

Contract Management: Dispute Services

“They translate real-world problems into legal solutions.”

Chambers Global 2015

Core strengths

Simmons & Simmons offers dispute management services to its sector clients. We do so pragmatically and by merging contentious and non-contentious skill sets.

Construction projects are prone to lead to disputes in areas that can be foreseen by clients and counsel.

We view disputes as best avoided before they arise or solved at the earliest moment at which it is opportune to do so. We identify three stages: dispute avoidance; strategic positioning for disputes; and handling of disputes.

Dispute avoidance

We can offer assistance in the management of such matters by providing “a second pair of eyes” and professional and strategic input. We aim to prevent disputes from arising and escalating. In this process, we:

- identify exposure;
- devise a strategy to avoid disputes;
- make sure a counterclaim or claim can be properly put forward if and when it arises.

Further examples of our offering include: advice on record keeping of pre-contractual documentation, data management (e.g. to ensure the keeping of essential terms and conditions), review of draft correspondence, presenting evidence and coaching of client-teams engaged in resolving issues.

Decision-making on disputes: through a business plan

We view decisions on disputes as business decisions. Hence, we offer clients:

- a sound grasp of overall concerns (directly and indirectly related to the matter at hand); and
- a format for decision-making on the allocation of resources (time, money and human resources) to deal with the dispute.

In order to structure this process in a manner understandable to both legal and non-legal team members, we define, with our clients, a business plan including targets, a strategy, and proposal for the allocation of resources. This provides a basis for rational decision-making.

Handling of disputes

In matters of considerable economic, strategic and or commercial interest to clients, we manage disputes in close cooperation with clients in dedicated teams. This forces all interested parties and people involved to adopt a comprehensive approach and move towards a resolution.

We do so by adding contentious and non-contentious expertise to a dispute management team.

Our key international contacts, listed overleaf, can coordinate our efforts.

Expertise in practice

Our lawyers have experience in contract management involving:

- The analysing of dispute resolution strategies with in house legal teams of two limited companies (New York, London and Amsterdam listed)
- LNG facilities in the UK
- High speed rail projects in Saudi Arabia
- EPC contracts in Japan
- Power projects in Cameroon
- Mining projects in the Democratic Republic of Congo
- Joint venture disputes regarding code generation plants in Europe
- A port and tank facility in Turkey

Key international contacts

Key contact biographies can be viewed at simmons-simmons.com

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