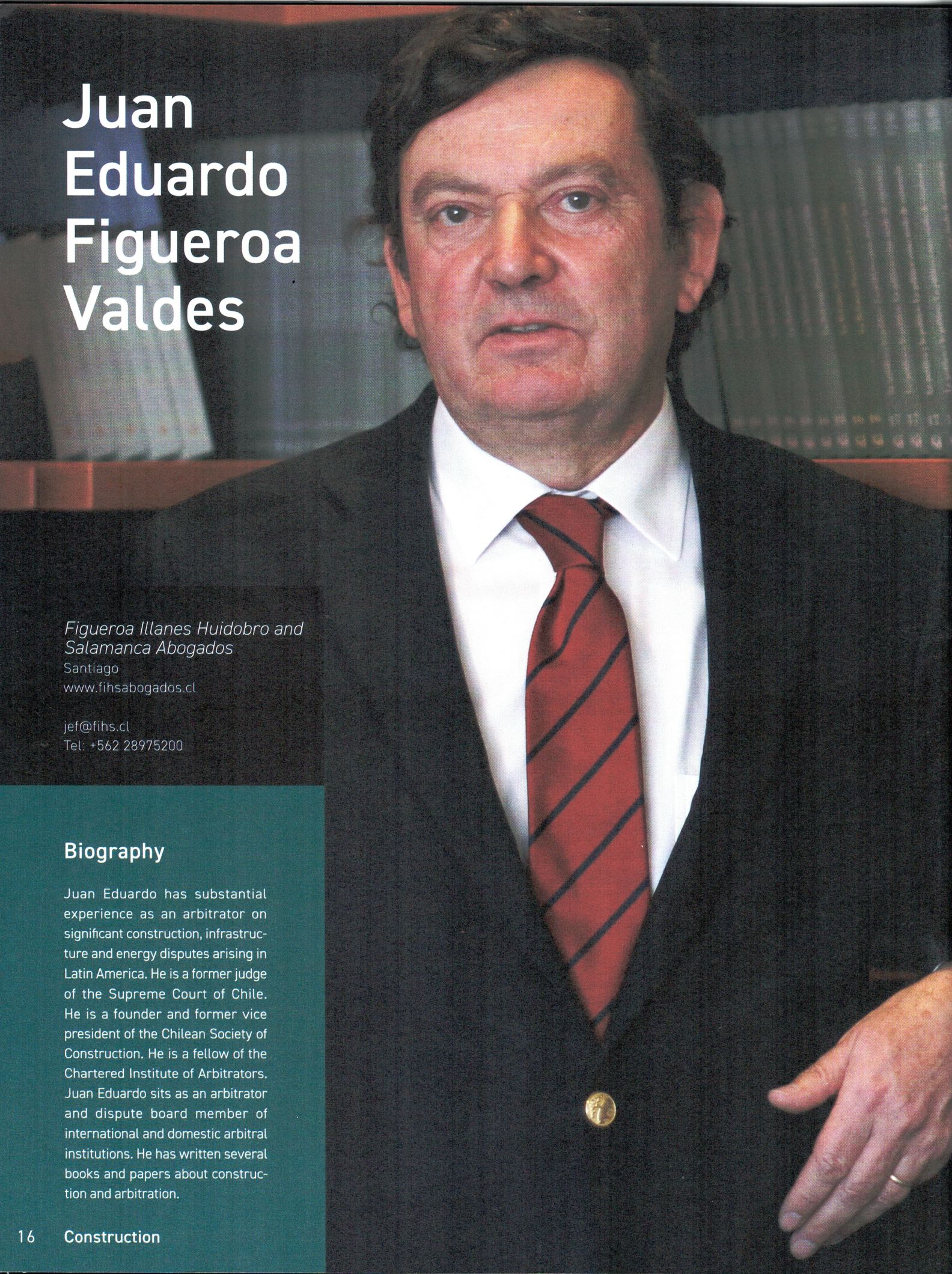


Juan Eduardo Figueroa Valdes

A portrait of Juan Eduardo Figueroa Valdes, a middle-aged man with dark, wavy hair, wearing a dark suit, white shirt, and a red tie with dark diagonal stripes. He is looking directly at the camera with a serious expression. The background is slightly blurred, showing what appears to be a bookshelf.

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Biography

Juan Eduardo has substantial experience as an arbitrator on significant construction, infrastructure and energy disputes arising in Latin America. He is a former judge of the Supreme Court of Chile. He is a founder and former vice president of the Chilean Society of Construction. He is a fellow of the Chartered Institute of Arbitrators. Juan Eduardo sits as an arbitrator and dispute board member of international and domestic arbitral institutions. He has written several books and papers about construction and arbitration.

What inspired you to pursue a legal career?

My main mentor was my father, who was the founder of FIHS Abogados in 1960. I had the chance to work with him for a long time, I specialised in construction early on and, like my mentor, I handle both transactional and dispute resolution aspects of construction matters.

How has the market changed since you first started practising?

I think there has been an increase in specialisation within the legal market in construction law, and you see fewer generalists practitioners in this area. In addition, I think that changes in technology and artificial intelligence have had, and will continue to have, a relevant impact on construction law.

What impact has covid-19 had on the construction sector in Chile?

Works that were under way in March of last year kept going, with some restrictions. However, new projects have been on standby for a long time. Lately, a few new projects have begun again, but the cost of construction has been increasing as well as the labour costs. But, I believe that the coronavirus pandemic will push the construction industry towards advanced automation so that minimum human involvement yields maximum results. In addition, I believe that both owners and constructors facing new projects are evaluating, often collaboratively, the risk that critical material, equipment, and labour supply chains could be disrupted by successive waves of the virus or resulting government measures.

In your opinion, what are the benefits and challenges of virtual hearings?

What role do you see them having in the future? Virtual hearings require significant

organisation and the settlement of numerous issues in advance. There are concerns that virtual hearings will not allow the tribunal to assess the credibility and probative value of a witness evidence. It may be difficult to be assured that a witness is not being coached off-camera or reading from a script prepared by counsel off-view. However, virtual hearings have the obvious benefit of eliminating the time and cost associated with transporting arbitration participants to an in-person hearing. In addition, virtual hearings may also allow parties to choose diverse arbitrators who are most experienced and specialised in construction disputes, regardless of how geographically proximate they are to the parties and counsel.

What is the most interesting case you have been a part of to date?

One of the most interesting cases was one between a Japanese company and a Chilean construction company related to the construction of a thermoelectric plant in the north of Chile. It was a very complex case where I had the chance to learn and understand the idiosyncrasies and cultural behaviour of the Japanese people.

What do you think is the best way to face corruption in the construction industry in Latin America?

The task of fighting corruption is not an easy one everywhere. Progressing a culture of prevention of corruption requires an effort on the part of all institutions and sectors of society to strengthen systems of integrity: all the branches of the states and its respective institutions; parties and political movements; NGOs and civil society and companies. Establishing codes of conduct, regulations and procedures that effectively define and promote anti-corruption principles and values is the most significant Latin America challenge that our region faces.

You have occupied many roles as a transactional lawyer and in the arbitration space. How does having a broad range of experience enhance your performance?

I focused on both sides of the practice for a long time. Now I am working only as an arbitrator. The experience of drafting and negotiating construction contracts makes me more effective in handling construction disputes and rendering the award. It is very difficult for an arbitrator to decide a construction dispute case if you are not familiar with the construction industry, if you do not have the experience of working with owners, constructors, subcontractors, design professionals and all the chains involved in each project.

As a professor of law at the University of Los Andes, what skills and traits do you encourage in the next generation of construction and arbitration professionals?

The challenges associated with construction disputes are numerous and often unique to the construction industry. The next generation of construction and arbitration professionals will need to be familiar with technological innovation that arise in the construction industry such as site visualisation technologies and delay and disruption modelling, as well as the use of Building Information Modeling (BIM) and System Dynamics modelling (SD).

Peers and clients say: "A very experienced construction arbitrator"

"He is the best in Chile"

"He is a strong arbitrator and very senior lawyer"