

# USE OF MEDIATION IN PORTUGAL SET TO INCREASE - AAA ADVOGADOS

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**Few clients currently resort to mediation in Portugal, but its popularity in other jurisdictions means that it will become a more common method of resolving disputes**

Mediation is not yet common in Portugal for cultural reasons, but it will start to become increasingly popular due to it being frequently used at international level, says José Jácome, partner at AAA Advogados in Lisbon.

"Despite being a form of alternative dispute resolution that is followed worldwide, mediation is not really used in Portugal as yet," he says. "There are practically no mediation procedures and few clients resort to it."

Given that major international clients are familiar with mediation, it was thought that Portuguese clients would also use it to settle disputes, according to Jácome.

However, this has, so far, not been the case. "Our clients prefer using arbitration and the courts, which isn't entirely logical because in fact, mediation could be a good solution for many cases."

The fact there is little demand from Portuguese clients for mediation means the nation's lawyers do not have much experience of this method of resolving disputes, says Jácome. He believes the lack of willingness to use mediation as an alternative to litigation is due to cultural traits specific to Portugal. "I think it is a cultural particularity that has something to do with the fact that our country is small and the legal community is small as well," he explains. "And because we all know each other, there is just not sufficient distance – mediation is very face-to-face." However, given that mediation is widely used internationally, Jácome expects this mindset to finally start changing. "For the time being, mediation remains quite new to Portugal, but I definitely think we will start seeing more activity," he says. "It is certainly starting to be discussed within our legal community, the reason being that if mediation is a good thing for most developed legal communities around the world, then it should work for Portugal as well."