

## International Arbitration

### WHY K&L GATES? KEY DISTINGUISHING FEATURES OF OUR ARBITRATION PRACTICE

At K&L Gates, we are proud of our track record in dispute resolution. At the same time, we are mindful that clients select advisers on more than their track record alone. Over the years, we have evolved our client-representational skills and services in a number of ways which we believe gives our clients additional material value. By way of example:

**Our Global Platform** — K&L Gates' network of more than 40 offices provides a fully integrated platform for providing excellent client service. We are frequently engaged in transnational cases where a profound understanding of different cultures and practices in various jurisdictions is of key importance.

**Clause Drafting and Investment Protection** — Our lawyers regularly advise on the negotiation and drafting of arbitration clauses, taking into account our clients' interests and the underlying circumstances. Our investment protection team can also assist in the structuring of transactions in a manner that maximizes tax efficiency and minimizes political risk.

**Internal Dispute Resolution Policy Review**—Changes to relevant procedural laws and arbitration rules, combined with important decisions by local courts in key jurisdictions means companies should be reviewing their internal policies. We regularly assist our clients in such reviews, particularly those that engage in cross border commerce.

**Tribunal Selection** — One of the most important decisions that a party makes in an arbitration is the selection of the arbitrator(s) who will determine the dispute. By means of our knowledge and experience of arbitrators, we are extremely well positioned to assist in getting the “right” tribunal.

**Guidance on Process and Knowledge of Arbitrators** — Our experience in conducting arbitration means that we are able, within the framework of any relevant institutional rules and applicable procedural law, to identify the procedure (for example in terms of scope and presentation of evidence) which best suits your case and your interests. Our knowledge of arbitrators means we are also well placed to ensure that your case is presented in such manner as is most likely to appeal to the majority of the tribunal, bearing in mind their particular likes/dislikes and their overall approach.

**K&L Gates' Arbitrators** — A number of our lawyers regularly sit as institutionally appointed or party-nominated arbitrators. This experience of acting as arbitrator can prove invaluable when it comes to acting as counsel for a party and in deciding what methods and strategies are most likely to be effective with the arbitral tribunal.

**Alternative Fee Agreements** — We recognize that in many instances clients seek a closer relationship with their law firms, as well as a willingness on the part of the law firm to share in the risks and rewards of the engagement. Our firm has pioneered the concept of “partnering” and has a track record of being responsive to client requests for innovative and mutually beneficial alternative fee structures, where appropriate and where permissible under relevant regulatory and ethical rules.

**Cost Projections/Budgeting** — We seek to reduce and manage any concerns on this topic through preparation of a carefully considered cost projection, setting out estimated time scales and costs for each stage of the process, to assist you in your budgeting and management of cash flow during the arbitration. We structure our teams, in terms of seniority and geographical location, so as to ensure your case is handled as cost efficiently as possible.

**Early and Ongoing Case Assessment** — We conduct a thorough case assessment and evaluation early on in any case, identifying the strengths and weaknesses and discussing with our clients the likely outcomes. We keep cases under close review and keep our clients advised on strategy, including any possibilities for settlement, throughout.

**Our Technology Advantage** — Our e-Discovery Analysis and Technology (e-DAT) Group counsel and efficiently deal with e-disclosure, in various large scale disputes. We also operate evidence presentation systems and risk assessment systems. Web based technologies are used for both client and internal collaboration and communications, including client extranets, allowing us to work seamlessly across borders.

**Events and Publications** — In order to provide our clients with added service, we keep them informed of developments in arbitration practice by way of newsletters (in particular, *Arbitration World*), in-house training, and seminars, including our arbitration symposiums, and dinner debates.

For further information on how K&L Gates' arbitration team can help you, please contact Ian Meredith in our London office at +44.(0)20.7360.8171 or [ian.meredith@klgates.com](mailto:ian.meredith@klgates.com).