



Arrivederci: Milan partner leaves to set up boutique

Leo Szolnoki • Thursday, 13 June 2013 – *Global Arbitration Review*

After 12 years as a partner at Italian firm Bonelli Erede Pappalardo, Luca Radicati di Brozolo is leaving to set up his own disputes boutique in Milan, taking with him senior associate Michele Sabatini.



Luca Radicati di Brozolo

Radicati di Brozolo, a dual Italian-UK citizen, says they are leaving “on the friendliest of terms” to take on a greater number of interesting cases and avoid potential conflicts of interest. The pair will be partners in the new venture.

The boutique, which has yet to be named, will open on 1 October. They will continue to work at Bonelli until that date.

Radicati di Brozolo and Sabatini are acting for Italian bondholders in two ICSID claims against Argentina relating to the country's 2002 sovereign debt default. In the first case, *Ambiente Ufficio and others*, a majority panel upheld jurisdiction in February over claims by 90 Italian nationals under the Italy–Argentina bilateral investment treaty. The tribunal in the other case, *Giovanni*

Alemanni and others, has yet to rule on its jurisdiction.

The cases follow in the footsteps of the controversial *Abaclat* case, in which an ICSID panel allowed a US\$1 billion claim by 60,000 Italian bondholders to proceed, even though the BIT and the ICSID Convention do not address the possibility of collective actions.

In addition, the pair are acting for an association of investors in the solar photovoltaic industry in an Energy Charter Treaty claim against the Czech Republic. The claim, regarding a retroactive tax on solar power profits, was filed [last month](#).

Radicati di Brozolo was also counsel to Italian oil company Saipem in a pathbreaking ICSID case against Bangladesh. The case ended in 2009 with an award holding that a state court's interference in an ICC arbitration amounted to an expropriation under a BIT.

He has sat as an arbitrator in cases at the Milan Chamber of Arbitration, the Geneva Chamber of Commerce and Industry, the ICC International Court of Arbitration and the LCIA, among others.

Andrea Carlevaris, who left the Bonelli partnership last year to become secretary general of the ICC Court, says: “Luca is an outstanding lawyer and a dear friend; I very much enjoyed working with him at Bonelli. A boutique-like structure will make it easier for him to act as an arbitrator and profit from his excellent reputation.”

Canadian arbitrator **J William Rowley QC**, of 20 Essex Street in London, says that Radicati di Brozolo is leaving the firm at the top of his game. “His reputation as a serious arbitration player extends well beyond Italy and we can expect to see a good deal more of him as an arbitrator, now that he is largely free from conflicts.”

Radicati di Brozolo is also highly regarded for his EU and antitrust law expertise. He joined the partnership of Bonelli in Milan in 2001 from another

leading Italian firm, Chiomenti Studio Legale, where he headed the competition, international and European law practices. He has appeared in cases before the European Court of Justice, including as counsel to the European Commission; and before Italian courts, including the country's Constitutional Court.

Between 1978 and 1984, he served as a member of the Office of the Legal Adviser at the Bank for International Settlements in Basel, the body that promotes cooperation among the world's central banks and banking regulators.

John Beechey, chairman of the ICC Court, says, “Luca is at the forefront of a generation of exceptional Italian arbitration practitioners, whose impressive legal skills are complemented by a truly international perspective and a mastery of several languages.”

In addition to his work as a practitioner, Radicati di Brozolo is a professor of private international law and international arbitration law at Milan’s Catholic University.



Michele Sabatini

Sabatini, 36, joined Bonelli Erede Pappalardo in 2007 from the Rome office of Coccia De Angelis & Associati. There he worked alongside **Massimo Coccia**, who sat as an arbitrator on the Court of Arbitration for Sport's ad hoc division at the London 2012 Olympic Games.

Bonelli Erede Pappalardo is the only Italian firm to feature in the *GAR 100*. One of the firm's managing partners, **Marcello Giustiniani**, says, "We are very proud to have had Luca with us for many years. We understand the reasons for his decision and we will certainly continue to work together in the future."

Another managing partner, **Stefano Simontacchi**, adds, "The firm thanks Professor Radicati di Brozolo for all his hard work within the arbitration and international law team, an area in which the firm has become a recognised leader in the national and international market."