

INDUSTRY AND SECTOR TECHNICAL EXPERTISE IS NOW CRITICAL IN ARBITRATION - AAMM

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With demand for arbitration proceedings in Portugal on the rise, the requirements for industry and sector technical expertise has become key for arbitrators, says Paulo de Moura Marques, founding partner at AAMM.

"Alternative dispute resolution is becoming more and more visible in non traditional fields such as public construction contracts and public concessions. Even in cases when there was no specific arbitration requirement in the contract, we now see parties agreeing to submit specific conflicts to arbitration," he says.

"There are many advantages to solving a dispute or conflict via arbitration, it is competitive, relatively faster and can be done privately. There is also an increase in mandatory arbitration, particularly in patents in the pharmaceutical sector. Mandatory arbitration can be quite controversial."

However, a rise in arbitration cases does not necessarily translate into more lawyers active in the market, de Moura Marques points out.

"It is a relatively restricted field, so it takes a long time to learn the expertise and earn the reputation to become a lawyer in the field, the same applying to an arbitrator. It is no longer enough to know the procedures and regulations; you have to learn the technical side of the sector and industry of your clients."

The quest for talent

Finding the talent with the experience and the technical know-how to handle this demand is quite a challenge for law firms, explains de Moura Marques: "I've noticed a rise of full service law firms which used to keep the work in-house setting up strategic partnership with arbitration experts, and completely referring the arbitration work."