

## **María Bacas Malo, Mediator**



### **About Maria**

- Extensive national and international track record over twenty-five years in international negotiation and contracting.
- For almost twenty years I have been Director of Legal Services as well as Secretary and Board-member in Spanish and multinational corporations: Asea Brown Boveri (ABB), ALSTOM, STARBUCKS Spain, France and Portugal and GRUPO VIPS (2003-2016) where I negotiated with large, medium and small corporations from all around the world in different industries.
- With CEDR accreditation as mediator and taking advantage of my international legal background, experience and expertise in in-house legal management, being involved in challenging and complex transactions, and based on my strong commitment with mediation and other ADR, I started out private practice focused in business environment (off line and online, B2B and B2C).
- My intellectual curiosity has led to extent my professional experience from an integrative and innovative perspective, where business and digital knowledge (including technology as Blockchain, Smart Contracts, Artificial Intelligence and Big Data) meet for rendering services to private and public companies and individuals.
- Maria is fluent in Spanish, French and English

### **Dispute Resolution and Commercial Mediation**

Areas of practice in local and international markets as negotiator, mediator and neutral for the agreement, management and prevention and resolution of conflicts:

#### ***Commercial Contracts***

- Assisted negotiator between a franchisor and a franchisee concerning the early termination of the franchise contract and its related agreements (supply agreement, IT agreement, ...) and involving several reciprocally alleged breaches of contracts (680,000.00€).
- As general counsel, with the purpose of avoiding a local judicial claim crossed with an international arbitration: negotiation between the joint-venture of two energy companies and my company about several disputes arising out of two Engineering, Procurement and Construction Turnkey Contracts.

#### ***Real Estate***

- A dispute between a residents' association and a retail company group which involved structural works performed without authorization of the association while several litigation cases where in process.
- Renegotiation of a critical lease contract with the owner of the premises with the purpose of avoiding cross-legal procedures.

#### ***Insurance***

- With the purpose being to solve the conflict avoiding international arbitration, negotiation carried out in the frame of an Engineering, Procurement and Construction Turnkey Contract

among the Bahamian Electricity Company, final client, the banks, insurers and the main contractor, who was my employer (1,100,000.00€).

- Assisted between a customer and a restaurant tenant company in a controversy arising out of a severe problem affecting the customer's daughter who suffers celiac disease. A celiac association is also involved in the conflict.

### ***Partnership & Shareholder***

- Designated as mediator by a partner of two engineering companies holding 50% stake who is in dispute with the other partner.

### ***Institutional and Public Law matters***

- Assisted between the association of organized restaurant corporations in Spain and two different administrations in Madrid (at local and regional levels) regarding:
  - several controversies concerning town planning, health and safety and environmental issues,
  - criteria for the application of the law in terms of inspections, and
  - the search of consensus on legal vacuum.
- Co-mediation with Gerard Khoshnaw (CEDR mediator) in a dispute arising out of several agreements between NHS and a private company in UK.

### ***Workplace & Employment***

- Designated mediator by an international organisation through CEDR for an ongoing mediation case.

### ***Other Contentious and Legal experience includes:***

- New Technologies. Franchising, licensing, technology and know-how transfer agreements, distribution, etc.
- Intellectual Property Rights
- Corporate Law (company law, M&A, corporate governance & compliance, shareholders agreements and business family transactions, ...).
- Workplace & Employment. Commercial Law and general contracting disputes (procurement, logistics, etc.).
- Real Estate, property and leasing.
- Construction and Engineering Law.
- Industrial Insurance, political and commercial risk insurance, D&O and personal insurance).

### **Mediation Style and Feedback**

Maria aims to connect with every client, listening to them, and communicating with them in their entrepreneurial language, understanding their needs, interests and objectives and legally protecting their business project and financial profit.

Her interventions adapt to the clients, their environments and challenges by means of alternative solutions and a comprehensive vision of all elements involved in (financial, commercial, operational, personal, social, reputational, etc.).

- *“María is very keen of connecting people and multi-cultural teams together for the long term, creating, powering and enhancing the growth of individuals.”*

- *“Her broad-minded perspective, flexibility and acumen, thriving on adverse challenges and complex disputes and transactions, together with her wide knowledge, business concerned approach and experience in the international business world, makes me recommend María for those seeking a professional with a strategic vision and problem-solving capacity with rigour, respect and consistency, and, hence, a trustworthy partner in negotiations, conflict prevention and resolution.”*

### **Professional Background and Qualifications**

- Lawyer and partner at Mind The Law-Mind The Agreement Business. In January 2018, I also jointed MIND THE LAW with a modern view for driving business forward and problem-solving approach which includes flexible and strategic assessment as a trusted partner. Through MIND THE AGREEMENT we develop commercial mediation, negotiation and conflict management as the better forms to prevent and solve commercial disputes or to reach agreements in the business environment.
- Mediator-Specialist of Conflict Resolution (CEDR, London) Since the beginning of 2017, I have been working with CEDR as coach, assessor and faculty. In 2019, considering the involvement of the role of corporations in the international conflicts, I accredited as CEDR international peacemaking process mediator.

### **Education:**

- University Degree in Law (Universidad Autónoma de Madrid. 1987).
- Master in Foreign Trade Management (ICADE, Madrid. 1988).
- Master in Financial Management and Management Control (IE, Instituto de Empresa, Madrid. 1995). CEDR accredited mediator (Centre for Effective Dispute Resolution, London. 2016).
- Registered as Mediator in the Registry of Mediators of the Spanish Ministry of Justice.
- Executive Coach (Escuela Europea de Coaching, Madrid. 2014), ACTP accredited by ICF/AECOP/FIACE.

### **Memberships:**

- Madrid Bar Association.
- Mediator and neutral at: - CEDR (Centre for Effective Dispute Resolution, London). - Club CEDR FIDE, Madrid. - ASEMARB (Centro de Mediación y Arbitraje de la Cámara de Comercio y del Colegio de Abogados de Sevilla). - Fundació Mediació del Colegio Notarial de Cataluña. - Centro de Solución de Conflictos Empresariales de AGERS (Asociación Española de Gerencia de Riesgos y Seguros, Madrid).
- Faculty member of Instituto Superior de Negociación (Universidad Francisco de Vitoria) training negotiation and ADR to post-graduate students, business teams and directors and officers.
- ABE (Asociación para la Búsqueda de la Excelencia, España) and Board-member.
- FIDE (Fundación para la Investigación sobre el Derecho y Empresa, España).

I am very actively involved in providing awareness, knowledge and development of commercial mediation and other ADR by means of university trainings, conferences, round tables and publications.