



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

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INSIGHTS

Publications

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.

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.

***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.

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.

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.

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.

Virtual hearings report

14 May 2020

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

Illinois courts' response to the COVID-19 pandemic

2 April 2020

The Illinois courts respond to the pandemic.

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.

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.

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.

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.

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.

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 (United States)

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.

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.

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.

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.

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.

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 in the business and human rights arena.

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.

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.

Argentina - Global bribery offenses guide

4 December 2019

Angola - Global bribery offenses guide

4 December 2019

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

Australia - Global bribery offenses guide

4 December 2019

Kuwait - Global bribery offenses guide

4 December 2019

Morocco - Global bribery offenses guide

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Norway - Global bribery offenses guide

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18 October 2019

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United Arab Emirates- Global bribery offenses guide

27 September 2019

Zambia - Global bribery offenses guide

4 December 2019

New Zealand - Global bribery offenses guide

4 December 2019

Zimbabwe - Global bribery offenses guide

4 December 2019

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.

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.

Canada - Global bribery offenses guide

4 December 2019

Bahrain - Global bribery offenses guide

4 December 2019

Ethiopia - Global bribery offenses guide

4 December 2019

Belgium - Global bribery offenses guide

4 December 2019

China - Global bribery offenses guide

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Colombia - Global bribery offenses guide

4 December 2019

Chile - Global bribery offenses guide

4 December 2019

Czech Republic - Global bribery offenses guide

4 December 2019

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.

Partial commencement of the Competition Amendment Act 18 of 2018

19 July 2019

Certain provisions of the Competition Amendment Act 18 of 2018 came into effect on 12 July 2019. The amendments have a strong public interest focus and are expected to have a significant impact on market participants and the regulation of competition in South Africa.

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.

ITC Section 337 Update

11 APR 2019

A quick look at the last 10 years.

Global Insight - Issue 28, April 2019

2 April 2019

[RESTRUCTURING - GLOBAL INSIGHT](#)

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

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.

Top of Mind: Litigation

20 MAR 2019

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

Explainability: where AI and liability meet

25 FEB 2019

Makers and users of AI face a new and interesting problem: what is the acceptable tradeoff between explanation and accuracy?

Russia's Supreme Court demonstrates a pro-arbitration approach

15 FEB 2019

On 26 December 2018, the Russian Supreme Court issued a review of Russian court practice relating to international and domestic arbitration, and the enforcement and recognition of awards (Review).

Keeping watch on smartphone app payments in China

7 FEB 2019

Now could be a good time to think about the level of transparency your company may have in connection with smartphone app payments by your employees.

EU Member States issue a joint declaration on the legal consequences of the *Achmea* decision

18 JAN 2019

On January 15, 2019, the Member States of the European Union (EU) issued several declarations on the legal consequences of the *Achmea* decision on the regime of investment protection and, in particular, investment arbitration.

EU Policy & Regulatory Update - EU Adds Three Iranian Persons to EU Terrorist List

14 JAN 2019

On 8 January 2019, the Council of the European Union (EU) adopted Decision (CFSP) 2019/25 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP.

Inconsistent dispute resolution clauses - when should the "one-stop shop" give way to gravity?

27 DEC 2018

Where, in complex commercial arrangements, there is a multiplicity of agreements, problems associated with inconsistencies between them abound. That can have significant consequences, particularly where there is an inconsistency between dispute resolution provisions in different but related contracts.

IP Litigation Powerhouse

21 DEC 2018

BTI's *Litigation Outlook* names DLA Piper an "IP Litigation Powerhouse," a "Standout" and "Complex Commercial Litigation Powerhouse."

What next as the UK Supreme Court rules on validity of Scottish EU Continuity Bill?

18 DEC 2018

On 13 December 2018 the UK Supreme Court issued its judgment on the UK Government's challenge to the validity of the Scottish Parliament's Brexit Bill. The Court decided that, except for one section, the Bill was valid when it was passed. However, as a result of the timing of the legal challenge and the subsequent changes made to the European Union (Withdrawal) Act by the UK Parliament prior to it passing, additional parts of the Bill cannot now take effect.

Global Insight - Issue 27, December 2018

17 DEC 2018

[RESTRUCTURING - GLOBAL INSIGHT](#)

As we send this final edition of Global Insight for 2018, Rick and I would like to thank you for your continued support of our multi-award-winning Global Restructuring Group.

Privilege - a checklist for in-house lawyers

13 DEC 2018

Legal professional privilege has recently been the subject of numerous important English court judgments, which have sought to restrict the applicability of legal advice privilege and litigation privilege.

Third party funding - an international outlook

13 DEC 2018

The third party funding market has seen exponential growth in recent years and, with both the number of funders and cases under their management growing year on year, the appetite of the market for good claims to fund shows no signs of diminishing.

European Court of Justice rules that the UK can unilaterally revoke its EU withdrawal notice

11 DEC 2018

On 10 December 2018, the Court of Justice of the European Union decided that the UK can unilaterally revoke its Article 50 notice to withdraw from the EU.

Top of mind: Litigation

10 DEC 2018

Our coverage of big compliance, enforcement and litigation issues that businesses are thinking about this quarter.

Martial law is introduced in Ukraine starting from 26 November 2018

28 NOV 2018

On 26 November 2018, the Parliament of Ukraine imposed temporary martial law in some regions of Ukraine approving respective Decree of the President of Ukraine. The martial law is introduced in response to escalation of Russian aggression in the Black Sea and the Sea of Azov. The Law will come into force only after it is officially published.

Supply chain human rights risk management: Blockchain and emerging technology

8 NOV 2018

Global businesses, financiers and investors are faced with an increasingly complex and interconnected legal, financial and reputation risk agenda related to human rights and other responsible business conduct issues.

Recent Landmark Case on Comparative Advertising in Hong Kong

12 OCT 2018

On 5 September 2018, the Hong Kong Court of First Instance handed down a significant win to Hong Kong Broadband Network Limited (HKBN) in dismissing a trade mark infringement claim brought against it by the PCCW-HKT group (PCCW). The case is the first decision the Hong Kong Court has made on section 21 of the Trade Mark Ordinance (Cap. 559) (TMO) and provided important guidance on the use of trademarks in the context of comparative advertising.

HKBN was represented by the legal team from DLA Piper Hong Kong led by May Ng, Partner, assisted by Queenie Chan, Associate.

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

3 OCT 2018

[RESTRUCTURING - GLOBAL INSIGHT](#)

Welcome to our 26th edition of Global Insight with another selection of restructuring items from our colleagues around the World.

Copyright in esports: a top-heavy power structure, but is it legally sound?

27 SEP 2018

Central to the esports industry are novel intellectual property issues arising from the structure of the esports ecosystem.

Four tips for an effective eDiscovery plan in China

19 SEP 2018

A timely and well-documented eDiscovery plan, comprehensively addressing compliance with local laws, can also go a long way to address potential post-collection inquiries.

Cross border trade: Contingency planning for a "no deal" Brexit

14 SEP 2018

The UK government has published a collection of technical guidance notices to assist companies trading in or with the EU to prepare for a "no deal" Brexit scenario, whereby the UK leaves the EU on 29 March 2019 without an agreement in place to govern the future UK/EU relationship.

The Second Circuit rules against DOJ's aggressive assertion of extraterritorial FCPA jurisdiction over foreign accessories

29 AUG 2018

The ruling stands to limit DOJ's ability to bring FCPA charges against foreign nationals who do not travel to the US.

6 trends will shape future international commercial disputes

28 AUG 2018

The world of international litigation and arbitration tends to move slowly, but the pace of change may accelerate as these trends take hold.

US-style class actions set for Scottish courts

8 AUG 2018

A new law in Scotland may expose financial institutions and businesses to large collective legal claims in future rather than just claims by individual litigants.

The GDPR's impact on internal investigations

10 JUL 2018

The impact of the European Union's General Data Protection Regulation on corporate internal investigations and criminal and civil litigation – both within the EU and abroad – has received little attention. Here, we take a look at the GDPR's privacy requirements through the lens of internal investigations and litigation.

International HR and employee discipline issues in FCPA matters

10 JUL 2018

Local laws, practices and cultural differences mean that the differences between investigations from one country to another, and the consequences of failing to understand them, can be significant. Here are some of the key considerations for multinational

employers when they are conducting cross-border investigations.

Declinations for self-reporting on the rise under FCPA Pilot Program and Corporate Enforcement Policy

10 JUL 2018

The DOJ appears to be following through on its pledge to increase declinations in exchange for self-reporting potential FCPA violations.

Decision of the German Constitutional Court on attorney-client privilege in internal investigations

6 JUL 2018

The current legislation and jurisprudence regarding information and documents derived from internal investigations is ambiguous. The German Constitutional Court decided on 6 July 2018 that the seizure of documents from an internal investigation in connection with the Diesel-investigations was lawful.

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](#)

[Previous](#)

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

DLA Piper Global Vis Pre-Moot 2019 (Rio de Janeiro)

14-15 FEB 2019
DLA Piper Global Vis Pre-Moots Series 2020
Rio de Janeiro, RJ

DLA Piper Global Vis Pre-moot 2019 (Amsterdam)

8-10 FEB 2019
DLA Piper Global Vis Pre-Moots Series 2020
Amsterdam

WIN Africa - Arbitration in Zimbabwe and investment disputes

7 NOV 2018

Are US-Style Consumer Class Actions Coming to Europe?

5 NOV 2018

Webinar

NEWS

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 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 launches commercial litigation offering in South Africa with key hire

30 January 2020

DLA Piper today announced the appointment of Kirsty Simpson as disputes director in the Litigation & Regulatory practice in South Africa.

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 grows Litigation & Regulatory practice in South Africa with new hire

1 August 2019

DLA Piper today announces the appointment of Werner Rysbergen as a new director in its Litigation & Regulatory practice, based in Johannesburg, South Africa.

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 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.

DLA Piper announces launch of Blockchain and Digital Assets practice

26 FEB 2019

DLA Piper announced today the launch of its Blockchain and Digital Assets practice, which will offer strategic advice on a global basis to address the needs of companies implementing blockchain technology solutions and creating and deploying digital assets.

Legal 500 names four DLA Piper lawyers as leading Africa specialists on the Private Practice Powerlist

11 FEB 2019

The Legal 500 has named four DLA Piper lawyers on its 2019 "Private Practice Powerlist, Africa Specialists".

Kate Brown de Vejar joins DLA Piper as global co-chair of International Arbitration

22 JAN 2019

DLA Piper announced today that Kate Brown de Vejar has joined the firm's Litigation practice as a partner in Mexico City and New York.

DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited. The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.

DLA Piper hosts inaugural Afghanistan-UK Business Conference

18 SEP 2018

DLA Piper's London office yesterday hosted the first Afghanistan-UK Business Conference, organised by the Embassy of the Islamic Republic of Afghanistan in London and the International Chamber of Commerce in Afghanistan. The event, aimed at further enhancing Afghanistan-UK bilateral business, trade and investment relations, was attended by over 100 participants including public and private sector leaders, potential investors, NGOs and consultants, amongst others.
