

AN UPTURN IN ARBITRATION - A REALISTIC PREDICTION - MONEREO MEYER MARINEL-LO ABOGADOS

Posted on 24/02/2008



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As a US-trained commercial arbitrator with a successful practise in Madrid, Calvin Hamilton, partner at Monereo Meyer Marinel-lo Abogados, is well placed to assess Spain's relative success in promoting itself as a venue for international arbitration.

Calvin Hamilton, socio de Monereo Meyer Marinel-lo Abogados, afirma que España es un centro atractivo para el arbitraje por tener una legislación moderna que ha sido arropada por los profesionales del derecho, la administración y la judicatura, lo cual no es habitual.

"Arbitration has been dragged from its anonymous hiding place and, for good or for bad, become mainstream," he says. "The Regional Authority of Madrid has made it their policy to promote arbitration here, and through its efforts there has been seemingly endless coverage of

developments."

While such attention may be unsettling for some the reasoning behind it is justified, believes Hamilton. It is important to catch the eye of international players, but his almost 20 years in Spain have demonstrated to him that the country has a tradition of underselling itself.

"Spain has clear attractions as a seat for international arbitration: modern legislation, a receptive judiciary and the clear support of the legal Bars. We have seen the promotion of the 2004 UNCITRAL-modelled Ley de Arbitraje by law firms, Spain's arbitration institutions, and by the public administration – all of which has been endorsed by a number of senior judges."

His international perspective reinforces his belief that the establishment of the Club Español del Arbitraje has also helped to promote and strengthen the disparate skills of Spain's legal community, and to reinforce the core principles of independence and professionalism.

Hamilton accepts however that the results of such efforts will only be seen when disputes begin to emerge from contracts recently drafted, and which refer to Spain as a venue for arbitration. Perhaps the biggest tangible success he says therefore has been the willingness of corporate lawyers to incorporate arbitration clauses in contracts.

"There is clearly no time frame for when a dispute may arise, but there is no reason to believe that the prospect of Spain as a venue for international arbitration has been overplayed. In fact we believe that the coming years will see significant change."