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Contributor



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Spain - Litigation

1. What is the current legal landscape for dispute resolution in Spain?

Spain's dispute resolution framework is evolving in two simultaneous directions. Domestically, Organic Law 1/2025 introduces alternative dispute resolution (ADR) as a procedural requirement in most civil and commercial cases, changing litigation incentives and requiring companies to rethink pre-litigation strategy. Internationally, Madrid is consolidating itself as a hub for Latin American arbitration, which positions Spain as a bridge jurisdiction between Europe and LATAM.

But what truly defines today's landscape is its intersection with global dynamics. Increasingly, disputes are not confined to one jurisdiction or one legal system: they arise from the interplay of technological disruption, regulatory change, supply chain fragility, and geopolitical realignment. This is particularly evident in sectors such as technology, energy transition, defence, and cross-border commerce, where disputes often involve regulatory compliance, data protection, ESG obligations, and even cybersecurity concerns.

The challenge is no longer only to "litigate well," but to understand how disputes sit within these broader systemic forces. That is why legal strategies must integrate legal knowledge with geopolitical foresight and technological expertise.

2. What three essential pieces of advice would you give to clients involved in disputes?

Anticipate risks early. Integrate dispute resolution strategies at the contract drafting and negotiation stage – prevention is as valuable as litigation. Clear escalation clauses, governing law provisions, and jurisdiction/arbitration choices can save years of conflict.

Consider ADR mechanisms. Arbitration and mediation not only provide speed and confidentiality but also preserve business relationships and reputational value. In Spain, ADR is no longer optional but, in many cases, a procedural requirement.

Be data-driven and pragmatic. Make use of cutting-edge tools such as AI-powered case assessment, predictive analytics for settlement negotiations, and digital evidence management platforms. These enhance efficiency, improve forecasting, and allow legal teams to align strategy with business objectives. Success today is not limited to "winning in court," but to managing risk, preserving relationships, and safeguarding commercial value.

3. What are the greatest threats and opportunities in the next 12 months?

Key Threats:

The primary risk is treating disputes as isolated legal issues rather than interconnected business challenges. Modern disputes increasingly involve multiple risk factors:

- **Geopolitical tensions** affecting cross-border transactions and enforcement
- **Cybersecurity breaches** creating new liability exposures and evidence challenges
- **Supply chain disruptions** triggering force majeure and performance disputes
- **ESG compliance failures** leading to regulatory investigations and reputational damage
- **Regulatory fragmentation** across jurisdictions complicating resolution strategies

Companies addressing these issues in silos face higher costs, prolonged disputes, and competitive disadvantage.

Strategic Opportunities:

The opportunity lies in adopting an integrated approach that views disputes within their broader business context:

- **Cross-functional dispute management:** Combining legal strategy with risk management, compliance, and business continuity planning
- **Proactive risk mapping:** Identifying potential dispute triggers across supply chains, regulatory changes, and market shifts
- **Technology integration:** Leveraging AI for early warning systems and predictive dispute analytics
- **Stakeholder alignment:** Coordinating responses across legal, commercial, and reputational considerations

Practical Examples:

A supply chain dispute today might simultaneously involve contractual breaches, ESG compliance issues, and data protection violations—requiring coordinated legal strategies across multiple regulatory frameworks. Similarly, a technology licensing dispute may implicate AI regulation, cross-border data flows, and national security considerations.

The Competitive Advantage:

Clients who anticipate these interconnections and work with advisers capable of navigating both legal complexity and global context will not only resolve disputes more effectively but also strengthen their operational resilience and market position.

4. How do you ensure high client satisfaction levels are maintained?

At RocaJunyent we prioritise personalised attention, strategic clarity, and measurable outcomes. Each case is led by a partner with direct involvement and supported by a multidisciplinary team. We combine strong technical expertise with storytelling advocacy, making our clients' positions compelling to judges, arbitrators, and counterparties alike.

I believe that clients expect from us not only a technically and legally sound response (which should be regarded as the minimum standard) but also the ability to truly understand their concerns and provide them with solutions that do not obstruct their commercial operations. Legal advice should serve as an enabler of business, not as a barrier.

Empathising with the client and striving to deliver solutions that go beyond the purely legal dimension—considering strategic, operational, and reputational contexts—allows clients to move forward with confidence. These are the types of solutions that ultimately make a difference and strengthen long-term trust.

While litigation is sometimes unavoidable, in many instances alternative approaches can be found. The ability to anticipate potential disputes, assess risks holistically, and broaden the spectrum of available solutions is a skill highly valued by clients. It not only minimises conflict but also enhances business resilience.

Moreover, in today's rapidly evolving landscape, where regulatory changes, technological disruption, and global economic pressures converge, clients increasingly value advisors who combine technical expertise with strategic insight. Lawyers who can anticipate, innovate, and provide pragmatic solutions are best positioned to add genuine value beyond the courtroom.

5. What technological advancements are reshaping dispute resolution and how can clients benefit from them?

Technological innovation is fundamentally reshaping dispute resolution:

- AI & predictive analytics help assess case strengths, forecast likely scenarios, and improve strategic decision-making.
- E-discovery and digital evidence platforms streamline document-heavy disputes and reduce costs.
- Virtual hearings and online case management increase accessibility and efficiency.
- Blockchain and smart contracts are generating new categories of disputes while simultaneously offering secure tools for evidence and enforceability.

For clients, the benefits are clear: faster and more accurate risk assessments, reduced costs, and more effective management of complex, data-driven disputes.

However, as I highlighted in my recent article on “Tech washing”, boards and executives must also be aware of the risks of overstating technological capabilities. Claims about AI or digitalisation are no longer neutral: under the EU's Artificial Intelligence Act, the Digital Services Act and similar frameworks, they are subject to legal scrutiny. Overpromising or misrepresenting technological sophistication can lead to reputational damage, regulatory sanctions, and litigation exposure.

This risk of “tech washing” is increasingly relevant in disputes, where companies may rely on supposedly “AI-driven” systems or automated decision-making that, in reality, remains limited or unverified. For clients, the lesson is twofold:

1. Leverage technology responsibly—AI and digital platforms provide unprecedented advantages, but only when properly validated and ethically deployed.
2. Demand transparency from counterparties—a dispute may turn not on the substance of a contract, but on whether one side misrepresented its technological capabilities.

That is why human oversight, ethical review, and robust governance are non-negotiable. Lawyers must

not only integrate technology into their practice but also anticipate the disputes arising from its misuse.

The firms that succeed will be those that balance technological innovation with legal rigour and regulatory awareness—delivering advice that is efficient, ethical, and globally informed. For clients, this translates into not just legal solutions, but business certainty and reputational protection in an uncertain, tech-driven world.

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