

LATIN LAWYER REFERENCE LITIGATION 2020

Introduction

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Dispute resolution in the LatAm region through litigation, arbitration and government enforcement actions escalated in 2018 and 2019, and activity is likely to increase in 2020. This is noted with respect to local host country contentious matters, and also in cross-border disputes filed in countries within and outside the region. Class actions or collective actions are growing, cross-border investigations and enforcement resulting from corruption scandals are more prevalent, and changes in government regimes, as well as instabilities in current regimes, have all contributed to the escalation of disputes in number, size and subject matter.

Notably, many firms across the region have significantly increased their litigation practitioner ranks, a trend that recognises the ongoing changes associated with political elections, and the natural consequences of differing political favour and appetite for foreign investment. Many projects have been disrupted in association with regime changes, and regime instabilities, in some of the largest LatAm economies.

While it is difficult enough to keep up with regulatory changes and the development of state and federal common and civil laws in your own country of residence, the seas get more difficult to travel on when navigating laws and procedures in other countries. And when the seas calm, M&A activity will increase, and disputes related to new transactions will no doubt also increase.

Through this question and answer piece, Latin Lawyer has secured the thoughtful contributions of leading practitioners in many LatAm countries with significant foreign investment and cross-border activity. This is an important collection of references to substantive and procedural laws and regulations that are helpful to both transactional counsel and disputes practitioners as they assist clients in planning M&A and other investment transactions, and for the litigators who assist in litigation avoidance and in planning for eventual disputes.

William Wood

McKool Smith

Willie concentrates his practice on the defence and prosecution of US and international commercial, business litigation and arbitration cases, with an emphasis on energy industry matters.

Since the start of his practice in 1984, Willie has been involved in the trial and arbitration of numerous cases of domestic and international origin, obtaining defence verdicts when defending, and multi-million dollar verdicts and settlements when prosecuting.

Willie has prosecuted and defended claims involving breach of contract, tortious interference, state and federal antitrust, common law and statutory fraud, misappropriation of trade secrets, negligent misrepresentation, business disparagement, state and federal securities actions, product liability, nuisance, trespass, conversion, insurance coverage, corporate governance, breach of fiduciary duty, shareholder oppression and qui tam.

McKool Smith

McKool Smith is one of America's elite trial firms. Since 2006, the firm has secured 11 nine-figure and 12 eight-figure jury verdicts. We have also won more National Law Journal and VerdictSearch "Top 100 Verdicts" over the last 10 years than any other US law firm. According to The Wall Street Journal, McKool Smith is "one of the biggest law firm success stories of the past decade."

Energy litigation: Our lawyers handle disputes involving natural gas pipelines, oil transport and storage, electricity sale and transmission, renewables and cogeneration.

International litigation and arbitration: The firm handles matters involving cross-border disputes, foreign property restitution law, international human rights, the Federal Sovereign Immunities Act (FSIA), the Foreign Corrupt Practices Act (FCPA), and complex commercial litigation. We also represent claimants and respondents in all of the major international arbitration tribunals.

IP litigation: McKool Smith's record in IP cases is unrivaled. As noted in Lex Machina's latest Patent Litigation Damages Report, since 2000, the firm has won more patent litigation damages than any other law firm (\$2.04 billion).

Insurance recovery: This award-winning national policyholder-side practice has obtained more than \$8 billion in recoveries.

Bankruptcy: This group serves debtors, creditors' committees and other parties in litigation and complex reorganisation proceedings and out-of-court restructurings.

Commercial litigation: The firm prosecutes and defends cases in state and federal trial and appellate courts nationwide and in mediations and arbitrations.

White-collar defence: The practice is led by former federal prosecutors who defend virtually every type of government investigation and prosecution.

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