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PRACTITIONER PROFILE: JOSE MIGUEL JUDICE

VOYAGE OF DISCOVERY

Inspired by Malcolm Gladwell's 10,000-hour theory, PLMJ disputes guru Jose Miguel Judice set out to conquer the world of international arbitration. He tells Edward Machin why Latin America was his first port of call



Breaking the Big Law hegemony isn't easy at the best of times. But when dealing with the necessarily private, hush-

hush world of international arbitration, it becomes harder still. Jose Miguel Judice, name partner at Portuguese powerhouse PLMJ, knows this all too well. "You've got a dispute in Brazil, for example," Judice, who served as president of the Portuguese Bar from 2002 to 2005, explains. "But if we're competing against the likes of Freshfields, King & Spalding, Shearman & Sterling or Curtis Mallet, simply being the leading Portuguese arbitration practice is not enough for us to win the work."

Highlighting just how difficult it remains to gain entry to the

closed shop that is modern investment arbitration, when French port management firm Getma retained PLMJ and Judice to act as co-counsel in its ICSID dispute with Guinea, in November 2011, it was the first time a Portuguese firm had been chosen to advocate at the World Bank's dispute court.

"Our advantage is the ratio/price benefit," he says. "The leading international firms may be better than us, but they're also much more expensive." (Last September, an ICSID panel awarded Turkey, represented by Freshfields partners Jan Paulsson, Lucy Reed, Brian King and Noah Rubins, an eye-watering USD 15.6 million in costs.)

Judice, 62, certainly isn't afraid to take on the incumbents. "One needs new challenges to feel alive," he says – this coming from a

► man who, in his spare time, bought and converted an eighteenth century estate into one of Coimbra's premier hotels. "Practising in the international arena gives me special pleasure, because you're likely not to be working in your mother tongue while facing very sophisticated lawyers with enormous expertise and, as often is the case, teams that are much larger than mine."

But when it comes to commercial arbitration, domestic and international alike, Judice, a member of CDR's editorial board, believes his firm has hit upon a winning formula. "You have small firms across Latin America which employ exceptionally good lawyers, those that are retained by the multinationals in those countries," he says. "However, they don't necessarily have the experience to act alone in very sophisticated international commercial arbitrations."

By teaming-up with Judice's outfit, however, the client keeps an ear to the ground while retaining international expertise – an arrangement that still comes out cheaper than the big boys, Judice says. "It's a match which works well," he explains. "The local counsel is happy, too, because they know we will never be a competitor in their local market, so it's a win-win for everybody involved."

Small jurisdiction advantage

Life wasn't always so, though. Judice entered private practice in 1976, as one of three lawyers at a firm which now houses more than 220. And as a budding practitioner looking to make a name, he seldom turned down a brief. "Tax law, labour law, competition disputes, commercial litigation; I did it all," he says, laughing. "It was very interesting and a great base from which to specialise in dispute resolution. And since 2005, I have practiced primarily in arbitration, as both counsel and arbitrator."

Beginning with domestic matters, before graduating to Portuguese firms' international cases, Judice soon found himself appointed as counsel in arbitrations that featured neither Portuguese parties nor his mother tongue. But the work from Latin America, and Brazil in particular, kept rolling in. "Coming from a small country like Portugal, it's easy to be

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considered neutral," he says. "And, of course, it's much easier to select an arbitrator from a small jurisdiction than one like the USA."

His nominations are reflecting as much, with Judice reporting that even in those countries which denounced the ICSID system (Bolivia, Ecuador and, most recently, Venezuela), commercial arbitration continues to develop apace. Brazil, though, remains the continent's golden boy, thanks to both a judiciary "clearly in favour" of arbitration and a market stuffed with international-quality practitioners – some 400 at Judice's reckoning.

And some things never change. "Portuguese remains vital when doing business in Brazil," he says, especially if that work leads to disputes and, as is the modern way, arbitration. Indeed, as the country becomes ever-more powerful Judice says its official tongue is often being imposed as the language of contracts, as was once the case with English and French. "International arbitration in Latin America is routinely bi-lingual or even tri-lingual, even if the parties select English as the governing law," he notes. "For that reason, being able to work in Portuguese will certainly be a marketing tool, if it is not already. In fact, I know of many high-level practitioners who are studying the language for that very reason."

So, half a decade after his Gladwell-inspired decision to dedicate 10,000 hours to establishing himself as a force on the international stage, just how is Judice coming along – and was the gamble worth it? "As far as I'm aware," he says, "I'm the only Portuguese practitioner who made the strategic decision to establish a primarily international practice, working mostly abroad." He accepts that staying in Lisbon would – in the short-run, at least – have guaranteed greater riches, simply due to the strength of his Iberian market presence. "But it just wouldn't have given me the same thrill," Judice says. "And that's really what life is about, isn't it?" ■

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