

GARRIGUES

*How to be smart enough to win
your case?*

November, 2016



Before starting

To arbitrate or not?

Calculation of costs

Probability of winning the case – assessment of evidences and legal basis

Probability of enforcing the award

Who will be working on success

Legal team

Client

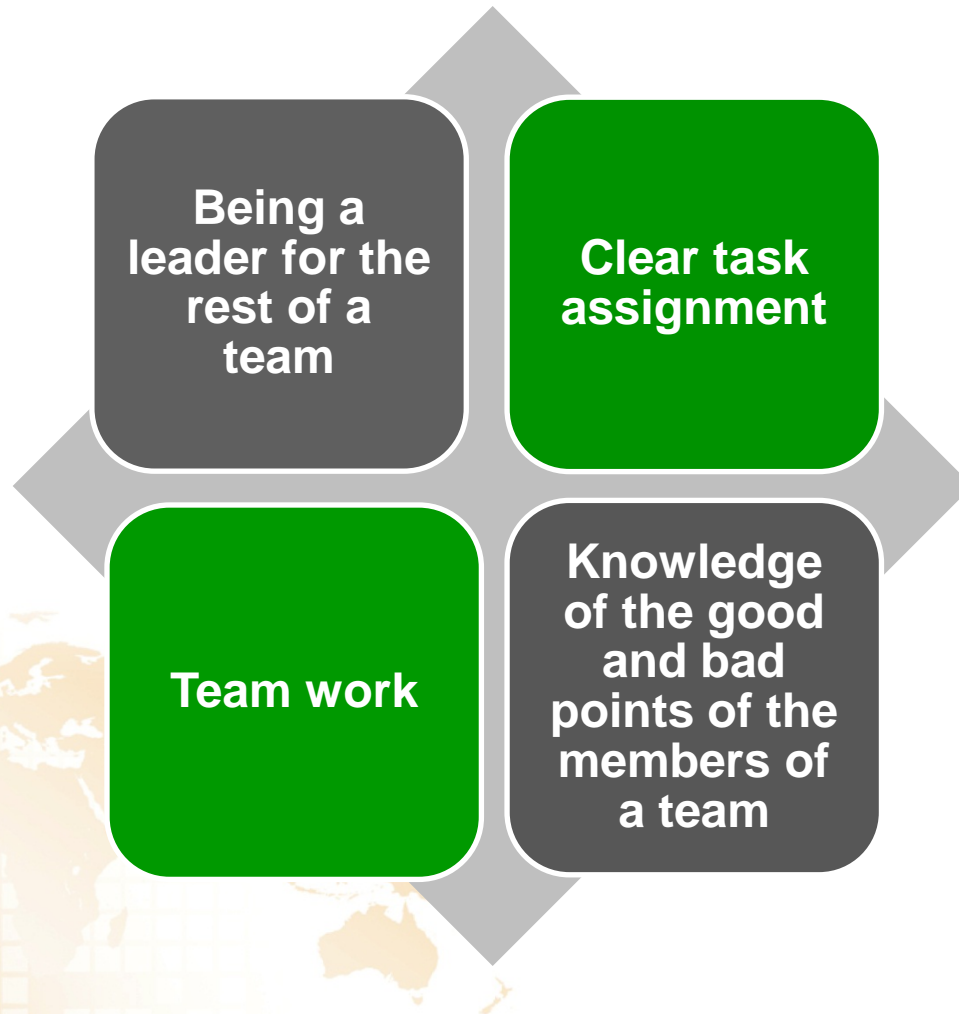
Otherparty

Arbitrators

Experts



Legal team



Client

Problems with gathering necessary information and documentation (hiding or not revealing all necessary information, tendency to see himself as a blameless victim, liability of managers for their projects)

Trust building

Emotions – bad advisor

Client's expectations versus reality



Other party

Know the other party

Gathering information on the financial condition of the other party and its main goals to achieve in the arbitration

Legal representation

Arbitrators

**Selection of the
arbitrator**

**Experience of the
arbitrator in the
given area**

Impartiality

Witnesses

What do they know?

**What impact will have
their knowledge on
the matter during
questioning?**

**What interest they
may have in their
testimony?**

Experts

Selection of well-known and trusted experts

Building cooperation client – lawyers – experts

Clear expectations from the experts



Building the strategy

Offensive tactics



Interim measures



Speed



Focusing on the main points



Building the strategy

Defensive tactics



Formal questions



Buying time



Rising all discrediting argumentation



Contact details

Thank you for your attention!

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