

## **Obituary - DIRK-REINER MARTENS**

It is not often that one comes across people who have made a name for themselves around the world on the basis of their professional brilliance and their pioneering spirit, but who are admired even more for their outstanding human qualities even in the business environment. My mentor, friend and business partner, the Munich arbitration lawyer *Dr. Dirk-Reiner Martens*, was such a person. He passed away completely unexpectedly in the night from the 11<sup>th</sup> to the 12<sup>th</sup> November 2019 and has been sorely missed since then, not least also by those whom he himself called his “office family”.

Whoever knew him will remember *Reiner Martens*’ warm-heartedness, his never-ending willingness to help, his humour and his ability to always be enthusiastic and keep on inspiring others. With his limitless energy and joie de vivre, his zest for action and his youthful inquisitiveness he fascinated even those who met him only briefly. It is a stroke of luck, yet at the same time more than just a stroke of luck, that he kept all these qualities until the end of his days.

Nearly everything on which *Reiner Martens* spent a notable amount of time, he pursued with great passion. Until well beyond retirement age, this included not only regularly going to concerts and the opera as well as undertaking cultural tours together with his wife, *Ina*, but also he spent a huge amount of time on his profession, right up until the very end. The fact that I cannot remember ever having seen *Reiner Martens* exasperated or dissatisfied about his professional work speaks volumes about how much he thrived on it.

An important reason for this, no doubt, was the international nature of his work. *Reiner Martens* was away on business trips abroad more than he was in the office, even in the days when this was anything but common in the legal profession, and so it was that he could realize his extraordinary talent and his great love for languages to the full. He worked in German, English, French, Italian and Spanish. An Italian fellow arbitrator and friend once affectionately called *Reiner Martens* “the most Italian German” he had ever met. It was no coincidence that, at *Beiten Burkhardt*, *Reiner Martens* was, for many years, the partner responsible for international relations, and was a great presence at the *International Bar Association*, where he was a co-founder of the *International Litigation Committee*. Likewise, it was no coincidence that *Reiner Martens*’ was always more prominent internationally than he was nationally.

It is no wonder that, over the years, *Reiner Martens* gave up corporate law and advising on merges and acquisitions almost entirely in favour of two of the most international legal fields there are: arbitration and sports law, not uncommonly merged in the form of sports arbitration proceedings.

Until the end of his days, *Reiner Martens* was for decades arguably the most distinguished German sports arbitrator; and internationally too he was quite exceptional. He was on the list of arbitrators of the *Court of Arbitration for Sport (CAS)* in Lausanne since it was established in 1984 and remained one of the most esteemed and most active arbitrators until his death. He is probably also the only arbitrator who was a member of the CAS ad-hoc Division at four successive Olympic Games (Sydney 2000, Salt Lake City 2002, Athens 2004 and Turin 2006). Since these usually meant carrying out complete arbitration proceedings – including written pleadings, an oral hearing and a final arbitral award – within less than 24 hours, *Reiner Martens* liked to say, with a grin, that he had experienced both extremes of arbitration proceedings; the other extreme being the team he was a member of advising the Federal Republic of Germany on the “Toll Arbitration Case”, which finally ended in 2018 after 13 long years.

Despite his many talents and achievements, *Reiner Martens* was never pompous; he was a wise adviser and a good listener. Countless German and foreign lawyers, whom he trained as interns, articled clerks, trainees or lawyers in his team, or as students in his lectures, benefited from his tutelage. And then there were also the many visitors to our law firm who had somehow heard of him, and with whom he,

without hesitating, agreed to discuss ideas, no matter whether they be about career opportunities in arbitration or sports law, or subjects to study, or planned doctorates or dissertations, or whether they be about business models relating to our work. Discussing ideas was one of *Reiner Martens'* great passions; discussing ideas with others as peers was his trademark. He was always willing to share his knowledge and experience with others, he always showed an interest in others, but also let himself be inspired by others – and, following such discussions, frequently came straight into my office with youthful exuberance to tell me about his new insights.

There was much one could learn from *Reiner Martens*, either by exchanging ideas with him or simply by observing him: For example, to have an open mind when chance occurrences arise and to understand and use them as opportunities. How else would *Reiner Martens'* biography have turned out had he not, as a youth, joined the basketball section of his home club only because the table tennis section had just put a freeze on admitting new members? First, he would neither have captained the national junior team, nor would he have been a player in the 1<sup>st</sup> Bundesliga, Germany's first-tier basketball league, nor would he have played basketball every Friday evening with his friends from those days right up until his death. Secondly, he would not – several years after he set out on his career as a lawyer – have found himself, as chance would have it, sitting next to a representative from the international basketball association, FIBA, at a game at his home club. They came to talk about a lawsuit; FIBA became *Reiner Martens'* first and most loyal client in the area of sports law and, over the years, *Reiner Martens* was probably the first in Germany to build up a legal practice specialising in sports law. He thereby adopted an approach that was not exactly common at the time, namely to specialise in advising a sector on all aspects rather than different sectors on just one field of law. At the beginning he was ridiculed, even by his own colleagues, for his clients, who worked in short-sleeves, yet his persistence and passion, with which he pursued his business concept, paid off.

This leads to something else one could learn from *Reiner Martens*: To have the courage for innovation even within the all too conventional legal profession. It was not only that *Reiner Martens* at the tender age of 67 – as a young entrepreneur, as he said at the time – decided with his team at *Beiten Burkhardt* to concentrate entirely on arbitration proceedings and sports law and so became one of the first spin-offs into a boutique law firm advising in the field of dispute resolution. Even more notable was that in 2007 he created an arbitration court for commercial disputes in professional basketball, the *Basketball Arbitral Tribunal (BAT)*. This was not only to be administrated by his law firm but, to top it all, was also to reach its decisions *ex aequo et bono* (unless otherwise agreed), i.e. according to what is equitable. At the beginning, he encountered great scepticism with this concept. Soon after, he was all the prouder that this arbitration court became such a huge success: In the meantime, it has processed almost 1,500 cases; after the CAS, it is the second largest sports arbitration court in the world in terms of the number of cases dealt with and it enjoys a sterling reputation even beyond its niche market. Spurred on by the BAT's success, *Reiner Martens* decided at the end of 2015 to create the *Court of Innovative Arbitration (COIA)*, a commercial court of arbitration that is slightly different but akin to the BAT. Sadly, he did not live to see its first case. However, in view of the ever-increasing number of COIA arbitration clauses to be found in contracts, he at least knew that it was only a question of time before his second arbitration court was to gather momentum.

Of the many things one could learn from *Reiner Martens*, let me conclude by mentioning his golden rule for written and oral statements, to which he unwaveringly adhered: *Keep it short and simple*. I hope *Reiner Martens* would have forgiven me for flagrantly breaching his golden rule with this obituary. I could not help it.