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OPTIMA
LEGAL & FINANCIAL

Interview with Mr. Piperi

Arbitration

*An alternative dispute resolution
to be considered.*

What is your experience with domestic and international arbitration?

In my twenty years of legal experience as a litigator in the civil law jurisdiction in Albania, I have been appointed in more than 15 international and domestic cases of various size and complexity, covering a broad legal spectrum, including: energy (oil, gas, electric), construction (construction of public works), sale of goods, real estate, insurance. I have also participated in mock arbitrations. I have served as Co-Arbitrator in cases under Albanian Civil Procedure Code, UNCITRAL Rules and ad hoc arbitrations.

What are your thoughts on when should a provision about arbitration be made?

The arbitration can be appropriate when:

- One or both parties may feel uncomfortable with the court system in the respective country that has or may have jurisdiction. This becomes more imperative in the circumstances of the current Albanian court system plagued by prolonged problems.
- The proceedings would be entirely too expensive or time-consuming-most parties can agree that they would like to save money and time by going through a relatively shorter arbitration meeting, versus several court hearings with expensive attorney fees.
- The arbitrator should be a person with expertise in the dispute - a judge or legal practitioner does not have to oversee an arbitration meeting. Oftentimes, it can be an expert in the area concerning the argument. Both parties require confidentiality and privacy.
- One or both parties wish to have a final award with no chance of appeal- this also cuts down on cost and the amount of time spent deciding on a case.

Parties usually seek advice from their lawyer in regard to choosing between arbitration and court litigation. Why would you suggest arbitration over court litigation to your clients?

From a client perspective, the most noticeable benefit of arbitration over litigation is its cost and time effectiveness. Lawyers do not have to be hired to spend hours reviewing cases and making arguments in a courtroom. In addition, individual parties are able to work around their own schedules, instead of waiting for several appointments in an overbooked courtroom or fit the judge's agenda. The arbitration is also private, and therefore, not open to the public or the media without the expressed permission of both parties.

Which are the difficulties that an arbitration lawyer encounters in domestic arbitration in Albania?

The central question for practitioners is what a prudent lawyer should do when the domestic legislation provides no clear local rules on the arbitration procedures. As it is already known, there are no clear arbitration rules in Albania since 2013, when the “Arbitration” part of the Civil Procedure Law was repealed and no new arbitration rules have been enacted yet. Moreover, the case law so far does not implicate the enforceability of a domestic arbitral award, regardless of article 501/ç of the Code of Civil Procedure.

Do you think that the lack of the arbitration law in Albania has affected the promotion of arbitration in Albania?

Yes. Even though this is not the only reason, the lack of clear arbitration rules has contributed to discouraging interested parties and their lawyers to choose domestic arbitration.

You are a delegate of ICC Albania to the ICC Commission on Arbitration and ADR. Would you share with us your experience and the achievements of this working group?

I have witnessed a remarkable personal growth in the commission over the last year that I have been a delegate. The debate and the focus, and the quality of work make it a meaningful and challenging environment to operate in. I have observed the efforts of the ICC Commission on Arbitration and ADR to continuously improve the use of international arbitration and other means of dispute resolution. As a legal practitioner, it has provided me with enhanced means to ensure that proceedings are conducted in an effective and cost-effective manner.

Lastly, do you have any tips for young lawyers who want to start their arbitration career?

Arbitration lawyers must be able to wield words with confidence, weaving compelling and persuasive stories, communicating their meaning in a clear and comprehensive manner and adapting to the unexpected as and when required. If a lawyer cannot wield words well, then the battle is over before it begins.

Empathy can also help you to convey your client’s story more effectively. Never make the mistake of confusing politeness or niceness with weakness though.

Last but not least, a good sense of humor can be a very effective weapon if you know how to use it. In particular, being able to laugh at yourself is invaluable.

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