



Roxana Gayoso

Of Counsel

Lima, Peru

+51 1 618 8561

roxana.gayoso@bakermckenzie.com

Global areas of practice

Dispute Resolution

Areas of expertise

Litigation

Languages

Spanish

English

Roxana is a lawyer, expert in litigation and commercial arbitration with more than 20 years of experience. She is part of the Dispute Resolution team of Estudio Ehecopar, associated with Baker & McKenzie International. She is arbitrator of the American Chamber of Commerce of Peru (AMCHAM). She graduated in 2001 from Universidad de Lima and holds a Master of Civil Litigation and a Master of Business Law both from Universidad Pompeu Fabra in Barcelona, Spain (2005-2007). In addition she holds a Diploma of "Derecho Procesal Constitucional" from Universidad San Martín de Porres (2003), a Diploma of International and National Arbitration from Universidad del Pacífico's Graduate School in Lima (2010), and a Diploma of Specialization in Arbitration in Contracts with the State in the Center for Analysis and Resolution of Conflicts of Universidad Católica del Perú (2022).

Roxana has very extensive experience in judicial proceedings. Her specialty leans towards civil responsibility, contractual and commercial and civil controversies, and conflicts related real state issues and especially in claims of the nullity of administrative resolutions.

In arbitration, she has extensive experience and has taken part in 40 arbitration procedures in the last years involving infrastructure, construction, mining, corporate law, real estate and expropriation matters. Roxana has led an arbitration process and negotiations for the expansion of Jorge Chavez International Airport, achieving an increase of 1,500% in value per square meter. She is an expert in processes for the annulment of arbitration awards and in processes for the enforcement of awards.

Since 2007, she has been committed to promoting Pro Bono work at the Lima office in her role as part of the Pro Bono Committee. Her work has been acknowledged by the Thomson Reuters Foundation (Annual report for 2017). She is also a member of the Firm's Regional Pro Bono Committee.

Roxana has a solid international experience developed through her work as foreign attorney at Estudio Ehecopar in Barcelona, Spain in Civil and Litigation Practice Groups. She often participates as a speaker in litigation conferences in Peru and has been recognized as Recommended Litigation Lawyer by Legal 500 (2019). She also has held the university chair in Civil Procedural Law at the undergraduate level of the Universidad de Lima's Law School and in the Universidad Peruana de Ciencias Aplicadas, as well as teaching at the postgraduate level in the Diploma of Specialization in Arbitration at Universidad ESAN. In 2022 she has returned to the Universidad de Lima's Law School to teach Civil Procedural Law II.

Estudio Ehecopar

Av. Los Conquistadores 1118

Piso 6, San Isidro

15073

Lima - Peru

Since 2020 Roxana has consolidated her publications and academic opinion on her personal blog.

Experience

- Successful defense of one of Peru's largest mining companies in damages proceedings before the Superior Court of La Libertad and, subsequently, the Supreme Court of Peru.
- Successful defense of an agricultural company that sued the government for USD 3 million as fair price for the expropriation of agricultural land.
- Legal representation of a US company that acted as agent for various international companies, in the context of an arbitration that imposed on the counterparty the payment of USD 1,000,000.00 in damages.
- Legal representation in 70 judicial proceedings commenced by an agricultural company against the beneficiaries of the Agrarian Reform in connection with tracts of land adjacent to the zone where the enlargement of Lima's Jorge Chavez International Airport would take place. These proceedings lasted for 12 years and their rulings allowed the abovementioned agricultural company to be considered the only passive party to the arbitration regarding the expropriation that was later commenced by the Peruvian government. In this arbitration, Roxana represented the agricultural company and obtained an award ordering the payment of a fair price and damages to the passive party for an amount exceeding S/. 800 million Peruvian soles. Simultaneously, Roxana lead negotiations with more than 70 landholders, farmers who were holding the agricultural tracts of land, and managed to make them sign out-of-court transactions that allowed the transfer of possession of expropriated lands to the Peruvian government.
- Legal representation in contentious administrative proceedings to challenge the penalties imposed on companies that bid in public procurement procedures in the telecommunications, construction and technology sectors. Legal representation in contentious administrative proceedings to challenge the Tax court's decisions regarding the sales tax (IGV, as per its Spanish acronym) and income tax imposed on various companies from different sectors.
- Defense of an Omega 3 oil industrial company in an arbitration regarding an expropriation. The award obtained was favorable because it granted a 1,300% increase in the fair price for the expropriated land.
- Legal representation in several arbitration proceedings seeking that the government pay more of the general expenditure and direct costs associated with the construction of infrastructure projects.
- Legal representation in an arbitration proceeding with a favorable award granted to a company responsible for building the

infrastructure of a phosphate plant in Peru. Such award prevented the company from paying more than USD 600,000.00 in damages.

- Legal representation in an award vacation proceeding. The proceeding was successful at vacating an award that demanded a public company the payment of PEN 400,000.00 as compensation for damages. Once appealed to the Arbitration Tribunal, the award granted released the public company from all payment liabilities on the grounds of new evidence that showed that the plaintiff had not suffered any damages.
- Legal representation before the Supreme Court in appeal proceedings upon which judgments issued by Superior Courts were vacated. Such vacations led the cases to go back to first instance so that evidence would be duly called for and due process would be followed.
- Defense of a consortium in a construction arbitration against a Provincial Municipality. The award granted demanded that the contractor be paid more than 15 million Peruvian soles.
- Successful legal representation in more than 18 contentious administrative proceedings to challenge fines imposed for more than 55 million Peruvian soles, as well as in a similar number of lawfulness review proceedings filed upon illegal coercive enforcement attempts.

Teaching experience

- Professor of Law of Civil Procedure II (Remedies and special procedures) at Universidad de Lima, 2022.
- Professor in the postgraduate level in the Diploma of Specialization in Arbitration at Universidad ESAN, 2017.
- Teaching Assistant of Law of Civil Procedure II (Remedies and special procedures) at Universidad de Lima, 2004.
- Teaching Assistant of Law of Civil Procedure II at Universidad de Lima, 2008.
- Professor of Law of Civil Procedure II (Remedies and special procedures) at Universidad de Lima, 2004.
- Professor of Law of Civil Procedure II at Universidad Peruana de Ciencias Aplicadas (UPC), 2002.
- Teaching Assistant of Law of Civil Procedure at Universidad de Lima, 1999 – 2003.

Publications, presentations and articles

- "About articles 122, 123 y 124 of the New Constitutional Procedural Code", in " Comments to the New Constitutional Procedural Code". Jurista Editores, April 2022.

- "Guarantee in arbitration proceedings in which the Peruvian State is the affected party: Is the non-application due to diffuse control of Article 8 of D.U. 20-2020 sufficient?", December 2021. Published in Blog "Roxana Gayoso Articles"
- "The legitimacy to act actively in our procedural legal system" published in the 89th Edition of the magazine "Actualidad Civil", Instituto Pacífico. November 2021. Published in Blog "Roxana Gayoso Articles"
- "The capacity of women to appear in trials two hundred years after the independence of Peru", July 2021 with Noelia Piscoya published in Blog "Roxana Gayoso Articles"
- "The contentious-administrative process: when a Entity violated the right to defense because not being allowed to make defenses", November 2020, published in Blog "Roxana Gayoso Articles"
- "One Ruling Is Enough, comments to a Judgement Issued by The Constitutional Court, published on "Gestion" Newspaper on April, 2009.
- "An overview to article 1982 of the Civil Code: Civil liability for slander accusation" published on Athina Magazine, Universidad de Lima, September 2008.
- "The Court in and for Lima issued regulations on preliminary injunctions", comments to the Guidelines referred to the reception, distribution and proceedings of preliminary injunctions in the Court in and for Lima, written for the Peruvian Official Gazette on May 2005
- "Judges have to support judgements", comment to Act N° 28490 which modified article 12 of the Consolidated Amended Text of the Organic Law of the Judicial Branch, written for the Peruvian Official Gazette on April 2005.
- "Application in time of the law incorporating de facto separation as an at-fault legal divorce and subsequent divorce" published on the Peruvian Official Gazette on January 12, 2005.

Education and admission

Education

- INTRAPRENEUR, Cambio & Gerencia Consultores, "Training to develop new strategies and strengthen teamwork", 2018.
- Graduate School of the Universidad Peruana de Ciencias Aplicadas, "Creating Leaders Workshop", 2016.
- Cambridge International Consulting, LLC. "Negotiation Workshop", 2010
- Escuela de Posgrado de la Universidad del Pacifico, Diploma, International and National Arbitration, Lima, 2009.
- Universidad Pompeu Fabra, Master in Corporate Law, Barcelona, 2006-2007.
- Universidad Pompeu Fabra, Specialization Course of Civil Litigation, Barcelona, 2005-2006.
- Universidad San Martin de Porres, Diploma, Constitutional Procedure Law, Lima, 2003.
- Universidad de Lima, Law Degree, Lima, 2001. (*Summa Qum Laude*).

Admission

- Lima Bar Association, 2001.