

# CHECKLIST: Criteria to evaluate when deciding on a dispute resolution venue

Life shows that disputes are inevitable, and someone will always be in a better starting position. Therefore, dispute resolution proceedings must be planned carefully. The more significant the transaction, the more thoroughly the dispute resolution mechanism must be considered. That's why our clients often ask us: should we choose arbitration or the state courts? And what distinguishes arbitration in Latvia from renowned arbitration centres abroad?

We offer this practical checklist as a quick guide to showcase the strengths and weaknesses of the most popular dispute resolution venues selected by our clients in Latvia. In this checklist, we have listed various criteria that play a role in efficient and cost-effective proceedings and affect ease of enforcement. In other words, the factors that we, as your trusted advisors, consider before recommending you a venue for the efficient resolution of your dispute.

Should you decide that arbitration is your preferred option, we recommend you look at our [comparison of arbitration institutions](#). We hope this material will guide you in making reasoned decisions concerning the dispute resolution mechanisms for your transactions. And for legal advice on [dispute resolution](#), whether litigation, arbitration or international arbitration, please do not hesitate to [contact us](#).

| Criteria and dispute characteristics              | Latvian courts | Latvian arbitration | International arbitration |
|---|----------------|---------------------|---------------------------|
| Dispute governed by Latvian law                   | ✓              | ✓                   | ✓                         |
| Dispute governed by the law of another country    | ✗              | ⊕/⊖                 | ✓                         |
| Relatively small claims (< EUR 300k)              | ✓              | ✓                   | ⊕/⊖                       |
| Respondent's assets located mainly in Latvia      | ✓              | ✓                   | ⊕/⊖                       |
| Respondent's assets located mainly in the EU      | ✓              | ⊕/⊖                 | ⊕/⊖                       |
| Respondent's assets located mainly outside the EU | ✗              | ✓                   | ✓                         |
| Most of the evidence is NOT in Latvia             | ⊕/⊖            | ✓                   | ✓                         |
| Confidentiality of proceedings                    | ⊕/⊖            | ✓                   | ✓                         |
| Fact witnesses to provide critical evidence       | ⊕/⊖            | ✗                   | ✓                         |
| Case is based on technical expertise              | ✓              | ⊕/⊖                 | ✓                         |
| Quantum (financial) experts needed                | ✓              | ⊕/⊖                 | ✓                         |
| Claim seeks compensation for losses               | ⊕/⊖            | ⊕/⊖                 | ✓                         |
| Securing a claim during proceedings               | ⊕/⊖            | ✗                   | ✗                         |
| Decision on costs                                 | ✗              | ✗                   | ⊕/⊖                       |
| Needs to be resolved quickly                      | 1-7 years      | < 1 year            | ~ 6-18 months             |
| Court control over due process                    | ✓              | ✗                   | ✓                         |

● Green – simple, preferred choice

● Yellow – possible, with some difficulty

● Red – difficult or impossible, not recommended

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