediation" (2017)
- "*Diario de Mediación Medal*" in recognition of his professional effort on promoting the use of ADR (2018)
- 'Lawyer of the Year' in insurance practice in Madrid, Best Lawyers (2019)
- Stand-out lawyer by the "Acritas Stars -independently rated lawyers", (2019, 2020)
- Shortlisted in the category of Litigation & Enforcement Lawyer of the Year: Product Liability by LMG Life Sciences Europe awards (2020)
- "Lawyer of the Year" in Product Liability Litigation, Best Lawyers (2022)

## **ACCOLADES**

- One clients assesses: "*He is always ready for anything, He answer when you call, he treats you well and is friendly. In short, we are very happy*". Another client praises him for being "*diligent and business-oriented; he is a very complete lawyer.*"  
*Chambers Europe 2022 (Spain)- Insurance*
- Paulino Fajardo is praised for his "practical vision and expert knowledge"

*Chambers Europe 2022 (Spain)- Dispute Resolution*

- Including as a Leading Practitioner in International Arbitration  
*Leaders League 2022 (Spain)*
- Interviewees praise him for keeping clients up to date and explaining complicated matters in layman's terms.  
*Chambers Europe 2021 (Spain) - Dispute resolution*
- His expertise is highlighted by listings in Chambers Europe and Legal500, ranked as Band 1 and Leading Individual for Insurance and Band 4 for Dispute Resolution.
- Clients value his "proactive and commercial" nature, expansive network of contacts and ability to taken on large and complex cases.
- Paulino Fajardo has "a lot of experience in insurance matters, and gives high-quality and reliable advice"  
*Legal 500 EMEA 2021-Spain (Insurance)*
- Clients hail Paulino Fajardo as "a great expert in the negotiation of insurance policies." One source attests: "His knowledge of the insurance sector is impeccable."  
*Chambers Europe 2020 - Spain (Insurance)*
- Clients value Paulino Fajardo for his "extensive technical knowledge"  
*Chambers Europe 2020 - Spain (Dispute resolution)*
- 'Paulino Fajardo has great analytical and strategic capabilities and is very involved in the case.'
- 'Excellent legal skills when dealing with complex international cases in Spain or abroad, either before the Spanish courts or in international arbitration.'  
*EMEA Legal 500 2020 - Spain (Insurance)*
- One interviewee enthusing: "He gives clear advice on the structuring of cases, strongly fulfils his commitments and is able to propose alternative solutions."  
*Chambers Europe 2020 - Spain (Insurance)*
- "Clients further note that "his friendly character means that he doesn't antagonize the other side, which facilitates communication and understanding between the parties."  
*Chambers Global 2018 - Spain (Dispute resolution)*
- One client states: "He is one of the best insurance trial attorneys in Spain."  
*Chambers Global 2017 - Spain (Dispute resolution)*
- Interviewees regard him as "one of the best, without a shadow of a doubt," and clients appreciate that "he has great skill at explaining things."  
*Chambers Europe 2017 - Spain (Insurance)*

- Paulino Fajardo of Herbert Smith Freehills receives stellar feedback for his work on international dispute resolution within the insurance sector. (...) ." Another impressed interviewee reports: "He really knows insurance law in Spain and knows the international markets," adding: "He looks to mediate and to resolve claims."  
*Chambers Global 2016 - Spain (Insurance)*

Paulino's experience includes advising:

### **Arbitration, conflict management & ADR**

- SIAC arbitration defending a construction company regarding the unlawful termination of a FIDIC contract governed by Nepalese laws
- UNCITRAL arbitration on the interpretation of an agreement related to the EU Motor Insurance Directives scheme
- Ad hoc arbitration representing a Bermuda reinsurer regarding a cut-off termination clause in a quota-share reinsurance treaty
- UNIDROIT arbitration, Milan Chamber of Arbitration representing an engineering company specialising in biomass plants of alleged design defects in connection to a EPC contract
- Co- arbitrator, Mexican Chamber of Arbitration in a reinsurance dispute between two international insurance groups applying Mexican law.
- Mediation, ADR and Conflict Management
- Mediator in a D&O coverage dispute between a Latin American business group and its insurers and reinsurers in the US and UK markets.
- Negotiation facilitator in a breach of contract negotiation between a sports entity and a media group.
- Mediator between a Latin American insurer and an international engineering company in a cover dispute
- Mediator between two life science companies
- Mediator between a life science company and a specialized retail company

## **Energy, construction, engineering and infrastructure**

- a hazardous waste recycling company on a cover dispute arising from a contamination event in Sweden
- a leading offshore construction company on coverage of defective design of an offshore installation in the Northern sea and cost consequent thereon
- a set of construction and engineering companies to advise on insurance cover and liability claims arising from the fire in a transport complex and infrastructure in the Middle East
- a temporary consortium (UTE) composed of several Spanish energy and construction companies in a claim against its insurer on the application of a LEG clause in a CAR policy
- a renewable energy company in a claim against its insurers for damage and loss of profits caused by defective design at a solar plant in South Africa
- a professional indemnity leading insurer on policy response in connection with the landslide occurred in a dual carriageway bypass road in Australia
- an international engineering consultant on its defence against a claim brought before the Technology and Construction Court in London for professional negligence and breach of contract, related to the technical and legal aspects of its obligations and its performance of the project
- London, US and Bermuda markets' insurers on a settlement agreement concerning a Liquidated Damages Insurance related to a solar power plant project in the US

## **D&O and Financial lines**

- a global Insurance Company in a cover claim brought by a major national company for the damages allegedly caused to a US company in the repurchase of its shares as a

consequence of infringing the duty to disclose all the relevant information pertaining to the operation

- a recycling company coordinating the defence of two executives in a criminal investigation opened in Southeast Asia for an allegedly contaminated product in transit
- former directors of a Spanish bank in a set of claims on different cover issues connected to criminal proceedings following the bank failure
- a Spanish engineering company in the investigation and potential arbitration due to the alleged design defect of a water supply tunnel in Nepal
- an international retail company on the joint review of its cybersecurity and D&O programmes

## **Product liability & Recall**

- an industrial group in a multi-country claim by an international automotive company, including the USA, in connection with an alleged defect in the assembly of a vehicle component.
- an automotive supply company on an international arbitration and several court claims in Japan and Germany arising from the supply of an allegedly defective piece used in the steering wheel of certain car models
- liability insurer of a pharmaceutical manufacturer in connection with damages resulting from a defective product recall in the US
- an international insurer and its insured manufacturer in a claim connected to damage caused by allegedly defective plastic bottle caps that it had supplied
- a life science company and its liability insurer on a multijurisdictional product liability serial claim in connection with a carcinogenic active principle used in its medicinal product

## **Reinsurance**

- several Mexican insurers and brokers in a potential claim in the UK for fraudulent reinsurance placement
- an underwriting agency on a claim against an Asian reinsurer regarding the interpretation of the cooperation clause in a retrocession slip
- a European reinsurer in the strategic management of Covid-19 claims in its global business
- an insurer in judicial proceedings in Spain concerning the alleged lack of binding authority to underwrite reinsurance by a London underwriting agency
- a Bermuda reinsurer on its defence in an arbitration regarding a cut-off termination clause in a quota-share reinsurance treaty
- a European reinsurer on several cover issues related to a facultative reinsurance contract arising from a warehouse fire in Africa

## **Transport & Mass casualty accidents**

- an aeronautical company and its insurers on their defence in the criminal and civil proceedings following a fatal air crash in Madrid
- liability insurers of a railway operator on criminal proceeding following a major train crash, resulting in the death of 80 people and with more than 100 seriously injured
- a Spanish passenger transport company in the criminal proceedings arising out of a bus accident with 9 people death and more than 30 injured.
- a steel manufacturer and its liability insurer on monitoring of judicial proceedings in France following a train derailment allegedly caused by incorrect stowage of steel plates

## **Specialty lines and Crisis Management**

- a Spanish food sector operator in a claim under a political risk policy for the damage suffered due armed conflict in an African country
- a Spanish leading offshore telecommunications company on contractual undertakings against an insolvent service provider in Latam
- an international engineering group on implementing a legal crisis management strategy in the face of potential claims arising from the detection of a carcinogen

## **MEMBERSHIPS**

- *Ilustre Colegio de Abogados de Madrid* (Madrid Bar Association)
- The Law Society of England and Wales
- International Bar Association (IBA): member of the Committees of Arbitration, Mediation and Insurance
- *Asociación Española de Gerentes de Riesgos- AGERS* ( Spanish Association of Risk Managers and Insurance) – member of the Advisory Board
- European Association of Judges for Mediation (GEMME)
- *Club de Derecho de la Construcción y la Ingeniería* (CDCI), Corresponding Society of the European Society of Construction Law- co-founder.
- Spanish Arbitration Club
- LCIA- London Court of International Arbitration