

The lawyers in Thommessen's litigation department have long and broad experience from large and small Norwegian and international lawsuits, both before the ordinary courts and before arbitral tribunals.



## LITIGATION AND ARBITRATION

### Focused specialisation

**- Integrity, a strong work ethic and quality work make this firm stand out.**

#### Chambers & Partners

*Do you choose your counsel based on litigation experience or professional knowledge within the relevant area of law?*

*Do you prefer your counsel to be an expert litigator with the right personal qualities?*

The best way of conducting any lawsuit requires expertise that can only be acquired through focused specialisation – something Thommessen places great emphasis on.

We think it is important that litigation should be treated as a separate legal field, which is why we have a separate litigation department consisting of lawyers with comprehensive practical experience from large and small, Norwegian and international cases, both before the ordinary courts and arbitral tribunals.

The advantage of having a separate litigation department is that our lawyers are well versed in the conduct of proceedings before the courts, and we can assemble a team at short notice if required. Our litigation lawyers can quickly assess the grounds for an action, i.e. we evaluate the litigation risk.

#### **BROAD PROFESSIONAL EXPERTISE**

Thommessen's litigation department assists the firm's other departments in running lawsuits in all areas of commercial law. The department therefore reflects the professional experience and depth of the firm as a whole.

Thommessen has 22 lawyers who have been admitted to the Supreme Court, and most of them are in the litigation and arbitration department.

#### **PERSONAL QUALITIES ARE AN IMPORTANT FACTOR**

At Thommessen we want our lawyers to be enthusiastic. They must not only have the necessary qualities to be successful litigators, but also like what they do. This is important if we are to achieve the best results for our clients.

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**– The firm fields a number of excellent litigators.**

**Chambers & Partners**

The fact that our lawyers have comprehensive litigation experience means that we are experts in settlement negotiations and are skilled at finding the best possible solutions for clients without necessarily having to litigate a case to its final conclusion.

### **CHOICE OF DISPUTE RESOLUTION MECHANISM**

An agreement between two commercial parties normally contains provisions for the resolution of potential disputes. However, the parties do not always have a clear preference as to whether the dispute should be resolved by arbitration or before the ordinary courts. Our lawyers are used to providing assistance in connection with all forms of dispute resolution and will, in each case, provide guidance on the preferred form of dispute resolution together with the opportunities and limitations that these give rise to.

### **A DISPUTE CAN OFTEN BE TIME-CONSUMING FOR KEY PERSONNEL IN A COMPANY**

One of the greatest challenges of a legal dispute is that management is removed from the day-to-day operations of the company to work on a dispute that has arisen. Their focus is taken away from the core operations and tasks of running the company. Protracted legal disputes are any manager's nightmare. As counsel for the business environment, it is therefore of key importance to master alternative forms of dispute resolution that may shorten the proceedings.

### **ALTERNATIVE DISPUTE RESOLUTION**

Parties to contractual disputes are often in existing business relationships. For these parties it is important that a legal dispute does not spoil future relations. Alternative dispute resolution, such as various forms of mediation, can seem less contentious than legal proceedings and can help maintain good business relations. All lawyers in our litigation department have extensive experience of mediation, whether mediation led by the court or mediation led by lawyers.

### **ARBITRATION – AN ALTERNATIVE TO LITIGATION?**

If alternative forms of dispute resolution do not produce the desired result, the legal dispute must then be decided by a court. Arbitration is a "private" legal procedure which can be agreed after the dispute has arisen, although in practice it is usually agreed in advance. When parties decide on entering into a contract, how future disputes in connection with the contract are to be decided, there are a number of factors that can – and should – be decisive as to whether the parties should agree on arbitration or allow the ordinary courts to resolve the dispute.

In arbitration, the parties themselves can influence the composition of the arbitral tribunal. The parties have the opportunity to appoint individuals they trust and who have the particular professional qualifications that are relevant to the issue at hand. This increases the likelihood of a correct

outcome and at the same time allows the proceedings to be concentrated.

This arrangement requires a good dose of thoroughness both from the lawyers and the arbitrators. Especially in large cases, which in the ordinary courts often would be litigated at least at two instances. Arbitration will mean that the dispute is settled far more quickly as it is resolved at only one instance.

Parties involved in arbitration are often business associates. Many parties therefore wish to be discrete about the fact that they are involved in a legal dispute. In ordinary legal proceedings, the proceedings – as well as the final rulings – are usually public. However, arbitration is a private dispute resolution where the parties, in principle, have control of the dispute in the same manner that they have control of the agreement.

In arbitration, the parties must pay the legal costs of the arbitral tribunal themselves, which usually means higher costs than the court costs for ordinary legal proceedings. However, in arbitration the parties are free to decide how the proceedings should be conducted since the parties are not obliged to follow the occasionally rigid procedural rules contained in the Norwegian Disputes Act. The proceedings can be adapted to the parties' requirements.

This requires experienced arbitration lawyers. You will find them at Thommessen.

## RECOGNITION FROM THE MARKET

Each year journalists from international journals carry out surveys and rankings of the largest law firms. Thommessen always comes out very well in these surveys. Thommessen is recognised for professional quality and breadth of experience within most areas of expertise, and is rated as one of Norway's leading commercial law firms.

The journalists rank both law firms and individual lawyers in Norway, Scandinavia and the rest of the world. They are known for their thorough and detailed surveys, which include interviews with both clients and other lawyers. For several years in a row, Thommessen has emerged victorious from the annual rankings of *Chambers and Partners* and *The Legal 500*. The surveys are given a great deal of weight internationally and are based on who the clients consider to be the best lawyers.



**- The firm combines substantive knowledge with the procedural expertise borne of a strong tradition in litigation to provide clients with a top-tier service.**

**Chambers & Partners**

### Chambers 2009

Dispute Resolution

Leading firms

**Band 2: Thommessen**

[www.chambersandpartners.com](http://www.chambersandpartners.com)

### The Legal 500 - 2009

Dispute Resolution

Leading firms

**Tier 1: Thommessen**

[www.legal500.com](http://www.legal500.com)

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