

PORTUGUESE CLIENTS INCREASINGLY TRYING ADR TO SETTLE DISPUTES - SPS ADVOGADOS

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The timescale and costs associated with litigation means clients are showing a greater tendency to consider mediation and arbitration

Clients in Portugal are making a greater effort to resolve their disputes via methods of alternative dispute resolution (ADR) rather than becoming involved in litigation, says SPS Advogados partner Carla Azevedo Gomes.

She adds that clients are increasingly looking to settle disputes before progressing to litigation due to the fact that court cases can take a long time to resolve and can be costly. In addition, Azevedo Gomes says the "rigidity and complexity" of court decisions is encouraging clients to turn to ADR to settle disputes.

"Clients in general, individuals or companies, are trying to avoid litigation by working through their problems directly," says Azevedo Gomes. She adds that lawyers are also increasingly focusing on ADR work. "Recently, lawyers and law firms who realise that lawsuits are not always the most practical method for reaching a settlement are working hard in arbitration and mediation, which are widely accepted as alternatives to civil actions in public courts."

However, Azevedo Gomes also acknowledges that, despite the desire to use ADR to resolve disputes, such efforts are not always successful. "Attempts at ADR often fail leaving the courts as the only solution," she says. She adds that a major challenge is convincing clients of the benefits of ADR. "Some clients need to move away from the court litigation mindset and consider alternative dispute resolution," Azevedo Gomes argues.

With regard to the biggest opportunities for dispute resolution lawyers, Azevedo Gomes highlights consumer rights litigation, regulatory litigation, as well as contentious matters relating to data protection and cyber protection, as growth areas. "These areas are pushing lawyers to develop their technical capabilities," she says. Azevedo Gomes adds that such matters will become 'day-to-day' work that law firms will do for clients.