FT.com FINANCIAL TIMES

Innovative lawyers 2017: Dispute Resolution

FT.com Innovative Lawyers

Award	Law firm	Originality	Leadership	Impact	Total	Comment
Standout	VdA	9	9	9	27	The firm acted for Portuguese infrastructure group Brisal in a case that found the country's withholding tax regime was unfair. In the face of the European Commission's defeat on the same issue, lawyers came up with a new strategy based on calculating the losses Brisal had suffered. The European Court of Justice ruled that Portugal's handling of withholding taxes on interest payments between Brisal and its non-Portuguese lenders violated EU law.
Standout	Sidley Austin	8	9	9	26	The firm successfully challenged a German law that prohibited the online sales of discounted medicines across borders. Its argument to the European Court of Justice, on behalf of DocMorris, Europe's biggest online pharmacy, found the law contravened free movement of goods within the EU. Commended: Kristina Nordlander
Standout	McCann FitzGerald	7	9	8	24	Following the recall of faulty hip implants by its client DePuy, Irish courts potentially faced years of being clogged with patient claims. The firm developed an alternative dispute resolution process, which speeded up the claims process to 28 days.
Standout	Dechert	7	8	9	24	Acting for the government of Ecuador, the firm won a damages award of $42m against Burlington Resources, the US oil producer, in a rare counter-claim lodged in an investment treaty arbitration.
Highly Commended	Norton Rose Fulbright	8	7	8	23	A dispute between Lehman Brothers and ExxonMobil's financial services arm that followed the bank's collapse enabled the lawyers to establish what "close of business" means and whether emails are sufficient notice in "close-out valuations" in the trillion-dollar overnight market in government-backed securities.
Highly Commended	ClientEarth	6	9	8	23	As part of a series of successful challenges to the UK's intended actions to meet EU air quality standards, the legal pressure group used the courts to gain access to the government's air quality plan and the technical data underpinning it.
Highly Commended	Allen & Overy	7	8	8	23	The firm advised international investors to successfully seek redress under the widely recognised Energy Charter Treaty, following Spain's withdrawal of a favourable investment incentive scheme. Previous attempts to seek compensation through Spanish courts had failed.
Highly Commended	Wolf Theiss	7	7	8	22	The firm advised creditors involved in the restructuring of Austrian "bad bank" Heta, which emerged from the failure of Hypo Alpe Adria and its forced nationalisation in 2009. In 2015, Austrian authorities imposed a moratorium on debt repayments by Heta as part of its winding down. Heta was the first lender to be subject to the provisions of the EU's banking recovery and resolution directive (BRRD).
Highly Commended	Schellenberg Wittmer	7	7	8	22	The firm helped lead negotiations over the world's largest foreign corruption settlement in the US that followed the Operation Car Wash investigation into bribery surrounding Brazilian state-owned oil company, Petrobras. The $3.5bn settlement was struck following a trilateral international agreement between Swiss, US and Brazilian authorities.
Highly Commended	Matheson	8	7	7	22	The firm applied old common law to modern litigation, proving claims against HSBC in Ireland were frivolous. The case was dismissed at a preliminary stage, saving significant amounts of time and money.
Commended	Slaughter and May and Debevoise & Plimpton	6	8	7	21	The firms achieved the first major deferred prosecution agreement in the UK for their client, Rolls-Royce, following allegations of bribery and corruption against the engineering company. By avoiding trial, significant losses were mitigated for their client.
Commended	Pinsent Masons	6	8	7	21	When HM Revenue & Customs introduced a new rule authorising it to reclaim tax revenues under dispute before resolution, the firm identified a group of those affected and brought a judicial review. An injunction was granted against HMRC, allowing clients time to get their financials in order.
Commended	Freshfields Bruckhaus Deringer	6	8	7	21	The firm used a range of techniques to gather evidence and complete ground mapping of a dangerous area of Colombia to prove oil producer Equion had not damaged farmers' land when laying and operating a pipeline. The work has helped to protect Equion against spurious claims.
Commended	Ellex	7	7	7	21	Representing a minority shareholder in a damages case, the firm inverted the traditional approach to such cases by arguing that gains made by the defendant should be considered over damages suffered by their client. This was a first in Lithuanian case law.
Commended	Dechert	7	7	7	21	When MOL, the Hungarian oil and gas producer, was taken to court by the government of Croatia on allegations of bribery and corruption, the firm took on a criminal investigatory approach that involved using testimony of a former prime minister of Croatia and the UK police to have the charges dismissed.
Commended	Avellum	6	7	8	21	Acting for the bondholders of Ukrainian agricultural group Mriya Agro, the firm convinced the courts to admit new forms of evidence and helped to ensure that the rights of foreign eurobond noteholders will be protected under Ukrainian law.
Commended	Aequo	6	7	8	21	US magazine publisher Forbes successfully arbitrated against its Ukrainian licensee in relation to allegations that it had infringed the media group's editorial independence.
Commended	Sidley Austin	6	7	7	20	In an anti-dumping case brought to the Court of Justice of the European Union, the firm successfully argued that tax authorities should be subject to the same rules as individuals and companies and required to repay interest on refunded duties.

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