

Q&A With Sheppard Mullin's Neil Popovic

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Neil A.F. Popovic is a partner in the business trial practice group in Sheppard Mullin Richter & Hampton LLP's San Francisco office and is leader of the international arbitration team.

Popovic's litigation experience includes a range of commercial disputes, including consumer class actions, white collar criminal matters (including internal investigations) and international dispute resolution (including international arbitration and litigation) and counseling. Popovic has developed expertise in legal issues related to environmental marketing, as well as federal preemption. He also practices international environmental law, including representing clients in international negotiations. He teaches courses in international litigation and arbitration and international environmental law at the University of California, Berkeley School of Law (Boalt Hall). His commercial practice includes experience litigating matters under California's Unfair Competition Law, Business and Professionals Code section 17200.



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Popovic also serves as a project complaint mechanism expert for the European Bank for Reconstruction and Development.

Q: What attracted you to international arbitration work?

A: I was attracted to international arbitration work by the opportunity to work across cultures and legal systems, to see points of view and ways of approaching legal, business and social controversies that transcended any single domestic system. International arbitration work also provides an opportunity to practice international law in the private sector, which is generally hard to do for dispute resolution lawyers.

Q: What are two trends you see that are affecting the practice of international arbitration?

A: The cases seem to be getting bigger and bigger — not just in terms of the amount at stake, but also in terms of the amount of lawyering. For example, written briefs are increasingly massive, with no stone left unturned.

The quality of the arbitrators and, by and large, the advocates is improving significantly as more opportunities arise for practitioners to obtain relevant education and experience. This includes specialized programs available at law schools, as well as opportunities to gain real world experience in

law firms, government agencies and arbitral institutions.

Q: What is the most challenging case you've worked on and why?

A: A CIETAC arbitration (under UNCITRAL Rules) that I handled in Shanghai arising out of the sale of a group of businesses involving multiple layers of subsidiaries on both sides, with parties from several Asian countries as well as the United States. Part of the challenge related to identifying the real parties in interest, and determining that those parties were in fact from different countries such that the dispute was truly "international." The other side contended it was a domestic Chinese dispute governed by Chinese law, and they attempted to have me disqualified and reported to the authorities for the unauthorized practice of Chinese law in China.

Q: What advice would you give to an attorney considering a career in international arbitration?

A: Develop a solid foundation in complex litigation; and find a way to get specialized expertise and experience in international arbitration, whether by working at an arbitral institution, clerking for a high-level arbitrator, or obtaining an advanced degree. And if you really want to launch a career in international arbitration, be prepared to live wherever the best work is.

Q: Outside of your firm, name an attorney who has impressed you and tell us why.

A: Maria Chedid of Baker & McKenzie. Chedid is well-versed in international arbitration, very thorough and largely unflappable. She is articulate and writes well, and she has developed deep expertise on damages issues — which is not every practitioner's favorite subject, but a key component of most international arbitration cases.

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