

South Florida: Latin America's Int'l Arbitration Destination

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Already a well-established center for commerce and finance involving Latin America, South Florida's profile as an international arbitration center for commercial disputes involving Latin America has been on a spectacular uptrend. While the range and extent of advantages to conducting international arbitrations in South Florida are vast, the following are a few of the most appealing.

A Strategic Geographic Location

An important factor in determining the location of any arbitration is the convenience of the location. A location that is inconvenient may affect the availability of counsel, arbitrators and witnesses.

Because of its proximity to Latin America, South Florida is privileged to enjoy what is likely one of the most strategic geographic locations in the world for arbitrations involving Latin America. South Florida is within comfortable flying distance of all of Latin America, and its airport is the largest gateway between the United States and Latin America, providing daily flights to all major destinations in Latin America.

A Welcoming Environment

With some of the largest companies in Latin America regionally headquartered in South Florida, the local bar has significant experience handling some of the region's most complex transactions and disputes.

But parties looking to arbitrate in South Florida are not limited in their selection to South Florida attorneys when choosing counsel or neutrals. Florida offers one of the most welcoming environments for foreign lawyers in the United States.

Effective July 1, 2010, Florida became a "Model Law" jurisdiction by amending the Florida Arbitration Act to substantially adopt the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration. The act does not restrict the choice of arbitrators to U.S. attorneys, but allows anyone, regardless of their nationality, to act as an arbitrator.

Florida has also adopted rules that allow attorneys from other states or countries to participate in international arbitration proceedings held in Florida without seeking court approval or other special permission.

The obvious significance of this framework is that parties are not required to use Florida-based counsel, but may instead use their trusted counsel of choice from anywhere in the world to handle their disputes.

A Similar Culture

Not only do many South Florida attorneys speak Spanish and Portuguese, but they also understand the Latin American culture. The ability to understand more than just the language, dress and food of the participants in the room, but also the extent to which cultural norms affect concepts of fairness, patterns of negotiation or even beliefs regarding the proper method of resolving disputes plays a vital role in the acceptance and successful functioning of international arbitration.

A Fostering Environment

Perhaps more than any other city in the United States, South Florida is home to a strong local bar that is committed to continuing to foster South Florida's role as an international dispute resolution destination.

South Florida lawyers regularly act as counsel and neutrals in proceedings all over the world, including cases administered by the International Center for Settlement of Investment Disputes, the International Chamber of Commerce, the International Center for Dispute Resolution and JAMS.

Whereas national and international firms looking to venture into the South Florida legal market have traditionally done so by growing around a general corporate practice, a number of major law firms, including DLA Piper LLP, recently opened their doors in South Florida centered on an international litigation and arbitration practice. This is recognition that South Florida is quickly becoming an important place for resolving international disputes.

In a move that can only be described as a "coup d'état," last year, certain notable members of South Florida's arbitration community descended upon Geneva and successfully lobbied the International Council for Commercial Arbitration — possibly the most established and prestigious international arbitration organization in the world — to hold its legal conference in Miami in 2014.

The significance of this accomplishment, and the hard work that it took to accomplish it, cannot be overstated. These conferences, which are held every two years in important arbitration destinations, attract thousands of practitioners from all over the world. For the first time since the 1980s, the council is returning to the United States, and it has chosen Miami as the destination city.

In sum, parties looking to arbitrate disputes involving Latin America in South Florida will be well-served by a convenient and welcoming environment, a thriving community of world-class practitioners and a favorable legal framework that is supportive of international dispute resolution.