

Curriculum Vitae: Maxime BERLINGIN

PERSONAL DATA



Nationality: Belgian

Private address:

Bosveldweg 81
B-1180 Brussels
Belgium

Office address:

Fieldfisher (Belgium) LLP
Boulevard Louis Schmidt 29/15
B-1040 Brussels
Belgium
T +32 2 742 70 37
M +32 486 58 25 23
maxime.berlingin@fieldfisher.com

Languages: French, English, Dutch

EDUCATION AND KEY QUALIFICATIONS

- Master of Laws (LL.M)
Institute of Comparative Law
McGill University, Montreal, Canada
Thesis: "The Evolution of the Parties' Conduct as Part of the Contract Formation Process under Civil and Common Law"
- Law degree, *magna cum laude*
University of Louvain (UCL)
- Bachelor of Laws, *magna cum laude*
Facultés Universitaires Saint-Louis, Brussels

PROFESSIONAL EXPERIENCE

2018 to the present: **Fieldfisher LLP** (Brussels office)

Partner

Litigation and Arbitration

2016 to 2018: **Fieldfisher LLP** (Brussels office)

Counsel

Litigation and Arbitration

2006 to 2016: **NautaDutilh** (Brussels and Amsterdam/Rotterdam offices)

Litigation & Arbitration

Member of the NautaDutilh Benelux Arbitration Team

ACADEMIC AND OTHER KEY APPOINTMENTS

- Lecturer (Chargé d'enseignement) in Alternative Dispute Resolution, Saint-Louis University - Brussels (2017 to the present)
- Lecturer (Chargé d'enseignement) in Contract Law, Saint-Louis University - Brussels (2016 to the present)
- Member of the Board of Directors of CEPANI (the Belgian Centre for Arbitration and Mediation) (2020 to the present)
- Representative of CEPANI (the Belgian Centre for Arbitration and Mediation) at UNCITRAL Working Group II - Arbitration and Conciliation / Dispute Settlement (2016 to the present)
- Teaching Assistant in Contract and Tort Law, Saint-Louis University - Brussels (2006 to 2016)
- Speaker for ICHEC Entreprises (Classes: "The regulatory framework for capital markets and wealth management" and "Credit management"), part of ICHEC Brussels Management School that provides continuing education and training in management studies for executives, company directors and young graduates (2008 to 2015)
- Speaker for Kluwer Formations, an organization that provides training and organizes seminars in legal fields and other fields (2008 to 2015)

- Assistant to Prof. D. Jutras (former Executive Legal Officer of the Supreme Court of Canada and current Rector of University of Montreal), Faculty of Law, McGill University, Montreal (2005-2006)

EDITORIAL STAFF

- Member of the editorial staff of the legal review *Les Pages - Obligations, Contrats et Responsabilités*, published by Anthémis
- Co-editor in chief of the *CEPANI Newsletter*, review published by the Belgian Centre for Arbitration and Mediation (CEPANI) (2016 to 2019)

MEMBERSHIPS AND POSITIONS IN INSTITUTIONS

- Member of the Brussels Bar
- Member of the CEPANI, the Belgian Centre for Arbitration and Mediation
 - Member of the Board of Directors (since September 2020)
 - Member of the Task Force for the Promotion of Arbitration
 - Member of the Task Force for Sport Arbitration
 - Member of the Task Force for the Amendment of the Sixth Part of the Belgian Judicial Code on Arbitration
- Member of the Belgian Committee of the International Chamber of Commerce (ICC)
 - Member of the Commission on Arbitration and ADR
 - Member of the Task Force on "ADR and Arbitration"
 - Member of the Task Force on "The Revision of the Rules of ICC as Appointing Authority in UNCITRAL or other *Ad Hoc* Arbitration Proceedings"
 - Member of the Commission of Commercial Law and Practice
- Member of the Board of the Belgian Chapter of the Club español del arbitraje
- Member of the Dutch Arbitration Association
- Arbitrator on the list of the Belgian Court of Arbitration for Sport
- Arbitrator on the list of the Paris Centre for Arbitration and Mediation (CMAP)
- Arbitrator on the list of the Arbitration Center of the GICAM (Cameroun)

RECOMMENDATIONS

- Chambers Global 2021 and Chambers Europe 2021: Ranked in Section Dispute Resolution in the "Up & Coming" category
- Leaders League 2020: Ranked as "Rising Star" in Section "Best Arbitrators in Belgium"
- Who's Who Legal - Arbitration 2020 and 2021: Ranked in Section "Future Leaders - Partners"
- Who's Who Legal - Litigation 2018, 2019 and 2020: Ranked in Section "Future Leaders - Partners"
- Legal 500 2020: Ranked in Section "Dispute Resolution in Belgium", noted for expertise in arbitration

PUBLICATIONS

- With L. Atyeo, "Appui du juge étatique dans l'obtention de mesures d'instruction pendant la procédure arbitrale", to be published in *b-Arbitra*, 2021/1.
- With L. Lantonnois and L. Atyeo, Chapter "Belgium" in *Delos Guide to Arbitration Places*, Second Edition, foreword J. Kim and M. Scherer, London, Delos Dispute Resolution, 2021.
- Ed. with C. Delforge, *Les modes amiables de règlement des conflits – Minnelijke geschillenoplossing*, Brugge - Brussels, die Keure - La Charte, 2021.
- Ed., *Le temps des MARCs*, Coll. JBB, Brussels, Larcier, 2021.
- "Le nouveau règlement d'arbitrage du Centre belge d'arbitrage et de médiation (CEPANI)", in *RDIDC*, 2020, 401.
- With J.-F. Tossens, "Le conflit étudié sous le prisme de l'arbitrage", in *Le conflit: quelles approches?*, Limal, Anthémis, 2020, 159.
- "La clause d'arbitrage dans les contrats entre entreprises n'est pas abusive", in *J.T.*, 2020, 173.
- "Modes alternatifs de résolution des conflits - Questions choisies", in *Questions choisies en droit judiciaire*, coll. UB³, Brussels, Larcier, 2020, 7.
- "Une sentence arbitrale doit être motivée de manière complète, claire, précise et adéquate", in *Les Pages - Obligations, contrats et responsabilité*, 1/2020.
- Ed. with D. De Meulemeester and B. Kohl, *Liber Amicorum – 50 ans de solutions, Cepani 1969 - 2019*, Mechelen, Wolters Kluwer, 2019.

- "L'exception de juridiction fondée sur une convention d'arbitrage: un *momentum* à respecter", in *b-Arbitra*, 2019/1, 207.
- "Le déclinatoire de juridiction fondé sur l'existence d'une clause d'arbitrage doit être soulevé *in limine litis*", in *Les Pages - Obligations, contrats et responsabilité*, 2019/43.
- With L. Lantonnois, "Chapter Belgium", *Delos Guide to Arbitration Places*, foreword M. Scherer, London, Delos Dispute Resolution, 2018.
- "Rappel en matière de prescription des actions découlant d'un contrat d'assurance", in *Les Pages - Obligations, contrats et responsabilité*, 2018/23.
- "L'aléa chasse-t-il la lésion?", in *Les Pages - Obligations, contrats et responsabilité*, 2018/20.
- "Cession de la créance d'un sous-traitant: avec ou sans l'action directe?", in *Les Pages - Obligations, contrats et responsabilité*, 2017/18, 1.
- "Quelques modifications à la réglementation en matière d'arbitrage apportées par la loi 'Pot-pourri IV'", in *Les Pages - Obligations, contrats et responsabilité*, 2017/14, 2.
- With C. Delforge, "Les clauses relatives à la résolution des différends. Les clauses de médiation et d'arbitrage", in *Le droit des obligations dans la vie de l'entreprise / Het verbintenissenrecht in het leven van de onderneming*, Bruges, La Charte, 2017, 245.
- With P. De Pauw, "Le caractère précis de l'information privilégiée: encore un peu plus d'incertitude à la suite de l'arrêt Lafonta de la CJUE du 11 mars 2015", *R.D.C.*, 2017, 247.
- "La faute de l'avocat, un cas de force majeure en cas d'appel tardif?", in *Les Pages - Obligations, contrats et responsabilité*, 2016/12, 1.
- "L'indemnisation *ex aequo et bono* est subsidiaire à l'indemnisation *in concreto*", note on Cass. 16 avril 2015, R.G. n° C.13.0305, Cass. 8 janvier 2016, R.G. n° C.15.0271 et Cass. 2 mars 2016, R.G. n° P.15.0929.F, in *Les Pages - Obligations, contrats et responsabilité*, 2016/11, 4.
- Report on *L'arbitrage en droit belge et international*, t. I - Le droit belge 3rd ed., by G. Keutgen and G.-A. Dal (coll. M. Dal and G. Matray), in *Cahier du juriste*, 2016.
- With M. Dupont, "Le contrat soumis à condition suspensive", in *Les obligations contractuelles*, Coll. JBB, Brussels, Larcier, 2016, 9.

- "La lésion qualifiée: un cas d'école soumis à la cour d'appel de Bruxelles", in *Les Pages - Obligations, contrats et responsabilité*, 2015/6, 1.
- "Développements récents en matière d'abus de marché", in *Evolutions récentes en droit financier* (ed. X. Dieux), Brussels, Bruylant, 2015, 81.
- "L'utilisation abusive d'informations privilégiées (délit d'initié)", in *Vanhamb & Vanham seminar on financial information*, 28 May 2015.
- With D. Van Gerven, "Arbitration and Belgian Company Law", in *European Company Law* (ECL), Kluwer Law International, 2015, 132.
- "L'extension de la convention d'arbitrage à des tiers participant à l'exécution du contrat au regard du droit belge, note sous Cass. fr. (1^{ère} ch. civ.), 9 juillet 2014, pourvoi n° 13-17.495", in *b-Arbitra*, 2015, 121.
- "La compensation légale: précisions utiles dans la jurisprudence récente de la Cour de cassation", in *Les Pages - Obligations, contrats et responsabilité*, 2015/3, 2.
- Report on the Colloquium "Bruxelles, place d'arbitrage", 16 January 2015, in *J.T.*, 2015, 306.
- Report on EFILA's Inaugural Conference at the University of London: "EU Law and Investment Treaty Law: Convergence, Conflict or Conversation", 23 January 2015, in *Rev. CEPANI*, March 2015, 4.
- With C. De Boe, "La mission du juge étatique avant l'instance arbitrale et pendant ses prémisses. Rapport belge", in *L'arbitre et son juge. Etude de droit comparé à la mémoire de Giuseppe Tarzia* (dir. A. Saletti, J. Van Compernolle et J.-Fr. van Drooghenbroeck), Brussels, Bruylant, 2014, 53.
- Report on the CEPANI 40 Colloquium "The New 2013 CEPANI Arbitration Rules", 24 October 2013, in *Rev. CEPANI*, November 2013, 5.
- With B. Feron, "Le caractère précis de l'information privilégiée à l'aune de larrêt Geltl de la CJUE du 28 juin 2012", *D.B.F.*, 2013, 57.
- With G. de Pierpont et Ph. Stroobant, "Les règles de 'bonne gouvernance' dans le droit des sociétés et le droit économique", in *Les sources du droit revisitées*, vol. 3, Limal, Anthémis, 2012, 211.
- With B. Feron, "Les abus de marchés", in *Vanhamb & Vanham seminar on information to be provided to shareholders*, 18 October 2012.
- "Les obligations à objets multiples", in *Traité théorique et pratique des obligations*, Waterloo, Kluwer, 2012.

- Report on the CEPANI 40 Colloquium "Les mesures provisoires et conservatoires" in *Rev. CEPANI*, November 2011, 5.
- With B. Feron, "Droit pénal bancaire et financier", in *Code de Droit Pénal de l'Entreprise*, Bruxelles, Larcier, 2010.
- "La formation dynamique du contrat de vente", in *Manuel de la vente*, Waterloo, Kluwer, 2010.
- With B. Feron, "Les obligations à terme", in *Traité théorique et pratique des obligations*, Waterloo, Kluwer, 2010.
- Ed. with A. Ruelle, *Le droit romain d'hier à aujourd'hui. Collationes et oblationes. Liber amicorum for Professeur Gilbert Hanard*, Brussels, Publications Facultés Universitaires Saint-Louis, 2009.
- "Les conditions générales bancaires - Règlement général des opérations" in *Questions particulières concernant les conditions générales de vente et la loi du 2 août 2002 sur la lutte contre les retards de paiement dans les transactions commerciales*, Louvain-la-Neuve, Anthémis, 2009, 37.
- With B. Feron, "La publicité des participations importantes", *Cahier du Juriste*, 2008/3, 62.
- "Le transfert de titres. Transfert de propriété - Opposabilité - Limitations à la cessibilité", *International Faculty for Executives (IFE) seminar on business contracts*, 14 and 15 November 2007.
- "La formation dynamique du contrat de vente" in *La vente. Commentaire pratique*, Waterloo, Kluwer, 2007.
- With F. Heremans and D.-E. Philippe, *Financement bancaire*, Herentals, MonCode.be, 2007.
- "Le statut des actes d'exécution précédant l'accord des parties quant aux éléments essentiels et substantiels du contrat", *R.G.D.C.*, 2006, 448.