



Litigation, Arbitration and Investigations

DLA Piper's lawyers are skilled in litigation, arbitration, investigations and ADR and will deploy that experience to help you devise the best strategies.

We have the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies. We regularly handle technically challenging and complex multi-jurisdictional matters. Our global reach allows us to provide you with fully integrated teams and consistent quality wherever you do business. We work with you to manage potential risk and implement the most effective solutions to reduce costly escalation. We aim to solve complex business disputes as swiftly and effectively as possible and provide solutions which are aligned with your business objectives.

DLA Piper's global team of disputes and regulatory lawyers is the largest dedicated disputes practice globally as recognized by *The Lawyer's Top 50 Litigation* survey.

In an environment where regulation and its enforcement will only increase, we recognize that effective compliance and avoidance of regulatory intervention are business critical issues.

Globalization of world markets has brought limitless commercial opportunities. However, it has also increased the potential for legal liability by exposing corporations around the world to financial and reputational risk across multiple jurisdictions. Mitigation of those risks requires early engagement with experienced lawyers who understand the cultural as well as the legal and regulatory landscapes but who will also drive relentlessly to deliver results for their clients when a dispute or regulatory intervention is unavoidable.

CAPABILITIES

We manage every type of dispute or contentious problem, quickly marshalling national and international teams.

- Antitrust and competition
- Banking and finance litigation
- Class Actions
- Contentious M&A
- Commercial contract disputes
- Cross-border litigation
- Employment litigation and dispute resolution
- Energy disputes

KEY CONTACTS

James M. Brogan

Partner
Philadelphia
T: +1 215 656 3350
james.brogan@dlapiper.com

Jean-Pierre Douglas-Henry

Partner
London
T: +44 (0)207 153
7373
JP.DouglasHenry@dlapiper.cc

RELATED SERVICES

- Corporate
- Employment
- Finance
- Intellectual Property and Technology
- International Trade, Regulatory and Government Affairs
- Projects, Energy and Infrastructure
- Real Estate
- Tax
- International Corporate Reorganizations

RELATED SECTORS

- Energy and Natural Resources
- Financial Services
- Insurance

- Environmental, health and safety disputes
- Infrastructure and construction disputes
- Insurance and reinsurance disputes
- International arbitration
- IT and telecoms disputes
- Marine and aviation disputes
- Patent and IP litigation
- Product Liability, Mass Torts and Product Stewardship
- Public international law
- Administrative law
- Real estate litigation and planning disputes
- Securities and enforcement litigation
- Tax disputes
- White collar and corporate crime

- Life Sciences
- Industrials
- Technology

INSIGHTS

Publications

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

Disputes, Issue 2

28 January 2021

DISPUTES

In this issue, we look at the split among the federal circuits over what it means to "exceed authorized access" in violation of the Computer Fraud and Abuse Act; the ways in which the federal courts apply the Supreme Court's recent limitations on equitable disgorgement; ways to mitigate liability risk in unauthorized financial transfers; considerations for employers as they develop policies regarding use of cannabis in their workforce; and the critical importance of escalation protocols in corporate whistleblower programs.

No firing for lighting up? Cannabis in the workplace

28 January 2021

Appropriately addressing cannabis usage in the workplace while navigating anti-discrimination protections for workers.

Six months after *Liu*: The SEC and disgorgement

28 January 2021

In the wake of *Liu*, several open questions are only now starting to work their way through the courts.

Supreme Court dives into circuit split over the Computer Fraud and Abuse Act

28 January 2021

What does it mean to "exceed authorized access" to an Internet-connected device?

The missing link in whistleblower programs – the escalation protocols

28 January 2021

A fixed set of escalation protocols helps ensure that a whistleblower program functions efficiently.

Trial attorney Buffy Mims joins DLA Piper in Washington, DC

28 January 2021

Buffy Mims has joined DLA Piper's Litigation and Regulatory practice as a partner in Washington, DC.

Unauthorized financial transaction fraud: Mitigating liability risks

28 January 2021

Prudent financial institutions are seeking to protect themselves against liability for third-party fraud and accountholder carelessness.

Protecting Your Company's Competitive and Technological Advantage through Enforcing Restrictive Covenants Against Former Employees in China: Update on Recent Cases and Legislative Developments

26 January 2021

In this article, we discuss whether and how companies may enforce restrictive covenants and protect their confidential information and trade secrets by looking at some recent cases and legislative developments.

Germany Foreign Direct Investment (FDI) Control: Massive Extension of Scope

25 January 2021

For the fourth time within one year, Germany will broaden the reach of its foreign direct investment control system.

Fatal air pollution: A subject for group actions in the UK?

21 January 2021

It has long been recognised that air pollution, in the form of particulates, and sulphur and nitrogen oxides, has an extremely detrimental effect on health – particularly in heavily populated urban areas with high traffic densities.

Boardroom Brexit: What the deal means for dispute resolution

31 December 2020

BOARDROOM BREXIT

This was one of the most contentious areas in the negotiations as both sides wanted assurances that the other party would honour the commitments contained in the TCA in the future.

Boardroom Brexit: What the deal means for state aid and competition

31 December 2020

BOARDROOM BREXIT

EU state aid law applies to assistance from state resources that is selective in its application and that has a potential effect on trade between EU member states and competition.

The Pharmaceutical Corner

22 December 2020

A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

Delhi and Gujarat High Courts give the nod to Indian parties choosing a foreign arbitration law and a foreign seat of arbitration

18 December 2020

November 2020 welcomed a flurry of decisions demonstrating the increasingly pro-arbitration approach of courts in India. The proposition of whether two Indian parties may choose a foreign law to govern the arbitration and a foreign seat of arbitration has drawn much debate over the years. The Delhi High Court in *Dholi Spintex Pvt. Ltd vs Louis Dreyfus Corporation India Pvt. Ltd.* answered the question in the affirmative and held that two Indian parties can choose a foreign law as the law governing the arbitration. The Delhi High Court also reiterated the principle of limited interference in international arbitrations by courts.

Securing evidence during the COVID-19 pandemic (Koldyeva v Motylev)

15 December 2020

The English High Court has recently handed down two separate judgments in *Koldyeva v Motylev & others*, spanning a number of applications aimed at tracing funds in support of a Russian bankruptcy order: a worldwide freezing order, a passport surrender order, Norwich Pharmacal orders, and search orders.

Cyberfrauds and Cyberattacks: Remote Working Posing Increased Risks and How to Stay Protected

14 December 2020

Cybercriminals are becoming more sophisticated in the ways they facilitate cyberfrauds, with the increasing use of personalised messages on instant messaging platforms such as WeChat or WhatsApp and socially engineered phishing emails to deceive recipients to transfer funds, disclose sensitive information or click on malicious links.

REACH 2.0 – New EU Chemicals Strategy for Sustainability

10 December 2020

Chemicals are omnipresent in our everyday life and play a fundamental role as building blocks in technologies, materials and products. However, chemicals with hazardous components can also cause damage to human and animal health and the environment.

China's First Measures Under New Export Control Law Target Encryption Products

7 December 2020

China's new Export Control Law took effect on December 1, 2020. The next day, the Ministry of Commerce, together with the State Cryptography Administration and the General Administration of Customs, released a circular that includes the first list of products and technologies focusing on commercial encryption products and technologies.

Green light for Prudential and Rothesay's transfer

4 December 2020

In what is a significant decision for the insurance sector the Court of Appeal has overturned the High Court's refusal to sanction the transfer of a portfolio of annuity policies from Prudential Assurance Company Ltd ("Prudential") to Rothesay Life Plc ("Rothesay") under Part VII of the Financial Services and Markets Act 2000 ("Part VII").

Applying two principles of Islamic finance to create meaningful ESG initiatives

2 December 2020

Environmental, social and governance matters are a burgeoning issue on the agenda for businesses, governments and individuals alike. Companies are under increasing pressure to shift their focus from maximising profits and shareholder value to maximising value for all stakeholders.

Running the orange light: Halliburton v Chubb

2 December 2020

INSURANCE HORIZONS

On Friday, 27 November 2020, the Supreme Court handed down a long awaited judgment in Halliburton v Chubb that concerned the issue of when an arbitrator should make disclosure of circumstances which may give rise to justifiable doubts as to his/her impartiality.

India Update: Arbitration and Conciliation Ordinance (Amendment), 2020

1 December 2020

On 4 November 2020, the President of India promulgated the Arbitration and Conciliation (Amendment) Ordinance, 2020 (**Ordinance**), which amends sections 36 (Enforcement) and 43-J (Norms for accreditation) of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**). The Ordinance also omits the eighth schedule of the Arbitration Act, which deals with qualifications and experience of arbitrators.

Ireland - Global bribery offenses guide

1 December 2020

Case Law Update: COVID-19, Force Majeure, and Aircraft Leases

27 November 2020

As we enter the coronavirus (COVID-19) pandemic's "second wave" and aspirations for a "back to normal levels" rebound in 2021 for the aviation industry look less likely, the financial pressure point is quickly spreading from airlines to those up and down their vertical supply chain, notably aviation lessors.

Issue 5

23 November 2020

ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

As the world adjusts to a new normal, businesses across all sectors will be anticipating significant changes to their operations and priorities. Continued disruption across the Energy and Natural Resources (E&NR) sector may, for example, see participants seek to re-visit long-term contracts, with subsequent disputes being played out in court.

Current trends in investor state disputes in the telecommunications sector

9 November 2020

The telecommunications sector is one of the fastest growing sectors globally, and has played a critical role during the on-going Covid-19 pandemic in keeping the world interconnected. The high levels of activity in this sector have given rise to a corresponding increase in telecoms-related #disputes, including under investment treaties.

The Law Commission's review of the law on digital assets and smart contracts:

9 November 2020

On 21 September 2020, the Law Commission announced that it had begun work on two projects aimed at ensuring that "English law can accommodate two emerging technologies that could revolutionise commerce: smart contracts and digital assets."

A timely intervention: A drafter's perspective on the Protocol on Virtual Hearings in Africa

4 November 2020

AFRICA CONNECTED

VIRTUAL HEARINGS

Concerned about the effects if the COVID-19 pandemic on Africa's dispute resolution landscape, the Association of Young Arbitrators (AYA), bringing together arbitration practitioners in Africa under 40 years of age, launched its Protocol on Virtual Hearings in Africa (the Protocol) in April 2020.

Africa Connected: COVID-19 and the evolution of dispute resolution

4 November 2020

AFRICA CONNECTED

ISSUE 5

COVID-19 and the evolution of dispute resolution in Africa is the theme of this edition of Africa Connected. We have articles on issues ranging from third party funding and its implications in African disputes, to the use of virtual hearing platforms across the

continent. Jurisdiction-specific articles cover how the pandemic has affected legal practitioners - and the court system - in Burundi, Kenya, Nigeria and Tanzania.

Africa rising: Virtual hearings in international arbitration

4 November 2020

AFRICA CONNECTED

Before the COVID-19 pandemic, the legal community was dabbling in the use of virtual hearings in certain parts of the world. However, the imposition of national lockdowns, strict social distancing measures and travel restrictions has forced lawyers to move away from the comfort of traditional, in-person hearings, towards new-age virtual hearings held on electronic platforms.

COVID-19: The effects on dispute resolution in Nigeria

4 November 2020

AFRICA CONNECTED

Limited hearings, long adjournments, and restricted access to the courtrooms are some of the major effects of the COVID-19 pandemic on the delivery of justice in Nigeria. These issues have changed judges' and lawyers' attitudes towards the use of technology.

Civil lawsuits in Burundi during COVID-19

4 November 2020

AFRICA CONNECTED

The outbreak of the COVID-19 pandemic is unprecedented. COVID-19 has spread worldwide, and the Republic of Burundi has adopted preventive measures that have affected institutions' activities in different ways.

Embracing electronic court case management systems: Lessons from the Kenyan experience during COVID-19

4 November 2020

AFRICA CONNECTED

The Kenyan court system is anchored in common law, which is characterized by paper-based procedures and physical court appearances. The disruptions caused by the COVID-19 pandemic have shaken the very foundation of the system, forcing the judiciary to come up with measures to mitigate the effects and assure litigants of their right to a fair trial and access to courts.

Litigation funding in Africa: Maximizing opportunities

4 November 2020

AFRICA CONNECTED

The measures implemented by governments in response to COVID-19, coupled with the rapid economic downturn and ongoing uncertainty arising from the pandemic, have created the perfect storm. The outlook may seem bleak, but third-party funding offers a ray of hope for beleaguered boardrooms looking to maximize cashflow in this unpredictable period.

Opportunities of big data in law

4 November 2020

[AFRICA CONNECTED](#)

Across many industries, big data is being used to drive more informed and better decision-making. But despite the willingness to adopt new technologies, Africa has been slow to tap into its benefits.

SFO clarifies guidance on DPAs: Is the DPA model ready for take-off?

4 November 2020

On 23 October 2020, the Serious Fraud Office published a new chapter from its Operational Handbook which provides further guidance on the SFO's approach to Deferred Prosecution Agreements. Whilst the guidance does not introduce any major changes, it does provide clarity on the SFO's expectations of companies wishing to avoid prosecution.

Technology and the future of dispute resolution

4 November 2020

[AFRICA CONNECTED](#)

Technology affects the way we interact with one another, including regarding dispute resolution: it either generates new kinds of disputes which arise out of the new capabilities it offers, or it can help in the resolution of disputes. In this article we focus on how technology can assist in the resolution of disputes and how it can be leveraged in terms of promptness and efficiency.

The time is now for continental unity in African dispute settlement

4 November 2020

[AFRICA CONNECTED](#)

Africa is on the cusp of what could be a break in a decades-long cycle of poverty and economic shortcomings. Whether this cycle will be broken depends on the ability of African nations to put in place policies that attract and protect foreign and intra-African investment.

Zimbabwean courts: Catching up to the future

4 November 2020

[AFRICA CONNECTED](#)

The COVID-19 pandemic has caused a global shift in the way people work all over the world. There has been greater emphasis on virtual working, putting immense pressure on countries that were not prepared to shift to working virtually in important areas of the economy, with a big spotlight being on the courts.

Assessing ESG factors in the energy sector

27 October 2020

[ESG HANDBOOKS AND GUIDES](#)

A reference tool for energy companies as they discuss and refine their ESG programs.

Argentina: The year in review

26 October 2020

The last year has been a time of significant change in Argentina, including for international arbitration.

Brazil: Will COVID-19 mean more arbitrations against public entities?

26 October 2020

Recent legislative initiatives have created greater certainty for potential and existing parties looking to do business with Brazilian states or their instrumentalities.

Canada: Third-party litigation funding, enforcement of arbitral awards, admissibility of fresh evidence during court review

26 October 2020

Three recent decisions.

Chile: Drafting arbitration clauses in international contracts – practical aspects

26 October 2020

International arbitration has expanded considerably in recent years in Chile.

Peru: Top developments in international arbitration

26 October 2020

Major arbitration-related developments and cases recently decided in Peru.

Puerto Rico: Legal and practical aspects of international arbitration

26 October 2020

Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

Replacing NAFTA: What the USMCA means for the future of North American trade and investment – a Q&A

26 October 2020

Contributors from the US, Mexico and Canada discuss several key considerations.

US: Four significant developments in arbitration case law

26 October 2020

US-style discovery; compelling arbitration on the basis of equitable estoppel; class-wide arbitration when the arbitration agreement is ambiguous; ongoing use of the US DDCC for ICSID award enforcement.

USMCA investor-state dispute settlement provisions: Key differences for Mexico

26 October 2020

For ISDS claims, only after the local litigation requirement is fulfilled or 30 months have elapsed may certain substantive claims be

brought against a state.

Venezuela: Recent, significant commercial arbitration developments include several Supreme Tribunal cases

26 October 2020

Recent significant developments in Venezuela's arbitration landscape.

China's New Export Control Law

19 October 2020

On October 17, 2020, the Standing Committee of China's National People's Congress passed the Export Control Law (the ECL), which will take effect on December 1, 2020. The ECL establishes China's first comprehensive framework for restricting exports of military and dual-use products and technology for national security and public policy reasons.

Update: The Singapore Mediation Convention and Enforcement of Settlement Agreements in India

13 October 2020

The Singapore Mediation Convention, formally known as the United Nations Convention on International Settlement Agreements Resulting from Mediation, came into force on 12 September 2020. The Convention provides a uniform, efficient framework for the recognition and enforcement of mediated settlement agreements that resolve international, commercial disputes – akin to the framework provided by the 1958 New York Convention for arbitral awards. As of 12 September 2020, the Convention has 53 signatories including the United States, China and India.

Revised ICC Rules in effect from 1 January 2021

9 October 2020

A new version of the ICC Arbitration Rules will come into effect on 1 January 2021 (**2021 ICC Rules**), replacing the 2017 Arbitration Rules. The updated rules were formally adopted on 6 October and intend to increase efficiency, flexibility and transparency, making ICC Arbitration more attractive to complex arbitrations on all scales.

Recent Breakthroughs for Foreign Arbitration Institutions in China

5 October 2020

On 7 September 2020, the State Council has further published the "Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors" further allowing foreign arbitration institutions to provide arbitration services in Beijing.

The gathering storm: COVID-19-related disputes in the financial services sector – A transatlantic perspective

5 October 2020

COVID-19 has caused the largest shock to the global economy in living memory. Whilst economic uncertainty, financial distress and market turmoil usually trigger increased levels of commercial litigation, the extreme conditions created by COVID-19 have primed the landscape for a pan-sector surge in financial services-related disputes.

Constitutional challenges to inter partes review – *Arthrex, Inc. v. Smith & Nephew, Inc.*

30 September 2020

This Appointments Clause challenge to the IPR process appears to have staying power.

The Pharmaceutical Corner

30 September 2020

In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

Disputes arising “under” a construction contract: An adjudicator’s jurisdiction

28 September 2020

Most of the analysis of *Bresco Electrical Services Ltd (In Liquidation) v Michael J Lonsdale (Electrical) Ltd* [2020] UKSC 25 has deservedly been on how the UK Supreme Court reconciled the statutory regimes for construction adjudication and insolvency set-off.

Online Arbitration Hearings: A review of key developments in response to COVID-19

28 September 2020

[VIRTUAL HEARINGS](#)

In this second report, we focus on arbitration and look at how arbitral institutions have adapted in response to COVID-19. We draw out some of the key legal as well as practical challenges faced, and we offer some observations on what the future may look like.

China’s Unreliable Entity List Provisions: Fighting Fire with Fire?

22 September 2020

On September 19, 2020, China's Ministry of Commerce issued the Provisions on the Unreliable Entity List (the “UEL Provisions”). The UEL Provisions establish formal mechanisms for sanctioning specific foreign entities and individuals for conduct inconsistent with the Chinese government’s core interests and policies.

The landscape after *Bresco*: *John Doyle Construction Ltd v Erith Contractors Ltd*

21 September 2020

The Supreme Court’s decision in *Bresco v Lonsdale* has been hailed by some as opening the floodgates to adjudications by insolvent companies. But as a series of recent judgments show, there remain a number of obstacles that will need to be overcome by insolvent entities seeking to enforce an adjudication award.

New amendments to Singapore’s International Arbitration Act

15 September 2020

A bill has been tabled in the Singapore parliament introducing amendments to the International Arbitration Act (IAA). According to the Singapore Ministry of Law, the amendments are aimed at enhancing Singapore’s status as an international commercial arbitration hub, and strengthening the state’s legal framework for international arbitration.

English High Court allows rare appeal of arbitral award on point of law

21 August 2020

The recent decision of *Tricon Energy Ltd v MTM Trading LLC* [2020] EWHC provides a rare example of the English High Court allowing an appeal against the decision of an arbitral tribunal on a point of law.

New Rules for a New Normal: The LCIA announces changes to its Arbitration Rules and Mediation Rules

14 August 2020

On 11 August 2020, the LCIA released an update to its LCIA Arbitration Rules and LCIA Mediation Rules (the "Rules"). The updates to the Rules will become effective on 1 October 2020, marking six years since the arbitration rules currently in force came into effect.

The end of Intra-EU BITs. Now what?

4 August 2020

In this second article, we will explore in more detail the fate of pending intra-EU arbitrations affected by the termination treaty and how States and claimants should deal with these arbitrations.

Class actions make it easier than ever to seek redress

28 July 2020

Businesses should note that they are at risk of increased exposure to claims once group proceedings are permitted in Scottish courts, write Alistair Drummond and Jen Talbot.

WIN Wise: Top tips for making the most of your IT contracts

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

Court of Appeal confirms mining company is not liable for human rights abuses in Sierra Leone

17 July 2020

Earlier this year, the Court of Appeal handed down its judgment in the case of *Kalma v (1) African Minerals Limited, (2) African Minerals (SL) Limited and (3) Tonkolili Iron Ore (SL) Limited*. In this case review, we consider the Court's findings in relation to (i) accessory liability and (ii) companies' duty of care when operating abroad.

Enforcement of foreign arbitral awards

17 July 2020

Foreign arbitral award holders who do not have a presence in India often face the dilemma of which Indian court to approach for the enforcement of their award. Some clarification was provided by the Supreme Court of India in 2018 in *Sundaram Finance Ltd. v. Abdul Samad & Anr.*, 2018 SCC 622, where the Court clarified that an award holder could initiate execution proceedings before any

court in India where assets are located. In the event that the subject-matter of the arbitration was of a specified value, commercial courts established under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 may have jurisdiction.

Reputation management during investigations: ZXC v Bloomberg LP

16 July 2020

The Court of Appeal has upheld the decision of Nicklin J which found that Bloomberg had breached the privacy rights of a US businessman when it published an article containing confidential details about a UK criminal investigation which he was subject to.

Global Class Actions Briefing: Major developments in European consumer protection laws: Product safety and consumer class actions in Europe

15 July 2020

The EU's proposals for a revised EU General Product Safety Directive (the GPSD) and the EU's deal for a Collective Redress Directive (the CRD) point the way to a future of heightened novel risk in Europe of collective redress or, as these claims are popularly known, "class actions".

One less gadget in the arbitration toolbox: International and offshore arbitrations are not entitled to US discovery in aid of foreign proceedings

13 July 2020

A ruling that is highly relevant to the private funds and offshore dispute practice areas.

Procurement Law Reform - Let's start a discussion

9 July 2020

DLA Piper's panel discussion webinar held on 1 July 2020 had a lively debate on the merits of potential options for reform and which changes might produce a better model for procurement regulation in the UK post Brexit. This is the first of a series of bitesize summary reports providing feedback from the debate.

A successful s67 challenge: Silence did not confer authority to enter into an arbitration agreement

7 July 2020

The case *MVV Environment Devonport Ltd v NTO Shipping GmbH & Co. KG MS 'MV Nortrader'* was one of the few successful challenges to an arbitral award which we have seen before the English courts in recent years.

DC Circuit issues opinion on sovereign immunity defenses to the enforcement of arbitration award against foreign states

1 July 2020

Foreign states might not only be able to rely on the doctrine of sovereign immunity to protect themselves from final judgments, but also to avoid the burdens of litigation itself.

Allen v. Cooper: Supreme Court affirms state sovereign immunity in copyright case

30 June 2020

Under current copyright law, any effort by a state to provide alternate remedies for copyright infringement would be nullified by copyright preemption.

Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter

30 June 2020

A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

WIN Wise: Liquidated damages for delay in tech disputes

30 June 2020

The current COVID-19 pandemic is wreaking havoc on businesses and their operations across sectors and geographies. The unprecedented spread of the virus has had, and will continue to have, a profound impact upon both suppliers and customers in delivering technology projects on time and to budget.

A jurisdiction too far: The English Commercial Court declines to continue freezing injunctions in support of foreign and English seated arbitrations

26 June 2020

In *Petrochemical Logistics Ltd & Axel Krueger v PSB Alpha AG & Konstantinos Ghertsos*, the English Commercial Court declined to continue two freezing injunctions against the Defendants in support of both a London-seated LCIA arbitration and a Swiss-seated arbitration.

Protecting the attorney-client privilege while under quarantine: Five tips for protecting attorney-client privilege when using online collaboration tools

22 June 2020

With the increase in remote working comes an increased opportunity for attorney-client privilege issues to surface.

COVID-19 and Aviation in Africa: An Insight

18 June 2020

As a consequence of COVID-19 the aviation sector is experiencing a catalyst for enormous change [...] In Africa, airlines and the aviation sector must be supported if aviation is to continue to be the lynchpin that brings the world to its doorstep and with it the benefits that such an opportunity brings to the continent's economies.

Diary note of a remote mediation

16 June 2020

A colleague and I recently took part in a remote mediation over Skype. Given that there are likely to be many other litigating parties seriously contemplating the use of remote mediation (some with reservations), we thought that it might be helpful to share our own candid experience of a recent remote mediation.

Non-damage business interruption test case in the English Courts

11 June 2020

Significantly in the UK, the Financial Conduct Authority (FCA) is bringing a test action, in order to seek a declaratory judgment on a number of policy coverage questions arising from non-damage cover under business interruption (BI) policies, using the Financial Markets Test Case Scheme.

Top five factors for firms to consider when conducting remote investigations: new realities?

8 June 2020

The COVID-19 pandemic has forced many businesses to overhaul their working practices, as normal modes of working once taken for granted. These new modes of working raise novel practical issues with traditional investigative methods such as document collection/review and interviewing witnesses.

Preparing for global class actions arising from COVID-19

28 May 2020

The risk to companies of global and cross-border class action and collective redress proceedings is rising.

LCIA annual casework report shows continued growth and diversity in both its caseload and its choice of arbitrators in 2019

25 May 2020

On 19 May 2020 the LCIA published its annual casework report for 2019. The report provides a useful summary of trends in the LCIA caseload during last year, and demonstrates the global nature and variety of disputes referred to the LCIA, in particular the continued increase in the international appeal of the LCIA.

COVID-19 and investment claims under NAFTA

15 May 2020

An examination of whether measures taken by States in response to the pandemic could provide a basis for claims under the North American Free Trade Agreement and more.

Puerto Rico: Potential solutions for business agreements affected by the COVID-19 pandemic

15 May 2020

As businesses start to reopen and redefine their operations in Puerto Rico, they should also prepare for potential disputes.

Virtual hearings report

14 May 2020

[VIRTUAL HEARINGS](#)

This document presents the first global, empirical study on the use of virtual hearings during the COVID-19 confinement. This just one in a series of paradigm shifts that will affect the disputes market.

WIN WISE: IT Projects and dispute avoidance

14 May 2020

Underestimated costs, unexpected delays and poor governance are just a few of the reasons why some IT projects fail. COVID-19 has now potentially created the perfect storm. This dispute-avoidance checklist highlights what parties can do during the lifetime of an IT project to minimise the risk of disputes.

Post-COVID-19 sustainability and ESG disputes: pinch points and practical pointers

12 May 2020

Where businesses are putting all of their efforts into crisis mitigation and survival in response to COVID-19, it is worth considering the importance of balancing short-term mitigation measures with the preservation of long term value and sustainability and ESG commitments

COVID-19: New York and Other Northeast Council states take phased approach to reopening economy

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

New York state courts permit new filings in "non-essential" matters on May 4, 2020

5 May 2020

Latest developments impacting the court systems in New York.

Force Majeure Certificates in a global context: What are they and what is their effect?

30 April 2020

On 30 January 2020 the China Council for the Promotion of International Trade announced that it would offer Force Majeure Certificates to local businesses. The intention was to assist them in prospective disputes with foreign counterparties.

Post-COVID-19: What to expect in the "next normal"

30 April 2020

Issues that are front of mind, based on an informal survey of some of the largest companies and most influential global business leaders.

Litigation trends and risk management in the COVID-19 era

29 APR 2020

To help our clients anticipate and protect against the threat of litigation in these already difficult times, we are monitoring all COVID-19 related litigation filings, assembling the collective knowledge and experience of our lawyers across DLA Piper's global practices, sectors and jurisdictions to anticipate future trends, and proactively partner with our clients. This client alert provides a brief summary of the litigation trends that have emerged and which we expect will emerge, both in terms of class actions and other litigation, and offers some practical tips to minimize risks based on these developing trends.

Preparing for the COVID-19 class action: Is there an unexpected consequence lurking in your arbitration agreement's poison pill provision?

28 April 2020

Several decisions demonstrate that including a poison pill provision with a class action waiver that waives the right to seek public injunctive relief could render the entire arbitration agreement unenforceable.

ICC updates its force majeure and hardship standard clauses

27 April 2020

In view of the current uncertainty created by COVID-19, the International Chamber of Commerce has recently updated its "off the shelf" force majeure and hardship clauses. This article explains the relief that these two clauses offer and the main changes that the ICC has introduced in its standard clauses.

Attorney General Insights podcast with Maryland Attorney General Brian Frosh

24 April 2020

[ATTORNEY GENERAL INSIGHTS PODCAST](#)

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Maryland Attorney General Brian Frosh about the legal and organizational challenges that he and his fellow AGs are facing during the Covid-19 pandemic.

COVID-19: conducting internal investigations in remote work settings

24 April 2020

For companies conducting internal investigations or responding to an investigation, practical solutions in a time of distancing.

What COVID-19 could mean for the future of the Big Tech investigations

24 April 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Rather than hampering the investigations over the long term, the pandemic may open new lines of inquiry for antitrust investigators.

US antitrust enforcers on high alert for collusion in labor markets during COVID-19 pandemic

21 April 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

Antitrust enforcers are closely monitoring employer coordination to disadvantage workers.

COVID-19 – a legitimate basis for investment claims?

16 April 2020

This article considers whether measures taken by States in response to the COVID-19 pandemic could provide a legitimate basis for claims under bilateral investment treaties (BITs) or other investment protection instruments, and identifies some of the defences that may be available to States.

Coronavirus (COVID-19) – top tips for your commercial contracts including force majeure

16 April 2020

The outbreak of coronavirus COVID-19 is having a profound effect on the global economy, and a widespread impact on the ability of parties to perform their contractual obligations.

Anticipated increase in website and mobile application litigation as a result of COVID 19-pandemic: 12 practical steps toward compliance

15 April 2020

Companies are urged to take notice of these lawsuits, because the number of these cases is increasing and some have been very costly.

US CPSC advises consumers certain recall remedies may be unavailable due to COVID-19 – four key takeaways

15 April 2020

Guidance will evolve as the pandemic develops, and CPSC-regulated firms are encouraged to consider these actions.

Paradigm Change in Germany's Foreign Direct Investments (FDI) Law

14 April 2020

Germany's FDI rules so far had a reputation of not being very strong. In the past few years, only three transactions have been prohibited. This is set to change under a new bill.

COVID-19: New York State provides new guidance on essential businesses

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

Draft Bill No. 1179/2020 – a compass for Brazilian private law during COVID-19?

13 April 2020

Brazil's bill anticipates probable contractual breaches and defaults and a resulting increase in litigation arising from the pandemic.

Construction lien deadlines to be exempt from suspension of Ontario limitation periods

10 APR 2020

Many participants in the Ontario construction industry will breathe a big sigh of relief as the result of an announcement released on April 9, 2020 by the Ontario Attorney General.

The coronavirus COVID-19 pandemic in France – force majeure and contractual good faith

10 April 2020

The French economy is currently facing rather extraordinary circumstances both as a result of the coronavirus COVID-19 pandemic and the measures taken by the Government to fight it. This pandemic and its consequences may jeopardize the proper performance of contractual obligations by those who are bound by them. The issue of force majeure therefore arises.

Issue 4

9 April 2020

ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

In this fourth edition of the E&NR Case Law update we focus on cases from the last six months of 2019 which - even where they did not directly concern the energy sector - are of general application to the drafting and management of contracts by E&NR businesses.

Navigating your business through technology disputes risks

9 April 2020

Novel coronavirus disease (COVID-19) has completely rocked the business world and changed the operations and responses of companies around the globe. Technology is business critical to every company and sector. Whether you are a supplier or a customer with ongoing tech contracts - our clients are already encountering numerous key issues.

Coronavirus: Supplier due diligence for vetting Chinese medical suppliers for quality, safety, fair pricing and anti-corruption compliance

6 April 2020

Some key risks, and potential solutions to reduce cross-border operational risks.

Update: The Singapore Mediation Convention will come into force on 12 September 2020

6 April 2020

The Singapore Mediation Convention will come into force on 12 September 2020. This follows Qatar becoming the third country to ratify the convention on 12 March 2020, following Singapore and Fiji (both 25 February 2020).

Illinois courts' response to the COVID-19 pandemic

2 April 2020

The Illinois courts respond to the pandemic.

Coronavirus: How UK mortgage lenders and administrators can comply with FCA guidelines

1 April 2020

On 20 March 2020, the FCA published guidance for mortgage lenders and administrators aimed at helping them support customers

during the Covid-19 crisis. Alongside this guidance, the FCA has also published a related webpage with information for mortgage customers.

Coronavirus: What happens to my lawsuit now?

1 April 2020

Some of these shifts in legal practice may lead to long-term efficiencies that benefit clients and improve access.

DOJ increases scrutiny of nursing home industry

1 April 2020

DOJ is doubling down on its commitment to investigate and prosecute allegations of elder abuse and of substandard quality of care.

COVID-19 essential businesses: Anti-bribery and anti-corruption risks

31 March 2020

Given the significant impact of being deemed non-essential, businesses and employees are incentivized to ensure their business is deemed essential by local authorities – and this can pose anti-bribery anti-corruption (ABAC) risks to companies.

Coronavirus: State Attorneys General and the New COVID-19 Stimulus

30 March 2020

With the president's signature on March 27, 2020, the government passed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the largest economic stimulus package in American history. Passed in response to the coronavirus disease 2019 (COVID-19) pandemic, the CARES Act will have an enduring impact on the country for years to come, particularly so for the industries and businesses eligible for stimulus relief funds. The massive scale of the CARES Act immediately calls to mind questions about how the government will respond in its attempt to prevent fraud, waste, and abuse in carrying out the stimulus.

Coronavirus: US State AGs ramp up efforts to combat price gouging

29 March 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

State Attorneys General throughout the country are vigorously enforcing state unfair trade practice and price gouging statutes against those alleged to be taking advantage of consumers during the COVID-19 pandemic.

US Antitrust enforcers issue joint statement on competitor collaboration amid COVID-19 pandemic

27 March 2020

[ANTITRUST AND COMPETITION: NOVEL ISSUES IN A POST-CORONAVIRUS WORLD](#)

The US Department of Justice and Federal Trade Commission issued a Joint Antitrust Statement Regarding COVID-19, in which they announced an expedited procedure for evaluating proposed collaborations among competitors and other businesses working to address the pandemic.

Blockchain and Digital Assets News and Trends

25 March 2020

[BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS](#)

The age of viral outbreaks – key contract considerations in a post-COVID-19 world, plus latest legal, regulatory and case law developments around blockchain and digital transformation.

DLA Piper obtains approval of first coronavirus-impacted bankruptcy sale

25 March 2020

DLA Piper's Restructuring practice is at the forefront of the intersection of COVID-19 and bankruptcy.

Barclays SFO trial: Is corporate criminal liability dead?

24 March 2020

A jury cleared three former Barclays senior executives accused of conspiracy to commit fraud in connection with the bank's 2008 recapitalisation. Aside from bringing the seven-year case to a close, this verdict finally lifts the lid on the earlier rulings in the case which led to Barclays, the corporate entity, being thrown out of the case.

Coronavirus: Several state and local governments issue "shelter in place" orders (United States)

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen "Stay-at-Home" / "Shelter-at-Home"-type Orders. This alert provides details on a number of state and local government orders.

[UPDATED] New stay at home orders in California and Los Angeles: key highlights

23 March 2020

The orders all exempt various businesses from compliance, but the orders have different scopes.

Introducing the DLA Piper Project Simulator

17 March 2020

One of the most critical challenges faced by our global society is developing high-quality, sustainable infrastructure. To help businesses meet this challenge, DLA Piper has collaborated with leading strategy consultancy BTS to create **The DLA Piper Project Simulator (DPS)**, an interactive training tool.

Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

The Russian Supreme Court's first ever Plenum Resolution on Arbitration

13 March 2020

In December 2019 the Russian Supreme Court issued its first ever Plenum Resolution on Arbitration. A Supreme Court Plenum Resolution is a court act of the highest level, is binding for lower state courts and usually serves as a “bible” for judges dealing with the relevant topic.

Asia Pacific Arbitration Roundup 2019

12 March 2020

Welcome to the first edition of our new Asia-Pac Arbitration Roundup.

Maintaining the privilege: Procedure & Practice Privilege

11 March 2020

Jean-Pierre Douglas-Henry and Bryden Dalitz consider recent developments on legal professional privilege.

Singapore deposits instrument of ratification for the Singapore Convention

5 March 2020

Ambassador Satyendra Prasad of Fiji became the first two countries to deposit their instrument to ratify the Singapore Convention (also known as the United Nations Convention on International Settlement Agreements Resulting from Mediation).

ADGM Courts issue first arbitration-related judgements

3 March 2020

2019 saw the Abu Dhabi Global Market Court (ADGM Court) publish two arbitration-related judgments, the first published since its launch in December 2018. The first case related to the validity of an ADGM arbitration agreement (A3 v B3 [2019] ADGMCFI 0004) and the second related to the recognition and enforcement of a New York Convention award in the ADGM (and included an insight into the court's approach to the “conduit jurisdiction” question) (A4 v B4 [2019] ADGMCFI 0007).

US v. Hoskins: in setback for DOJ, court grants post-trial motion for acquittal on all FCPA counts

27 February 2020

The decision calls into question DOJ's aggressive approach to a narrow but significant class of potential defendants in FCPA cases.

How do you obtain permission to bring a derivative action?

21 February 2020

Saatchi v Gajjar offers a very useful and comprehensive review of applicable case law and as such can be seen as a guide to others seeking to pursue or defend derivative claims.

Update: The Hague Rules on Business and Human Rights Arbitration

18 February 2020

The recently released Hague Rules on Business and Human Rights Arbitration may assist and encourage the widening of the ambit of arbitration beyond commercial disputes to those concerning the effect of commercial activities on human rights.

Austria - Global bribery offenses guide

17 February 2020

When is an outbreak an act of God? Mitigating commercial and operational risks during the COVID-19 crisis (Global)

13 February 2020

A close look at a standard but often overlooked "act of God" or force majeure clause in contracts may provide some insight into options for mitigating commercial and operational risks during the ongoing health crisis.

COP25's key outcome: adoption of the San Jose Principles on carbon market mechanisms – takeaways for business

12 February 2020

Ambitious countries are not waiting for full consensus on carbon markets.

Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding (AsiaPac)

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

Construction delays arising out of the Novel Coronavirus outbreak (AsiaPac)

7 February 2020

Since the first case of coronavirus was confirmed in Hong Kong in early February 2020, the government has imposed various measures in an attempt to contain the spread of the coronavirus. The resulting impact of the novel coronavirus is far-reaching and affects every industry and business in Hong Kong. This alert considers some of the key issues that construction contractors and developers in Hong Kong may face. If you need any specific advice, please contact May Ng or Sandy Au for further details.

P v D arbitration claims under section 68 and 33 of the Arbitration Act 1996

29 January 2020

The decision from the English Commercial Court highlights the consequences for parties if they fail to interrogate fully opponent witnesses on key points of evidence, and for Tribunals of issuing awards inconsistent with unchallenged evidence or predicated upon a case that has not been advanced.

DLA Piper and the Centre for Effective Dispute Resolution collaborate on Business and Human Rights Mediation Initiative

24 January 2020

DLA Piper is working with the Centre for Effective Dispute Resolution, and a core task force of collaborators, to establish a mediation facility to support the effective resolution of disputes relating to environmental, social and governance or business and human rights issues.

Genocide Case Against Myanmar in the ICJ

24 January 2020

The International Court of Justice (ICJ) yesterday delivered an historic Order for provisional measures with respect to the application brought by The Gambia against Myanmar for allegations of genocide.

UAE Court Judgments automatically enforceable in the Courts of India

21 January 2020

On 17 January 2020, the Indian Ministry of Law and Justice published a notification in the official gazette, which means that judgments rendered by both the onshore and offshore Courts of the UAE will be enforceable in the Courts of India without a re-examination of the merits.

Top of Mind: Life Sciences

16 January 2020

Eight big topics that life sciences businesses have been thinking about and how DLA Piper has been covering those stories.

Witness Evidence Working Group report

8 January 2020

[INSURANCE HORIZONS](#)

On 6 December 2019, the Witness Evidence Working Group (WEWG) published its report on improvements to the current practice regarding factual witness evidence in the Business and Property Courts of England and Wales (BPCs).

Preventive Medicine: Official “Antimonopoly Compliance Guidelines for Business Operators” in China

10 December 2019

On 28 November 2019, the State Administration of Market Regulation (SAMR) released for public comment draft “Anti-Monopoly Compliance Guidelines for Operators” (the “Draft Guidelines”). These non-binding guidelines recommend measures for “business operators” subject to the Antimonopoly Law (AML) to develop and implement antitrust compliance programmes. The Draft Guidelines integrate prevailing best practices for international compliance programmes, while reflecting the unique challenges of antitrust risk management in China.

Angola - Global bribery offenses guide

4 December 2019

Argentina - Global bribery offenses guide

4 December 2019

Global bribery offenses guide

4 December 2019

In recent decades, improved standards in the identification and enforcement of international bribery offenses have provided the backdrop to a growing appreciation and management of bribery risk within the business community.

Jury acquits foreign national in apparent rebuke of DOJ's attempt to police overseas corruption

4 December 2019

The result highlights some significant issues that may, in some cases, limit the ability of the DOJ to prosecute foreign nationals for corruption overseas.

Tanzania - Global bribery offenses guide

4 December 2019

Mauritius - Global bribery offenses guide

4 December 2019

Australia - Global bribery offenses guide

4 December 2019

Burundi - Global bribery offenses guide

4 December 2019

Japan - Global bribery offenses guide

4 December 2019

Kenya - Global bribery offenses guide

4 December 2019

Kuwait - Global bribery offenses guide

4 December 2019

Luxembourg - Global bribery offenses guide

18 October 2019

Mexico - Global bribery offenses guide

4 December 2019

Morocco - Global bribery offenses guide

4 December 2019

New Zealand - Global bribery offenses guide

4 December 2019

Norway - Global bribery offenses guide

4 December 2019

Oman - Global bribery offenses guide

4 December 2019

Peru - Global bribery offenses guide

4 December 2019

Poland - Global bribery offenses guide

4 December 2019

Portugal - Global bribery offenses guide

4 December 2019

Qatar - Global bribery offenses guide

4 December 2019

Romania - Global bribery offenses guide

4 December 2019

Russia - Global bribery offenses guide

4 December 2019

Saudi Arabia - Global bribery offenses guide

4 December 2019

Singapore - Global bribery offenses guide

4 December 2019

Slovakia - Global bribery offenses guide

4 December 2019

Spain - Global bribery offenses guide

4 December 2019

Sweden - Global bribery offenses guide

4 December 2019

Thailand - Global bribery offenses guide

4 December 2019

Tunisia - Global bribery offenses guide

4 December 2019

Ukraine - Global bribery offenses guide

4 December 2019

United Arab Emirates- Global bribery offenses guide

27 September 2019

United Kingdom - Global bribery offenses guide

4 December 2019

United States - Global bribery offenses guide

4 December 2019

Zambia - Global bribery offenses guide

4 December 2019

Zimbabwe - Global bribery offenses guide

4 December 2019

Corporations need to remain vigilant amidst the rise of cyberattacks and cyberfrauds

2 December 2019

Recent figures show that Hong Kong and China remain the top destinations of fraudulent funds, most of which are the result of cyberfrauds. Read our article which gives helpful tips on how to avoid falling victim to these attacks.

Transaction monitoring – practical guidance for financial institutions from three recent cases

2 December 2019

Curbing fraud and money laundering are top of the international regulatory and political agenda. This article pulls together three recent high-profile decisions which clarify the standards currently expected of banks, in particular, and the financial services sector more generally.

Bahrain - Global bribery offenses guide

4 December 2019

Belgium - Global bribery offenses guide

4 December 2019

Brazil - Global bribery offenses guide

4 December 2019

Canada - Global bribery offenses guide

4 December 2019

Chile - Global bribery offenses guide

4 December 2019

China - Global bribery offenses guide

4 December 2019

Colombia - Global bribery offenses guide

4 December 2019

Czech Republic - Global bribery offenses guide

4 December 2019

Denmark - Global bribery offenses guide

4 December 2019

Ethiopia - Global bribery offenses guide

4 December 2019

Finland - Global bribery offenses guide

4 December 2019

France - Global bribery offenses guide

4 December 2019

Germany - Global bribery offenses guide

4 December 2019

Hong Kong - Global bribery offenses guide

4 December 2019

Hungary - Global bribery offenses guide

4 December 2019

Italy - Global bribery offenses guide

4 December 2019

The China International Commercial Courts confirms jurisdiction to rule on validity arbitration agreements

22 November 2019

The China International Commercial Courts (CICC) set up by the Supreme People's Court of China in June 2018 had recently published its first judgments confirming its jurisdiction to rule on validity of arbitration agreements and severability of arbitration agreements. This article provides an update on the latest development.

Sit Kwong Lam v Petrolimex Singapore Pte. Ltd

20 November 2019

The Hong Kong Court of Appeal was again asked to consider the correctness of the controversial approach adopted in the case of *Lasmos Limited v. Southwest Pacific Bauxite (HK) Limited (2018)*. This article provides an update and guidance on issuing statutory demands and commencing insolvency proceedings for debt recovery in Hong Kong.

Disputes, Issue 1

October 2019

DISPUTES

The inaugural issue of *Disputes* examines choice of law and the global class action; the slow death of agency deference; cybercrime via business email; the value of trade secret protection programs; the pre-service removal mechanism; and a significant decision regarding the *McDonnell* "official act" requirement.

Interim Measures now available for Hong Kong arbitrations from the PRC courts

21 October 2019

On 1 October 2019, the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

Issue 3

17 October 2019

ENERGY AND NATURAL RESOURCES CASE LAW UPDATE

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle. In this third E&NR Case Law Update, we draw together relevant themes emerging from recent

cases.

Prompt payment and adjudication have arrived in Ontario

17 OCT 2019

The second phase of Ontario's *Construction Act* reform has finally taken effect - as of October 1, 2019. Ontario construction contracts that meet the applicable transition test will now be governed by the new prompt payment and adjudication regime in the province. In addition, the Authorized Nominating Authority ("ANA") responsible for administering and overseeing the adjudication of construction disputes has now been established under the name, "Ontario Dispute Adjudication for Construction Contracts" or "ODACC".

This bulletin is an updated and supplemented version of a summary we published in April 2019, which takes into account these most recent developments. Please also look out for a further update on similar proposals and legislation across the country, which will be posted shortly.

US Supreme Court denies review of *Robles v. Domino's Pizza*, opening door to more lawsuits on website and mobile app accessibility claims

16 October 2019

Does the ADA apply to websites and mobile apps?

Brazilian federal government issues decree regulating arbitration in disputes between Public Administration and transport and logistics sectors

1 October 2019

The Brazilian federal government recently issued a decree regulating arbitration of disputes involving the Public Administration and relating to infrastructure projects – ports, roads, railways, waterways and airports.

Reflecting on unauthorised wealth orders: Considerations for mortgagees

2 September 2019

Unexplained wealth orders (UWO) were introduced in January 2018 and the National Crime Agency (NCA) has now successfully obtained five. All but one of the orders specifically target premium London properties; with the remaining order covering eight properties across the UK.

Issue 4: Managing Risks and Disputes

26 August 2019

DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS

This is the fourth of a series of fortnightly articles in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

Issue 3: Record-keeping matters

13 August 2019

DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS

This is the third of a series of fortnightly issues in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

Institution of civil class action takes effect in Russia

2 August 2019

On 18 July 2019, the President of Russia signed a law whereby lawsuits can be filed to protect groups of people in civil disputes (so-called "class action suits").

Issue 2: Follow Your Contract

26 July 2019

DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS

This is the second of a series of fortnightly issues in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts.

Issue 1: Know Your Contract

9 July 2019

DIGITAL TRANSFORMATION AND OUTSOURCING CONTRACTS

This is the first issue of a new fortnightly series in which we will give practical tips on how to avoid contractual issues arising out of digital transformation and outsourcing contracts. In particular, this issue emphasises the importance of knowing the contract, providing top tips as to how best to familiarise yourself with its content.

A gamechanger in international dispute resolution: the 2019 Convention on Enforcement of Foreign Judgments

8 July 2019

International commercial litigation is about to become radically more efficient, in a major development for international businesses. Under the Convention, a judgment given by a court of a Contracting State shall in principle be recognized and enforced in another Contracting State without any review of the merits.

British Standards Institution "Privacy – Raising the standard" Conference, 25 June 2019 in London

28 MAY 2019

We are pleased to announce that Bertold Bär-Bouyssiere, EU Competition Partner and Elected member of the International Board at DLA Piper, will speak at the conference "Privacy – Raising the standard" on 25 June 2019 in London.

Only if the cap fits: *Arkin* Cap not applicable in all funded cases

30 APR 2019

The High Court has recently held in *Davey v Money & Anor* that the *Arkin* cap, whereby the adverse costs liability of a commercial litigation funder is limited to the amount of its investment, should not be applied automatically in all cases involving commercial litigation funders.

Issue 2

25 April 2019

[ENERGY AND NATURAL RESOURCES CASE LAW UPDATE](#)

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle.

Getting ready for Ontario's new *Construction Act*

2 APR 2019

Industry observers in Ontario are now well aware of the scope of the changes introduced through the amendments to the old *Construction Lien Act*, giving us what is a dramatically different piece of legislation – the *Construction Act*. However, becoming familiar with these significant changes and implementing them in practice are two very different undertakings. With prompt payment and adjudication now around the corner, a refresher is therefore in order.

Global Insight - Issue 28, April 2019

2 April 2019

[RESTRUCTURING - GLOBAL INSIGHT](#)

News, views and analysis from DLA Piper's Global Restructuring Group.

Top of Mind: Litigation

20 MAR 2019

In this issue, our coverage of 10 big topics businesses have been thinking about this quarter.

Text, blood and rock 'n' roll

27 DEC 2017

You are not a "free bird" – the duty to preserve text messages may extend to third parties.

DLA Piper's 2016 Compliance & Risk Report: What CCOs need to know

19 APR 2016

Plan now to use off-band communications during an incident response: key points

27 OCT 2015

A robust IR plan should include communications techniques that operate outside regular company communication methods.

US courts affirm expansive discovery under 28 U.S.C. § 1782

29 SEP 2015

There is increasingly clear consensus among US courts giving § 1782 expansive reach.

Mexico's new National Anticorruption System: 7 key points

20 JUL 2015

Constitutional reform regarding the creation of the National Anticorruption System

Third parties: 4 FCPA takeaways for working with distributors

24 SEP 2014

Four key challenges and related "cures"

Tackling the realities of due diligence in a global setting

24 OCT 2013

For even the most conscientious of companies, hurdles exist to conducting fulsome due diligence in a global setting

Congress, Administration move forward to secure critical US infrastructure

11 JUL 2013

Growing whistleblower activity calls for close employer attention to retaliation issues

7 MAY 2013

Careful consideration must precede adverse action against purported whistleblowers

Cybersecurity and US federal public procurements: what contractors need to know

11 MAR 2013

Practical considerations for US federal contractors

What companies need to know about the Obama Administration's Cybersecurity Order

14 FEB 2013

Federal agencies, Congress accelerate defense against cyber attacks – every private company will be affected

21 Mar 2012

Whose followers are they, and how much are they worth?

3 JAN 2012

Events

Upcoming

DLA Piper Global Vis Pre-Moot 2021 St Petersburg

18-20 March 2021

[DLA PIPER PRE-MOOTS 2021](#)

Webinar

Previous

Global Disputes Forecast: 2021 - what does the future hold?

22 February 2021

Webinar

Milan Investment Arbitration Pre-moot

19-20 February 2021

DLA Piper Pre-Moots 2021

Webinar

Preparing for global class actions arising from COVID-19

16 June 2020 | 9:00 - 10:30 a.m. ET (Session one) | 8:00 - 9:30 p.m. ET (Session two)

Webinar

Force Majeure and US-China Contract Fulfillment Challenges

6 May 2020 | 7:00 - 8:00 PST

Webinar

DLA Piper Global Vis Pre-Moot 2020 St Petersburg

10-11 March 2020

DLA Piper Global Vis Pre-Moots Series 2020

St Petersburg

CIArb Australia Vis Pre-Moot hosted by DLA Piper

5-6 March 2020
DLA Piper Global Vis Pre-Moots Series 2020
Melbourne

DLA Piper Global Vis Pre-Moot 2020 Frankfurt

4 March 2020
DLA Piper Global Vis Pre-Moots Series 2020
Frankfurt

DLA Piper Global Vis Pre-Moot 2020 Rio de Janeiro

13-14 February 2020
DLA Piper Global Vis Pre-Moots Series 2020
Rio de Janeiro, RJ

DLA Piper Global Vis Pre-Moot 2020 São Paulo

13-14 February 2020
DLA Piper Global Vis Pre-Moots Series 2020
São Paulo, SP

The Seventh International Pre-Moot Amsterdam

6-9 February 2020
DLA Piper Global Vis Pre-Moots Series 2020
Amsterdam

TopCo liability panel

25 JUN 2019
London

Investment Arbitration Planning

13 MAY 2019
Tel Aviv-Yafo

Financial Services Class Actions 360°: What is on the horizon in 2019?

8 MAY 2019
London

DLA Piper Global Vis Pre-Moot 2019 (Madrid)

9 APR 2019
DLA Piper Global Vis Pre-Moots Series 2020
Madrid

DLA Piper Global Vis Pre-Moot 2019 (Paris)

8 APR 2019
DLA Piper Global Vis Pre-Moots Series 2020
Paris

DLA Piper Global Vis Pre-Moot 2019 (St. Petersburg)

27-28 MAR 2019
DLA Piper Global Vis Pre-Moots Series 2020
St. Petersburg

NEWS

DLA Piper helps CAPE win High Court claim for seller misrepresentation

9 February 2021
DLA Piper has advised China Agri-Products Exchange Ltd, a company listed on the Hong Kong Stock Exchange, on a complex cross border litigation heard in the High Court of Hong Kong.

DLA Piper strengthens North Asia Arbitration offer with new partner hire

13 January 2021
Global law firm DLA Piper today announces that Tony Andriotis has joined the firm in its Tokyo office as a partner to lead the International Arbitration practice in Japan.

DLA Piper wins TMT Finance M&A Global Telecom Deal of the Year

8 December 2020
DLA Piper is pleased to announce that they have received the TMT Finance M&A Global Telecom Deal of the Year for their representation of T-Mobile and Deutsche Telekom in the T-Mobile-Sprint merger.

'Industry standard' for use of arbitration platforms moves a step closer as pan-firm collaboration receives support

30 November 2020
Plans to standardise the approach to online case management in international arbitration are a step closer to reality, after a draft protocol received positive feedback from an industry-wide consultation.

DLA Piper arbitration practice recognized as world leading by Global Arbitration Review

14 July 2020

DLA Piper has been recognized once again as having one of the world's leading international arbitration practices.

DLA Piper boosts financial services litigation capability with partner hire in Australia

6 July 2020

Global law firm DLA Piper announces that financial services dispute resolution and class actions lawyer Matthew (Matt) Spain has joined the firm, effective today.

Law firms collaborate on industry first to accelerate tech adoption in international arbitration

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

DLA Piper announces partnership promotions for 2020

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

DLA Piper hires new partners in Australia

23 April 2020

Global law firm DLA Piper today announces that leading tax disputes partner Paul McNab and litigation lawyer John Fogarty will be joining the firm in May.

DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

DLA Piper appoints Head of Global Government Affairs team

6 March 2020

DLA Piper announces the strengthening of its Global Government Affairs team with the appointment of Richard Sterneberg who will head up the team in its Brussels office. Richard brings with him over 20 years of experience working in Brussels as a global government affairs expert.

DLA Piper senior associate Wincen Santoso admitted as a Fellow of the Chartered Institute of Arbitrators (CI Arb), the United Kingdom

17 December 2019

DLA Piper is pleased to announce that Wincen Santoso, an Indonesian and New York qualified senior associate in Singapore, has been admitted as a Fellow of the Chartered Institute of Arbitrators (CI Arb), the United Kingdom, a leading professional membership organization representing the interests of alternative dispute resolution practitioners.

DLA Piper launches its Global Litigation Guide

3 December 2019

DLA Piper has launched its 'Global Litigation Guide', which covers aspects of civil litigation in 30 jurisdictions worldwide.

DLA Piper announces launch of Artificial Intelligence practice

14 MAY 2019

DLA Piper announced today the launch of its Artificial Intelligence practice, which will focus on assisting companies as they navigate the legal landscape of emerging and disruptive technologies, while helping them understand the legal and compliance risks arising from the creation and deployment of AI systems.

DLA Piper advised Geophysical Sub-Strata on its tap sale of US\$114.5 million Guaranteed Medium Term Notes

4 APR 2019

DLA Piper has advised Geophysical Sub-Strata Ltd. on the tap sale of US\$114.5 million 8% Guaranteed Medium Term Notes due 2023 as Series 001, Tranche 002 under the Company's US\$400,000,000 Guaranteed Multicurrency Medium Term Note Programme.

DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.
