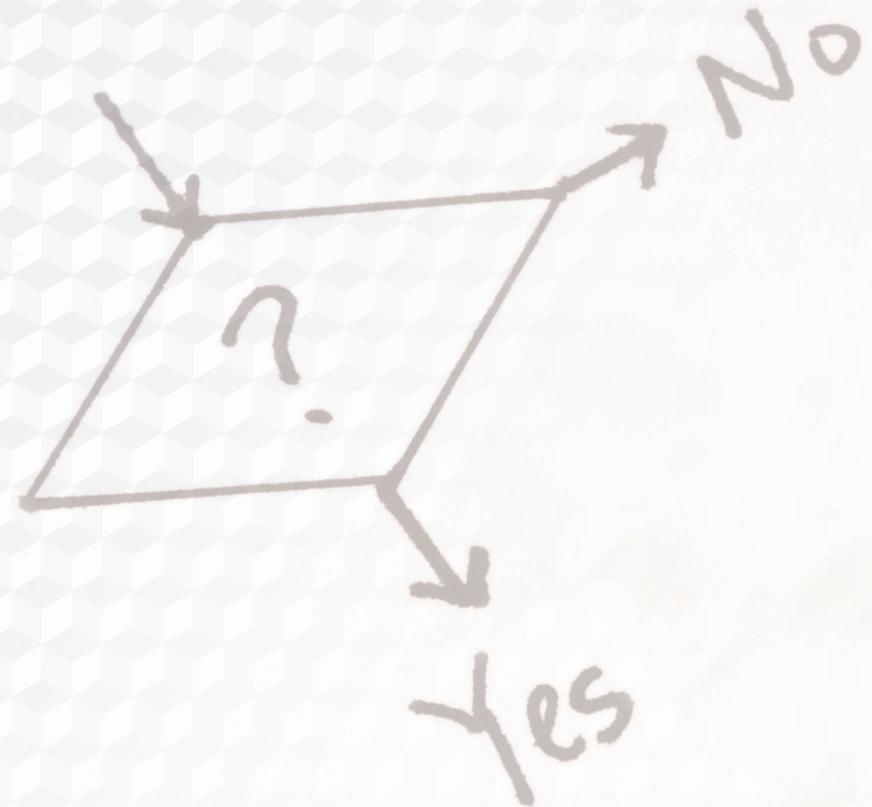


# Efficient Litigation Risk Assessment

Plan decisions,  
anticipate risks.



# Why assess litigation risks?

With more than 1.5 million cases pending before the courts, long delays in the trial phase and rising costs, going to court is often inefficient and increasingly expensive and unpredictable.

The choice of whether or not to go to court needs careful consideration with a calculation of the associated risks and careful planning of every step.

Alternative approaches or mutual concessions that make it possible for the parties to reach an agreement are quite often preferable options.

Sometimes, even when a case is already before the courts, an independent assessment of the risks may help the parties and their lawyers to reach a solution and put an end to the dispute by agreement.

This is why analysing and assessing the advantages and disadvantages and the strengths and weaknesses of each case is becoming more and more crucial.

## *Efficient Litigation Risk Assessment*

Plan decisions,  
anticipate risks.



# What is *Efficient Litigation Risk Assessment?*

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Faced with these challenges, which affect many individuals and companies including SMEs, PLMJ has created the “**Efficient Litigation Risk Assessment**” service, which is highly innovative in Portugal. This service makes it possible to achieve significant savings in both time and costs through a prior assessment of the potential risks of litigation, even in cases that are already before the courts.

The service is available to PLMJ’s clients or, with prior agreement from their lawyers, to other individuals or companies that would like a second opinion on the risks of their litigation.

It is also available for situations in which both parties to a dispute, again with agreement with their lawyers, wish to benefit from an assessment of each party’s risks carried out independently and impartially with a view to creating the conditions in which a settlement can be reached.

The “**Efficient Litigation Risk Assessment**” service is provided on the basis of a fixed fee to be established in advance of the service being provided.

*Are there special reasons to use this service in the current economic situation?*

The economic crisis in Portugal and the usual delay in legal proceedings have made it particularly important to consider whether it is worth investing in complex court cases in which the fragilities of some of the companies involved may mean they are resolved too late. An added advantage is that, until March 2013, all legal proceedings that are ended by settlement will be exempt from court fees and this could mean a valuable saving for both parties.

# How does the service work?

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After an initial meeting to present the case, the client will be asked for relevant documentary information and a questionnaire will be produced on the probability of proof of the issues to be decided.

On the basis of this information there will be a further meeting with the lawyer, the person responsible for the litigation within the company or, if they do not exist, with one of the persons responsible for the company. This meeting will address the strengths and weaknesses of the case, the viability of the evidence and other legal issues relevant to the decision in the case.

Following this meeting PLMJ will prepare a written report with its opinion on the probability of success, the factors on which this depends and a proposal for a settlement to be implemented in a process of negotiation to be carried out by the company or its usual lawyer.

In risk assessment cases where the dispute is already before the courts, contact will only be made with the lawyers representing the parties to the proceedings and the report may never be used in court by either of the parties if they do not reach a settlement.

***PLMJ will prepare a written report on the probability of success and a proposal for a settlement to be implemented in a process of negotiation.***

The report presented is an assessment of the risk prepared by PLMJ in accordance with its high professional standards and does not give rise to any responsibility for the final outcome of the legal proceedings or settlements in question.

The report is intended exclusively for the internal use of PLMJ's clients and specifically may not be used in covering financial risks by insurance companies or similar, nor may it be used to justify the creation of reserves, provisions or amortizations for tax purposes.

# Why PLMJ?

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For more than 40 years PLMJ has viewed litigation as a strategic priority.

PLMJ currently has around 100 lawyers dedicated to litigation and arbitration cases. Their work is centred on Lisbon, Oporto, Faro (and in Coimbra, Azores, Guimarães and Viseu, with local partners of PLMJ) and – through the member firms of PLMJ International Legal Network – our services are also available in Angola, Mozambique and China.

This means we have extensive experience in the areas of commercial, civil, administrative, criminal, and employment litigation and arbitration as well as in areas like competition and intellectual property and our experience enables us to carry out a thorough assessment of the litigation risks.

*“Failure to plan is planning to fail”*

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*Winston Churchill*

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**PLMJ AWARDS AND HONORS  
LITIGATION**





## COORDINATION

**José Miguel Júdice** (PLMJ Founding Partner)

José Miguel Júdice, a PLMJ founding partner, has worked in the area of dispute resolution for over 35 years and is coordinator of the “**Efficient Litigation Risk Assessment**” service.

José Miguel Júdice has personally put together a highly specialised team to provide this service. The team is made up of lawyers with many years of experience in the various areas in which disputes that are relevant to companies may arise, including on an international level.

As PLMJ has been dedicated to all areas of the law for more than 40 years, its capacity to analyse legal issues in order to assess litigation risks is greatly strengthened, particularly because the team includes lawyers with PhD and master’s degrees, LL.Ms and other postgraduate qualification from leading Portuguese and foreign universities, as well as extensive experience in procedural issues in each of the areas.

To see the CVs of the more than 50 lawyers who are members of the team specialising in dispute resolution, visit [www.plmj.com](http://www.plmj.com).

## CONTACTS:

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# PLMJ

## trusted partner

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PLMJ has the honour of being one of the oldest law firms in Portugal and its size enables a high level of specialisation and a very fast response time.

PLMJ's standards of professional conduct and ethics are second to none (we are the law firm with the highest number of lawyers elected to roles in the Portuguese Bar Association) and over the years the firm has received the most prestigious international awards (for more information visit [www.plmj.com](http://www.plmj.com)).

Besides this, our national and international coverage ensure a capacity to provide a decentralised service.

**High ethical standard**

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**Premium legal services**

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**Know-how and specialisation**

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**Pioneering and innovative**

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**24/7 Access**

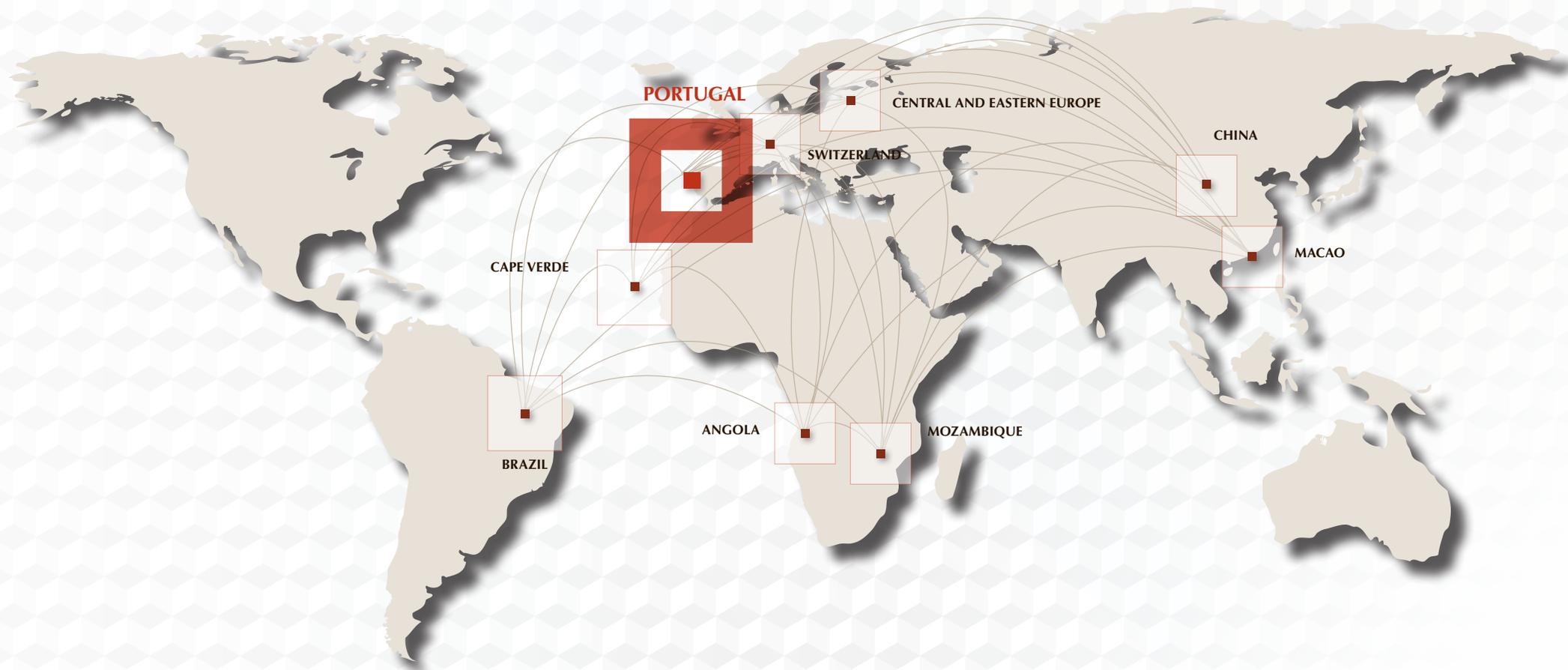
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**Nationwide coverage**

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**International Legal Network**

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## THE WORLD OF PLMJ IN A SINGLE PORTAL

PLMJ has a comprehensive and up-to-date site where you can find in-depth information about the firm. Visit [www.plmj.com](http://www.plmj.com) and register to get access to details of seminars, conferences, business breakfast, exhibitions and a wealth of other interesting news and events.

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