



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.

CAPABILITES

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

- Energy and Natural Resources
- Financial Services
- Insurance
- Life Sciences
- Industrials

- 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

- Technology
- Infrastructure,
Construction and
Transport

INSIGHTS

Publications

Litigation funding - An innovative solution to costly construction disputes

21 September 2022

In summary, litigation funding can be an extremely helpful alternative source of financing for construction companies which either need financial assistance to pursue claims, or otherwise see the benefit both of offloading the downside risk of litigation and of using third party finance to fund outstanding claims, allowing them to use their own finance to invest in their core business. Given this, it is unsurprising that litigation funding plays an increasing role in the resolution of construction disputes. This is evidenced by the number of funders that are continuing to enter the market and provide innovative solutions to cost constrained companies. DLA Piper also launched an independent funding company (Aldersgate Funding Limited) to meet this need and offer clients access to GBP150 million for funding large-scale litigation and arbitration.

With that said, obtaining litigation funding for complex construction disputes (and particularly single cases) is, not a straightforward process. The funder has to have sufficient information to predict the outcome with a reasonable degree of certainty and to carry out a cost-benefit analysis, and this takes time and effort. It is key that claimants engage an experienced law firm which is able to navigate the funding process efficiently and negotiate the best terms for their clients. Often, experienced firms have strong relationships with funders, making every aspect of the process smoother.

Harnessing the power of data analytics to drive compliance

19 September 2022

PRACTICAL COMPLIANCE

The age of data analytics in corporate compliance programs and regulatory enforcement is here.

Digital assets, their environmental impact, and litigation risk

7 September 2022

Following our recent Business Guide to Climate Disputes, in this article we examine some of the issues around the environmental impact

of digital assets and the associated business and environmental risks.

Developments in Saudi Arabia as an arbitral seat

5 September 2022

The Saudi Center for Commercial Arbitration (SCCA) recently published a progress report in the Global Arbitration Review on Saudi Arabia's arbitration friendliness and its path towards becoming a globally recognized arbitration seat.

Recalibrating its Focus: China Revises Filing Standards for Prosecuting White Collar Crimes

23 August 2022

China recently revised the filing standards for prosecuting an array of white-collar crimes. The revised standards halve the monetary thresholds for prosecuting crimes of offering or accepting bribes involving non-state functionaries. These revisions signal China's determination to crack down on bribery and corruption.

Blockchain and Digital Assets News and Trends

22 August 2022

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

Proposed legislation aims to strengthen CFTC oversight of crypto marketplace; SEC imposes automatic penalties for failure to comply with a consent order; NFT projects reconsider licensing strategies

eSignature and ePayment News and Trends

2 August 2022

[ESIGNATURE AND EPAYMENT NEWS AND TRENDS](#)

ULC approves important new amendments to the Uniform Commercial Code for state adoption.

Episode 5 - The fear, fanfare and future of NFTs

27 July 2022

[THE MEDIA SPORT AND ENTERTAINMENT LAW PODCAST](#)

Nick Fitzpatrick, Michael Fluhr, and Alex Steinberg come together to reflect on how the NFTs market has progressed and the latest issues they are seeing; including international perspectives on IP, commercial, and litigation-related challenges

Blockchain and Digital Assets News and Trends

25 July 2022

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

Bankruptcies begin for crypto firms as "crypto winter" settles in; two US states will tax income from NFT sales; agreement reached on EU's new MICA regulation

China's emerging data protection laws bring challenges for conducting investigations in China

25 July 2022

China has introduced a number of major data protection laws, including the Personal Information Protection Law and the Data Security Law. These new laws will pose significant challenges for companies when conducting or responding to investigations in China.

Third country subsidies – levelling the playing field

11 July 2022

On 30 June 2022, the European Parliament and EU Member States reached a political agreement on the Foreign Subsidies Regulation. The European Commission will be able to initiate investigations 6 months and 20 days after the FSR will have entered into force, the notification obligations for the companies will become effective three months later.

Episode 3: The impact of Environmental, Social and Governance factors on corporates

5 July 2022

[GLOBAL COMPLIANCE AND INVESTIGATIONS PODCAST](#)

A podcast covering key global issues relating to compliance and investigations.

Anti-money laundering: Global perspectives and updates

30 June 2022

Governments around the world are more determined now than ever to curb illicit financing in all forms.

France strengthens its whistleblowing regime: Focus on 3 key changes

30 June 2022

The law not only transposes the EU whistleblowing directive into French law, strengthening the country's previous regime, but actually goes beyond the directive's requirements.

Germany: five key aspects multinationals should know about the Anti-Bribery and Anti-Corruption law

30 June 2022

While Germany's Anti-Bribery and Corruption Law resembles its UK and US counterparts, it also poses unique risks.

Morocco: 5 hot compliance topics

30 June 2022

In Morocco, the sanitary crisis has shaped the actions of regulators, who are paying particular attention to economic actors' compliance in five key areas.

Real estate transactions are FinCEN targets: far-reaching impact of two proposed rules

30 June 2022

The proposed rules are a reminder of this Administration's commitment to the fight against corruption and illicit finance in the US real estate market.

Understanding how Thai law looks at bribery, gift-giving and appropriate controls

30 June 2022

Thailand's National Anti-Corruption Commission has issued guidelines for companies on internal control measures appropriate to prevent bribery; the country also regulates the giving of gifts or benefits to public officials.

Supreme Court limits the use of 28 U.S.C. § 1782 discovery in international arbitration

27 June 2022

This decision largely puts an end to a long-standing debate.

Dobbs v. Jackson Women's Health : Implications for business of a post-Roe landscape

23 June 2022

Dobbs raises a number of important questions for companies and entities.

The tale of Zhongshan Fucheng v. Nigeria: how investment treaties help safeguard Chinese investments abroad

14 June 2022

Thanks to schemes such as the Belt and Road Initiative, Chinese investment across the world has grown exponentially in the last decade. Cross-border trade and investments however are prone to a wide range of risks including adverse actions from host states.

Blockchain and Digital Assets News and Trends

16 June 2022

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

Responsible Financial Innovation Act, the new proposed crypto regulation bill, provides some clarity on tax issues.

The Global Crackdown on Money Laundering

15 June 2022

Governments and corporations in the world's major financial centres have long talked tough on anti-money laundering (AML), but their actions have not always shared the force of their words.

Episode 2: EU Whistleblowing Directive – the key issues to know

25 May 2022

GLOBAL COMPLIANCE AND INVESTIGATIONS PODCAST

A podcast covering key global issues relating to compliance and investigations.

New DIAC 2022 rules launched: A comparison of key changes

24 May 2022

The Dubai International Arbitration Centre (DIAC) has recently issued the DIAC Arbitration Rules 2022 (the Rules), which came into effect as of 21 March.

Blockchain and Digital Assets News and Trends

23 May 2022

BLOCKCHAIN AND DIGITAL ASSETS NEWS AND TRENDS

OECD releases public consultation document on crypto tax reporting in effort to increase transparency.

Caught between a rock and a hard place: Dealing with blocking statutes when conducting investigations in Asia

23 MAY 2022

Dealing with “blocking statutes” has become the harsh reality for multinational corporates when conducting cross-border investigations. These statutes may apply to a corporate by virtue of their “home” jurisdiction (ie where they are incorporated or have their principal place of business), where the investigation takes place, or even where pieces of evidence may be located.

Defining 'cyber crisis': The new Thai guidelines on cyberthreat levels

23 MAY 2022

Following our last article on the rights and obligations of Organizations of Critical Information Infrastructure (OCII), at the end of 2021, the Thai government issued guidelines intended to assist these organizations in classifying cyber threats they face. In this piece, we examine what these guidelines mean for OCII, and how OCII may appropriately consider these guidelines when conducting cybersecurity reviews or when responding to regulators.

In the hot seat: Climate change litigation risk in Australia

23 MAY 2022

This article takes a look at trends in Australia as it has the second largest number of climate cases globally. These trends are likely to emerge throughout Asia, and Asian companies investing in Australia also need to understand these trends.

SEACHange Issue IV: May 2022

23 MAY 2022

SEACHANGE

Our latest covers various developments in the disputes and cybersecurity space, touching on Australia, Singapore and Thailand.

We also examine how corporates can tackle the challenges posed by “blocking statutes” to the conduct of internal and regulatory investigations in Asian markets. This has become a hot issue given the trend of regulators and governments enforcing and enacting legislation to limit the sharing of evidence out of their respective jurisdictions.

Watch where you seat: Singapore High Court clarifies that Law of Seat governs subject matter arbitrability at the pre-award stage

23 MAY 2022

Subject matter arbitrability refers to the power of an arbitrator to hear certain categories of disputes as a matter of public policy. Naturally, national laws vary in the extent to which they limit arbitrable subject matter. Generally, disputes or claims relating to commercial or contractual matters are arbitrable, whereas criminal, family, bankruptcy, and insolvency matters are not.

Case Note - *Tushita Technologies Ltd v MJ Protective Services Group Pty Ltd* [2022] NSWSC 413

10 May 2022

DLA Piper's Insurance team in Sydney successfully defended an application by a plaintiff in the Supreme Court of New South Wales to join the insurer of a named defendant (which was in liquidation) to the proceedings under the *Civil Liability (Third Party Claims Against Insurers) Act 2017*.

Africa, In The Vanguard: Africa's Role In Shaping The Future Of Investor-State Arbitration

12 April 2022

DLA Piper is delighted to have collaborated with Nairobi Centre for International Arbitration to produce an article regarding "Africa, In The Vanguard: Africa's Role In Shaping The Future Of Investor-State Arbitration" in its Alternative Dispute Resolution Journal. The journal provides a platform for scholarly dialogue on pertinent issues relating to the reform of the investor-state dispute settlement regime.

Fast fraud facts: News from *Occupational Fraud 2022: A Report to the Nations*

7 April 2022

Did you know that organizations worldwide lose five percent of their revenue each year, for an estimated total of \$4.7 trillion dollars, to occupational fraud on an annual basis? In the recently published 2022 version of the *Occupational Fraud Report*, the most comprehensive global study by The Association of Certified Fraud Examiners to date, the true cost of fraudulent schemes for organizations is addressed.

Episode 1: Key trends across the globe in compliance and investigations

5 April 2022

[GLOBAL COMPLIANCE AND INVESTIGATIONS PODCAST](#)

A podcast covering key global issues relating to compliance and investigations.

Six ways the construction industry is innovating to deliver ESG demands

21 March 2022

Following COP26, national governments are enacting legislation to combat the effect of the climate crisis. The world's industries, construction among them, are reflecting and assessing how they can adapt to deliver the environmental, sustainability and governance (ESG) demands of the marketplace.

Singapore imposed sanctions on Russia

11 March 2022

On 5 March 2022 the Ministry of Foreign Affairs of Singapore announced the imposition of sanctions against Russia.

Reduction of French solar tariffs – how can investors protect their rights

10 March 2022

In this briefing, we summarize the key regulatory changes which will impact solar projects and identify the avenues available to investors to protect their interests, and the long-term returns on their investments.

Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking, and with fines of up to 10% of global turnover, it is a big risk to take.

A Corporate Governance “Boost” – The MAS Revises Guidelines for Financial Institutions and Insurers*

22 February 2022

On 9 November 2021, the Monetary Authority of Singapore issued revised Guidelines on Corporate Governance for Designated Financial Holding Companies, Banks, Direct Insurers, Reinsurers and Captive Insurers which are Incorporated in Singapore. The revised Guidelines will take effect throughout 2022 and are designed to provide Singapore with a further improved business environment, coupling high governance standards and greater corporate management flexibility.

Getting Real “Bite” in the Year of the Tiger: The New Singapore Workplace Discrimination Guidelines*

22 February 2022

During 2022, the Singapore Government looks set to enshrine into law some or all of the principles currently contained in the Tripartite Guidelines on Fair Employment Practices in relation to workplace discrimination. With the introduction of Singapore’s first workplace discrimination legislation and a newly formed discrimination tribunal, the TGFEF will finally receive their missing teeth – find out what it means for your business operations in Singapore.

No Win, No Fee: Singapore Embraces Conditional Fee Arrangements*

22 February 2022

Boosting its popularity as a global arbitration seat, Singapore has passed a law that allows conditional fee arrangements (CFA) in international and domestic arbitration proceedings, certain proceedings of the Singapore International Commercial Court and related court and mediation proceedings. A CFA is an agreement between the client and legal counsel which provides for the whole or part of the lawyer’s fees and costs in dispute resolution proceedings to be payable only in specified circumstances, such as where the client succeeds in the claim, or where certain agreed outcomes are achieved. The introduction of the CFA framework aligns Singapore with other jurisdictions, such as England & Wales, Australia, and Canada, each of which have allowed CFAs in various forms for some time.

Raising the Bar on Blowing the Whistle: China's New Whistleblower Rewards Measures Provide Additional Incentives (and Controls) for Whistleblowing

22 February 2022

China's new *Whistleblower Rewards Measures* provides up to RMB1 million (approx. USD157,000) in rewards for the reporting of major violations of China's various market conduct regulations. The regulations aim to provide greater incentives to whistleblowers and deter illegal activities in the market more effectively, particularly in light of the increased importance of whistleblowing across different industries in China in recent years. In light of these new measures, companies with operations in China should implement or strengthen their internal controls and reporting mechanisms.

Is litigation funding compatible with Shariah principles?

31 January 2022

This article explores the principles of litigation funding, why it is becoming increasingly attractive and whether it is compatible with Islamic Finance principles.

Tortious claims and climate change: Where are we now?

31 January 2022

What should be the response of tort law to climate change? That starkly put is the key issue raised by this appeal.

Mauritius - Global bribery offenses guide

11 January 2022

Angola - Global bribery offenses guide

11 January 2022

Argentina - Global bribery offenses guide

11 January 2022

Australia - Global bribery offenses guide

11 January 2022

Austria - Global bribery offenses guide

11 January 2022

Bahrain - Global bribery offenses guide

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Belgium - Global bribery offenses guide

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Brazil - Global bribery offenses guide

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Czech Republic - Global bribery offenses guide

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Denmark - Global bribery offenses guide

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Ethiopia - Global bribery offenses guide

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Finland - Global bribery offenses guide

11 January 2022

France - Global bribery offenses guide

11 January 2022

Germany - Global bribery offenses guide

11 January 2022

Global bribery offenses guide

11 January 2022

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.

Hong Kong - Global bribery offenses guide

11 January 2022

Hungary - Global bribery offenses guide

11 January 2022

Ireland - Global bribery offenses guide

11 January 2022

Italy - Global bribery offenses guide

11 January 2022

Japan - Global bribery offenses guide

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Kenya - Global bribery offenses guide

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Kuwait - Global bribery offenses guide

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Thailand - Global bribery offenses guide

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Tunisia - Global bribery offenses guide

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Ukraine - Global bribery offenses guide

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United Arab Emirates- Global bribery offenses guide

11 January 2022

United Kingdom - Global bribery offenses guide

11 January 2022

United States - Global bribery offenses guide

11 January 2022

Zambia - Global bribery offenses guide

11 January 2022

Zimbabwe - Global bribery offenses guide

11 January 2022

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

With Civil Cyber-Fraud Initiative, government sharpens focus on cybersecurity obligations for government contractors

13 December 2021

Deploying the False Claims Act to pursue cybersecurity-related fraud.

Google files groundbreaking civil suit to disrupt massive botnet with blockchain backup system

10 December 2021

Civil actions to take down botnets have been around for years, but the blockchain aspect adds a new twist.

Law applicable to arbitration agreements: UK Supreme Court confirms law of the contract generally prevails

22 November 2021

In the eagerly anticipated judgment of *Kabab-jj v Kout*, the English Supreme Court upheld the Court of Appeal's 2020 decision in the same matter that when English law is expressly chosen by the parties to govern a contract, English law will also usually govern the arbitration agreement contained in that contract.

Russia signs the 2019 Convention on the Recognition and Enforcement of Foreign Judgments

22 November 2021

On 17 November 2021, the Russian Federation signed the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (Convention).¹ Russia is now the fifth state to sign the Convention along with Costa Rica, Israel, Ukraine and Uruguay, although no country has ratified the Convention and it has yet to enter into force.

¹ Convention

New developments in the Mexican energy sector generate uncertainty

17 November 2021

A discussion of relevant measures, criticisms and comments.

Successful asset preservation application in Mainland China prior to the recognition of Hong Kong arbitral award

17 November 2021

Following a victory in an arbitration at the HK International Arbitration Centre lead by DLA Piper Hong Kong, we have recently succeeded in assisting the Israeli client in obtaining an order from the Ningbo Intermediate People's Court for asset preservation prior to the recognition and enforcement of the HKIAC arbitral award in Ningbo, China.

An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

President of Mexico files constitutional reform bill on electricity

7 October 2021

The result may include serious consequences for private investors in the energy sector in Mexico.

Vale v. Steinmetz: The Court of Appeal re-emphasizes the consensual nature of arbitration and says “no” to third-party application of arbitral awards

4 October 2021

On 16 July 2021 the Court of Appeal handed down its judgment in Vale SA & Ors v. Steinmetz & Ors, dismissing an appeal to have litigation proceedings against the appellants summarily struck out on the basis of a determination in an arbitral award to which they were not parties.

Dubai issues decree to consolidate Dubai's main arbitral institutions into one new institution

27 September 2021

The Ruler of Dubai has issued Decree No. 34 of 2021 concerning the Dubai International Arbitration Centre, which aims to abolish the DIFC-based Emirates Maritime Arbitration Centre and the DIFC Arbitration Institute.

The ICC's 2020 Dispute Resolution Statistics

22 September 2021

The International Chamber of Commerce has recently published its annual Dispute Resolution Statistics for 2020. This article offers a summary of the key takeaways despite challenges posed by COVID-19.

Virtual Hearings 2021

21 September 2021

[VIRTUAL HEARINGS](#)

In this latest report in the Virtual Hearings series we set out a summary of data-driven conclusions and personal observations from clients and litigators from around the globe.

Chambers International Arbitration 2021 Global Practice Guide – Trends and Development in China

15 September 2021

China encompasses a number of arbitral jurisdictions, the most popular of which are in Hong Kong and China. In the past year, we continued to see a significant rise in the number of arbitration cases seated in Mainland China and Hong Kong and strong development of the arbitration market despite the pandemic.

Insights from the US: will knowledge, recklessness or negligence in Australian securities class actions actually change anything?

16 August 2021

Last week the Federal Government introduced permanent reforms to the continuous disclosure regime and misleading and deceptive conduct provisions in the *Corporations Act 2001* and *ASIC Act 2001* which provide that companies and their officers will not be exposed to civil liability unless they had a requisite mental element, being *knowledge, recklessness or negligence*. This change is in line with the recommendations of the Parliamentary Joint Committee for Corporations and Financial Services and also extends the temporary measures originally introduced at the height of the COVID-19 pandemic.

This change brings Australia's continuous disclosure regime closer to that of its counterparts in the United States and the United Kingdom, and there is much we can learn from our international colleagues.

Green -v- Betfred – online gaming platform unable to rely on exclusion of liability clauses to avoid pay-out to winning customer

2 August 2021

The growth of online gaming in England means that gamblers are now more likely to be found at computer screens than casino tables. This was illustrated by the case of *Andrew Green v Petfre (Gibraltar) Limited t/a Betfred* [2021] EWHC 842 (QB).

Personal liability of a director and liability of an agent – the cautionary tale of Tattersalls Limited v McMahon

21 July 2021

Bloodstock auction sales are a common means of selling thoroughbred horses. It was such an auction that gave rise to proceedings in *Tattersalls Limited v McMahon* [2021] EWHC 1629 (QB). The case is an important one for any agent in the sports arena and beyond - read our full analysis of the case and recommendations.

Third time lucky: Triple Point in the Supreme Court

20 July 2021

The Supreme Court has handed down its long awaited decision on the question of whether delay liquidated damages (LD) provisions survive termination. The case related to a dispute between the parties as to how delay LD provisions apply where an English law contract is terminated prior to its completion, and the interpretation of contractual wording seeking to limit liability.

The DLA Piper Project Simulator – one year on

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

The LCIA 2020 Annual Casework Report

21 June 2021

The LCIA published its annual casework report for 2020, the report showed that during the COVID-19 pandemic the LCIA has continued to thrive, with more disputes being referred to the LCIA in 2020 than in any previous year. We have summarised below some of the key trends which emerge from the Report.

GAR guide to challenging and enforcing arbitration awards – Second edition

15 June 2021

The Global Arbitration Review's Guide to Challenging and Enforcing Arbitration Awards addresses the applicable standards for challenging and enforcing awards globally. We have authored a chapter outlining the challenges that may arise when trying to secure the awards.

Investment Arbitration in Africa

15 June 2021

Working with the Global Arbitration Review, we have published a new chapter on Investment Arbitration in Africa. Providing an overview of recent trends and developments in investment arbitration, the rise of investment disputes and the various initiatives to reform the ISDS system.

Reforms in the energy legal framework in Mexico and challenge mechanisms

4 June 2021

The Energy Counter-Reform includes variations which aim to restore the monopoly power of CFE and Pemex.

Navigating Saudi Supreme Court Guidelines for Force Majeure and COVID-19

24 May 2021

The concept of Force Measure is recognised across a number of Saudi Laws, including the Labor Law, the Government Tenders and Procurement Law, the Mining Investment Law, and the Civil Aviation Law. In addition, there is a separate, but similar, concept that is recognised in Saudi Law and by the Saudi Courts that businesses need to be aware of during the COVID-19 pandemic.

Human rights and environmental due diligence legislation in Europe – Implications for global supply chains

17 May 2021

This article highlights how companies with global supply chains can maintain/achieve compliance with human rights and environmental standards and safely navigate this new hard law regulatory landscape in the EU Member States France, the Netherlands, Germany and at EU level.

Paris Court of Appeal finds PCA lacked power to intervene in OIC investor-state arbitration

6 April 2021

The decision of the Paris Court of Appeal casts uncertainty on arbitrations under the OIC Agreement for which the PCA Secretary-General has agreed to act as appointing authority.

Representing individuals in interviews – the US perspective

30 March 2021

Determining whether to consent to an interview, and any interview itself, can be pivotal.

Human Rights Due Diligence Legislation in Europe – Implications for Supply Chains to India and South Asia

26 March 2021

For several decades, there have been increasing demands that multinational corporations should strive to increase the positive effects of their activities and minimize their negative impact in India and South Asia.

Revised IBA Rules on the Taking of Evidence in International Arbitration

17 March 2021

The International Bar Association has released its revised Rules on the Taking of Evidence in International Arbitration (**2020 IBA Rules**). The 2020 IBA Rules were formally adopted on 17 December 2020 and mark the first update to the rules since the 2010 edition (**2010 IBA Rules**). The revisions to the rules reflect developments in global arbitration practice, including the emergence of remote hearings and the growing need for data protection and confidentiality.

Away with anonymous shell companies for good?

12 March 2021

On 24 February 2021, Transparency International submitted a global petition to the UN General Assembly preparing for the United Nation's first ever Special Session against Corruption, UNGASS 2021, which will take place in June 2021.

Court of Appeal agrees it is arguable that a duty of care may arise in relation to end-of-life asset disposal

12 March 2021

On 10 March 2021, the English Court of Appeal handed down its decision in Hamad Begum (on behalf of MD Khalil Mollah) v Maran (UK) Limited.

Reform to the Electric Industry Law: a new risk for energy projects in Mexico

10 March 2021

Foreign investors involved in energy projects in Mexico may wish to consider their rights and potential remedies under applicable investment treaties.

Building and Construction security of payment regime

15 February 2021

In the recent decision of *Civil Contractors (Aust) Pty Ltd v Galaxy Developments Pty Ltd*, the Queensland Court of Appeal has provided important guidance to principals, contractors and adjudicators on the strict requirements of the security of payment regime, including the strict time limit that applies to the delivery of adjudicators' decisions. The decision may have serious practical consequences for adjudicators where decisions given late can be void on the basis of being out of time and therefore without jurisdiction, and in those instances adjudicators will not be entitled to their fees. The decision also serves as a useful reminder to contractors to be appropriately licenced and to understand the potential payment implications for licencing issues.

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.

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

25 January 2021

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

Updated guide to dispute resolution in the Middle East

22 January 2021

We are re-launching our online guide to navigating dispute resolution in the Middle East. The tool is an interactive guide designed to assist organisations in navigating the disputes process in the region.

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.

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.

Practical Compliance

8 December 2020

[PRACTICAL COMPLIANCE](#)

Q4 2020: Spotlight on real estate COVID-19 compliance.

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.

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.

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.

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.

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

Law à la Mode - INTA special edition: Dubai's d3; combating counterfeit goods online; our top 10 tips on IP protection for fashion items; and more

4 MAY 2015

LAW À LA MODE

DLA Piper's Fashion, Retail and Design group is pleased to bring you this special edition of Law à la Mode, marking the 137th INTA Annual Meeting in San Diego.

Law à la Mode: Falling foul of China's trademark system; Retailers need to prepare for the new EU Data Protection Regulation; and New developments in the framework of the copyright protection of handbags

2 FEB 2015

LAW À LA MODE

A quarterly e-magazine from our Fashion, Retail and Design Group with the latest industry news, comment and legal updates. This edition has been edited by our Italian colleagues.

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

Corporate Crime, Compliance and Investigations Symposium 2022

October 4 to October 27

Webinar

Day 1: EMEA Conference

13 October 2022

[DLA PIPER GLOBAL CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE CONFERENCE 2022](#)

Dubai

Day 2: Americas Conference

2 November 2022

[DLA PIPER GLOBAL CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE CONFERENCE 2022](#)

New York

Day 3: APAC Conference

24 November 2022

[DLA PIPER GLOBAL CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE CONFERENCE 2022](#)

Webinar

Previous

Using AI to monitor your compliance risks

31 March 2022

Webinar

Shift Happens: Tech, Trends & Tensions in International Arbitration

22 March 2022

Webinar

Whistleblowing laws of Europe

14 March 2022

Webinar

DLA Piper's inaugural Global Construction Conference – Day 4

11 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 3

10 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 2

9 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

DLA Piper's inaugural Global Construction Conference – Day 1

8 November 2021
DLA Piper's inaugural Global Construction Conference
Webinar

Korean companies in the global market – best practice to protect your foreign investments

5 November 2021
Webinar

White Collar Crime, Investigations and Compliance Symposium

5 October 2021
Webinar

What do in-house counsel expect from external firms during the arbitral process?

28 September 2021
Webinar

Webinar: The Lure of The East – Investment Opportunity and Risk for German Investors in Asia

21 September 2021
Webinar

Embracing Digital Evolution

15 September 2021
Webinar

Part 2 - Use of FIDIC for offshore projects

26 May 2021
Webinar

Webinar: Managing internal investigations across the Middle East

24 May 2021
Webinar

Shut down your investigation immediately

27 April 2021
Webinar

Pan-European Week: Crime made Clear – Navigating criminal and compliance risks

19 April 2021

DLA Piper Global Vis Pre-Moot 2021 St Petersburg

18-20 March 2021
DLA Piper Pre-Moots 2021
Webinar

FDI screening rules and EU/China Comprehensive Agreement on Investment

17 March 2021
Webinar

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

Planning for an Uncertain World

16 November 2020
TechLaw Event Series
Webinar

NEWS

DLA Piper secures victory for the Republic of Guinea in multi-billion euro dispute with BSGR

26 May 2022

DLA Piper has obtained a significant win for the Republic of Guinea in its multi-billion euro investment arbitration against BSGR. The arbitration concerned development rights over the world's largest iron deposit, Simandou.

DLA Piper strengthens regional litigation capability with appointment of new head

14 March 2022

DLA Piper has appointed Andrew Mackenzie as a Partner and new Head of its Litigation, Arbitration and Investigations practice in the Middle East.

DLA Piper named to *Global Investigation Review's* GIR 30 list of leading investigations practices

11 November 2021

DLA Piper is pleased to announce that the firm has been named to *Global Investigations Review's* annual list of the 30 top investigations practices worldwide, reflecting its reputation as one of the top global law firms with broad experience in complex investigations.

DLA Piper's Michael Ostrove appointed as the Vice-President of the ICC International Court of Arbitration

14 July 2021

Michael Ostrove, DLA Piper's Global Co-Chair of International Arbitration, has been appointed Vice-President of the ICC International Court of Arbitration.

Laura Ford recognised in GIR Women in Investigations 2021

20 May 2021

DLA Piper is pleased to announce that Laura Ford, a partner in the firm's Litigation and Regulatory practice, has been named by Global Investigations Review in its list of Women in Investigations, 2021.

DLA Piper launches dedicated dispute resolution service in Luxembourg

18 May 2021

DLA Piper is delighted to announce the launch of a dedicated dispute resolution service offering in Luxembourg for its clients.

DLA Piper launches Aiscension to help detect and prevent cartel activity in collaboration with Reveal

15 March 2021

- New offering delivers cutting-edge technology from *Reveal* alongside DLA Piper's first-class legal know-how
- Time and cost savings allow for companies to focus on detection
- Faster, more effective and better value than traditional technology assisted and manual reviews

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.