

# Should you be thinking about International Arbitration?

## TEN QUESTIONS WHICH INDICATE THAT YOU SHOULD

- 1 Are you located in a different jurisdiction to your counterparty?
- 2 Are your counterparty's assets for enforcement purposes located in a jurisdiction different from where legal proceedings would happen?
- 3 Is it clear which court (or courts) would take jurisdiction in the event a dispute arises in relation to your project or transaction?
- 4 Do you trust the judges in that court?
- 5 Do you trust the law which that court would apply?
- 6 Is there a risk that a judge would have insufficient qualifications and experience to be able to understand your dispute?
- 7 Is your project or transaction commercially sensitive or confidential, such that the client would be keen to avoid public proceedings in the event a dispute arises?
- 8 Do you want to avoid creating a legal precedent?
- 9 Do you want any dispute to be resolved in a neutral place, under a neutral law?
- 10 In the event of a dispute, would you want to limit your counterparty's ability to obtain your documents?

We can advise on the drafting of arbitration agreements so as to ensure that you avoid exposure to unfriendly courts and maximise your chances of an efficient arbitral process resulting in an enforceable award.

Please do get in touch if you would like to know more.



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