

KROMANN REUMERT

LA

Litigation and arbitration

LET THE EXPERTS SPEAK FOR YOU
KROMANN REUMERT'S EXPERTISE WITHIN
LITIGATION AND ARBITRATION

KROMANN
REUMERT

LEGAL PROCEEDINGS – WITH FOCUS ON YOUR BUSINESS INTERESTS

Kromann Reumert is the premier law firm in Denmark. We have become so by supplying legal solutions that create value for each individual client's business.

At Kromann Reumert you will find the most proficient lawyers in the fields of litigation and arbitration. We have detailed knowledge of the legal and practical framework for presenting

a case to the courts or arbitration tribunals, and our expertise as litigation lawyers is recognised within these institutions.

Kromann Reumert's lawyers conduct litigation before Danish courts at all levels and have particular experience with cases before the Supreme Court where the procedure requires special expertise from the lawyer. In all, 32 partners and lawyers have the right of audience before the Supreme Court.

Kromann Reumert's lawyers have broad experience in handling commercial cases before diverse arbitration tribunals, including the special procedure and pragmatic approach typically involved in such cases. We have the language skills required in international cases. Some of our lawyers also sit as arbitrators.

Focus areas within the field of litigation and arbitration:

- Civil litigation before the Danish courts (general and special areas)
- Arbitration cases before domestic and international arbitration tribunals
- Sitting as arbitrators in domestic and international arbitration tribunals
- Cases before the European Court of Justice



BEFORE YOU SIGN ...

It often pays to involve a legal expert as early as possible in the negotiations. When a contract is drafted, the parties must decide how to solve any disputes. If disputes are to be solved by arbitration, a stipulation to this effect should be included in the contract. There are both financial and strategic advantages in the right choice. If a dispute is to be solved by the courts, special consideration should be taken in international contracts where cultural differences and legal tradition come into play.

CONFIDENCE AND PEACE OF MIND

As our client, we want you to feel safe and we want you to know what goes on when we handle your case. We thoroughly review the case and agree with you which strategy to take. We answer questions, such as “what are the central legal issues of the case, what can we prove, where are the soft spots, how do we proceed”. The purpose is to take all significant risks into account and to assess whether the case

is viable; we will provide you with an assessment of the inherent risk of adverse results in the litigation.

In addition, we will do our utmost to give you confidence and peace of mind by:

- Gaining a sound understanding of your business and the environment in which the case takes place
- Contemplating any action to be taken vis-à-vis the opponent
- Assessing the legal and financial aspects of the case
- Pointing out any commercial and personal consequences a case may involve

We will provide an overview and a recommendation that will help you decide whether or not to bring a case. Our knowledge of the judicial system gives us the advantage of being able to assess your case quite precisely.

YOU ARE IN SAFE HANDS

Kromann Reumert has specialised in litigation throughout many years. Two of the most experienced and significant litigators are Erling Borchert and Jens Rostock-Jensen.

“It is important to Kromann Reumert that our clients find in us a dedicated and attentive business partner during the litigation stages”, says Erling Borchert. “It is always foremost in our thoughts that a court case is an important step for our client and that he/she moves into unknown territory”.

We thoroughly discuss the case with our client before deciding whether or not it is expedient to go to court. “It is essential to us that we have completely uncovered the various aspects of the case and that our client feels safe and has full confidence in us”, says Jens Rostock-Jensen.

Kromann Reumert focuses on a direct and open dialogue with its clients – a dialogue arrived at through cooperation and trust. “We are familiar with the multitude of complicated problems and various scenarios, and on the basis of our legal and commercial insight we are able to offer qualified recommendations as to which solution will provide the best results”, points out Jens Rostock-Jensen.

Litigation must be prepared down to the last detail. The litigator must be on top of the legal aspects and the various details of the case, and the case must be presented both in a logically reasoning and convincing manner.

“Once we have embarked on a strategy to pursue in a case we must make quite sure that there are no surprises along the way. We therefore take great care to prepare the case thoroughly with our client by going through all the details of the case”, says Erling Borchert.

A RANGE OF COMPETENCIES

Kromann Reumert’s litigation team has a wide range of competencies. We litigate all types of commercial cases before the Danish courts and before domestic and international arbitration tribunals, including cases of both a general and a commercial nature and cases in a wide range of special areas.

You will find the lawyers working within the various specialist fields at the back of the brochure.

- > REAL PROPERTY
- > INSURANCE AND TORT LAW
- > EMPLOYMENT AND LABOUR LAW
- > INTELLECTUAL PROPERTY
- > COMPETITION LAW
- > ENVIRONMENTAL LAW
- > BANKING AND FINANCE LAW
- > TAX LAW
- > MARITIME AND TRANSPORTATION LAW



Erling Borchert is a partner at Kromann Reumert and has had the right of audience before the Danish Supreme Court since 1980.

PORTRAIT: ERLING BORCHERT, LITIGATION SPECIALIST

"The hallmark of a good litigation lawyer is his/her ability to go straight to the crux of the matter in complicated cases and to have a strategy ready".

Erling Borchert is an experienced litigator and a feared opponent in court due to his meticulousness, general knowledge, and perseverance. He has many years' experience and insight and litigates both matters of general law and within his specialty Intellectual Property and Marketing Law, including in particular trade mark protection and counterfeit products. He has litigated a large number of cases within areas such as transportation, telecommunication, and the pharmaceutical industry, including general contractual disputes, mostly in connection with transactions.

Before appearing in court no stone is left unturned, everything has been said, and a good litigation lawyer such as Erling Borchert is able to uncover everything to his client's advantage – also what the client had not thought of. It is important also to see the case from the opponent's point-of-view in the preparation stage in order to prepare the proper strategy.

"A good lawyer has the client's interests in mind beyond the court case and has an overall view of the case in its commercial context. We therefore discuss the matter thoroughly before, during and after", says Mette Valentin.

Mette Valentin, Skandinavisk Tobakskompagni A/S

Erling Borchert emphasises the importance of making the client feel safe throughout the entire process. He knows the game and how to play his hand to best serve his client's interests. He has many complicated cases, and it is important to him that arguments, logical presentation and strategy go hand in hand and add up. A dedicated professional, driven by the will to win, he argues his case vigorously and energetically. He is an expert in organising the litigation phase from start to finish.

"When the case is presented it is important to express points that are heard and to do so convincingly. It is of the utmost importance in court that our case is presented in a dedicated manner", states Mette Valentin, Vice President and Lawyer in Skandinavisk Tobakskompagni A/S (Scandinavian Tobacco).

"The important thing is to be so prepared that no surprises turn up that cannot safely be handled. I can live with the court's decision, as long as I know that we were well prepared and that our lawyer performed to the best of his/her ability", stresses Mette Valentin.

CLIENT: No stone is left unturned

Mette Valentin is vice president and lawyer in Skandinavisk Tobakskompagni A/S (Scandinavian Tobacco). She buys experience when she engages Kromann Reumert to handle her cases in court.

Jens Rostock-Jensen is a partner at Kromann Reumert and has had the right of audience before the Danish Supreme Court since 1991. He has handled several cases before the European Court of Justice and is a member of the Danish Administration of Justice Council (Retsplejerådet).



○ PORTRAIT: JENS ROSTOCK-JENSEN, LITIGATION SPECIALIST

“A good litigator must uncover everything to the client’s advantage. In this connection, it is important to be able to see the case from the point-of-view of the opponent when preparing the case for trial”.

Jens Rostock-Jensen stresses the importance of gaining a sound understanding of his clients’ business in order to devise the right strategy for the case.

Jens Rostock-Jensen has great experience and expertise as a litigator within the areas of insurance and tort law, life sciences,

transportation law, and general commercial disputes. In addition, he is leading within the field of class action suits, which is a new concept in Denmark.

He knows how to combine his legal knowledge with the ability to command and plan the process down to the least detail. At the same time, he is ready for any unexpected turn of events.

A good litigator must be a good judge of character, for instance when examining witnesses. A good litigator must also be able to put his case across effectively and must have rhetorical talents. Jens Rostock-Jensen possesses those abilities while also having the skill of communicating clearly and convincingly.

Jens Rostock-Jensen finds it exciting to challenge his abilities by entering into unknown areas and he has litigated a number of cases of general public importance.

CLIENT: A question of trust

Sanne Weidner, Senior Legal Counsel in the SAS group, goes for core competencies when engaging Kromann Reumert.

“To me, it is a question of insight in our business as well as personal relations and chemistry when I buy legal assistance. SAS does not conduct “maybe” cases or unnecessary cases; we have high ethical standards in this respect and so has Jens Rostock-Jensen”, says Sanne Weidner.

“To me, it is a question of insight in our business as well as personal relations and chemistry when I buy legal assistance”

Sanne Weidner, SAS Gruppen

“Litigation and rhetoric are art forms in themselves that many do not master. You may be an excellent lawyer without being a good litigator. As Jens, and thereby Kromann Reumert, possesses core competencies within the transportation area and tort law, my choice is easy”, says SAS’ Danish Senior Legal Counsel and head of the legal department in Denmark.

“I expect a brief and precise overview of all relevant legal issues and I expect strong commitment, insight and a sound knowledge of the field, the business and socio-political issues – a good litigator must have all that”, concludes Sanne Weidner. <

“A good litigator must uncover everything to the client’s advantage. In this connection it is important to be able to see the case from the point-of-view of the opponent when preparing the case for trial.”

Jens Rostock Jensen - Kromann Reumert

CHOOSING THE ORDINARY COURTS OR ARBITRATION

A dispute between parties in the business community is generally decided in the ordinary courts. However, commercial disputes may also be decided by arbitration. It is important to know the difference between bringing a case to the ordinary courts or using arbitration.

Our recommendations in this respect are always based on the specific case when considering whether arbitration should be chosen rather than the ordinary courts.

It is helpful to know a few simple rules.

ARBITRATION

If a matter is to be decided by arbitration, there must be an agreement to this effect between the parties involved.

An arbitration clause is usually incorporated in a contract and is therefore agreed before a dispute arises. But the parties can also agree to arbitration after the dispute has arisen. It is essential that the parties decide whether the arbitration is to be ad hoc and define the procedural rules to follow, or whether it should be arbitration before a domestic or international arbitration institute, as they thereby submit to the procedural rules applying to such institute. Financial considerations, of course, also come into play.

An arbitration tribunal usually consists of three arbitrators selected by the parties or appointed according to the rules of the arbitration institute. The costs of conducting an arbitration case may be substantial.

Advantages of arbitration:

- The parties can appoint arbitrators with special expertise within the field of the dispute
- The arbitration case is heard in private
- The arbitration award is final and cannot be appealed.
- It takes less time for the case to be resolved – especially as a time consuming appeal is not possible
- An arbitration court is more obliging with respect to damages

As there is no second chance in arbitration, it is essential that the right arbitrators are selected and that the right lawyer handles the case.

THE ORDINARY COURTS

The handling of cases before the ordinary courts usually takes longer than arbitration and, in general, the judges have no expert knowledge. There are many procedural rules to know and to observe in the legal processes.

Advantages of conducting a case before the ordinary courts:

- An appeal is possible.
- Fixed rules of procedure
- Usually less costly than arbitration

It can be difficult to get a clear idea of the pros and cons of the two legal procedures. Kromann Reumert’s litigators provide advice on these matters. <

KROMANN REUMERT'S ORGANISATION



KROMANN REUMERT SETS THE STANDARD IN DENMARK

With offices in Copenhagen, Aarhus, London, and Brussels, Kromann Reumert is the leading full service law firm in Denmark. We are more than 600 people, 320 of whom are lawyers.

We currently cover 33 business areas and are constantly developing new areas to secure full servicing of our clients' needs.

ALL SPECIALISTS IN ONE PLACE

With Kromann Reumert, each business area has a designated practice group leader. You will find them listed in this brochure so that you can contact precisely the specialist you need.

The practice group leader works closely together with the other partners and lawyers in the group to refine our skills and deepen our insight within each particular area. Striving always to remain on the cutting edge, our objective is to earn our place as Denmark's premier legal adviser within each area individually and as a whole. With this many specialised skills combined in one place, we have the power to constantly renew ourselves and to stay updated on the most recent trends – that is one reason why we are setting the standard.

CROSS-SPECIALTY TEAM OF EXPERTS

As a full-service law firm, we are equipped to handle all of our clients' legal advice requirements. No matter what a client is facing, we can put together a team of specialists to match exactly those needs.

In short, clients will not have to select and deselect – we will put together just the right team of experts automatically. At the same time, we train our staff to look across specialty areas and understand the commercial aspects of each assignment, to the benefit of the client.

EQUAL SHARING – YOUR GUARANTEE OF OPTIMUM SOLUTION

Kromann Reumert lives by a rule of equal sharing of gains and risks between partners. That is our clients' guarantee that all tasks are assigned to where they will be solved best and on the most competitive terms.

The principle of equal sharing means that all partners have an obvious interest in working together to get the job done in the best way possible, legally as well as commercially. We take pride in a corporate culture in which all are encouraged to put common interests – and thereby the interests of clients – above their own.

LEGAL EXPERTISE AND COMMERCIAL INSIGHT

To Kromann Reumert, commercial insight is a core value. Clients find in us a dedicated and attentive business partner offering usable action-oriented and value-adding solutions, arrived at in close and constructive dialogue. The lawyers of each business area have a profound knowledge of its various industries, ensuring that our advice always support commercial needs. <

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Kromann Reumert's vision is "We set the standard". Good is not enough - we want to be the best. We provide value-adding solutions and advice with full involvement and commitment. We get there by focusing on quality, business know-how, spirited teamwork, and credibility. We are Denmark's leading law firm, employing approximately 600 staff members, 320 of whom are lawyers. Our offices are located in Copenhagen, Aarhus, London, and Brussels.

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