

Commercial Courts Report 2024

Portland's annual Commercial Courts Report analyses judgments from the London Commercial Courts to identify notable trends from each year. This year's report also features insights into international commercial courts in other jurisdictions, exclusive national polling on global legal trends, and for the first time, an analysis on how the media reports on cases in the Commercial Courts.

01 London Insights

International litigant appearances continue to hit record highs in the London Commercial Courts.

The end of Russian dominance as number of Russian litigants sharply decrease.

Ireland, the US, Switzerland and the UAE make the top 5 nationalities of litigants – after the UK.

02 Emerging Jurisdictions

Netherlands Commercial Court

Qatar International Court

Astana International Financial Centre

Dubai International Financial Centre

Singapore International Commercial Court

03 National Polling

UK public remains overwhelmingly supportive of ESG litigation.

The use of AI by lawyers and judges is viewed with scepticism by the UK public.

Expansion of televised court proceedings viewed positively by the public.

FEATURING A FOREWORD FROM:



The Rt Hon. the Baroness Carr of Walton-on-the-Hill,
Lady Chief Justice of England and Wales

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WITH EXPERT ANALYSIS FROM:



The Rt Hon. the Lord Thomas of Cwmgiedd
President of the Qatar International Court and former Lord Chief Justice of England and Wales

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Foreword to Portland's Commercial Courts Report 2024



**The Rt Hon. the Baroness Carr of Walton-on-the-Hill,
Lady Chief Justice of England and Wales**



The continuing appeal of the Commercial Court to the world's commercial community is both no news and good news. The 2023/2024 period covered by this report saw the court serve a higher proportion of international litigants than ever before, from a record 84 countries; these figures present a story of continuity and change. International litigants continue to represent a clear majority of the court's cases, but there has been a notable change in their make-up. In particular, 2023/2024 saw a significant fall in Russian litigants as a result of geopolitical factors outside the court's control. What is particularly noteworthy is that the court's work continued to grow, notwithstanding the curtailment of what has traditionally been a significant source of work for the court. This is a testimony to the court's resilience. The fall in the number of Russian litigants has been counterbalanced by increases in litigants from other countries: the US, Switzerland and the UAE, in particular.

The Commercial Court's workload includes an increasing number of lengthy and hugely complex cases. By way of example, next term sees the continuation of a year-long trial raising allegations of fraud in relation to refund claims against the Danish tax authorities, and a trial arising from the detention of over 500 leased aircraft in Russia. The following term sees the start of a year-long trial concerning an alleged fraud on the Kuwait Social Security authority. They will be heard alongside numerous term-long or shorter trials, heavy applications and hearings concerning the court's role as the principal supervisory court for international arbitrations seated in England and Wales.

These multi-party, multi-issue cases require expertise in law, commercial practice and case management which the judges of the Commercial Court are uniquely placed to provide.

The Commercial Court's continuing appeal reflects the excellence and hard work of the court's judges and staff. In the period reviewed in this report, the judges handed down 262 reported judgments resolving complex commercial disputes, dealt with a huge number of paper applications, and a large (and growing) volume of urgent injunction applications. Alongside their judicial work, the judges support international dispute resolution in England and Wales by presenting lectures, participating in conferences, and promoting this jurisdiction internationally by hosting numerous visitors from the courts of other countries. As in the case of Mr Justice Robin Knowles as the Judge with day-to-day responsibility for the Standing International Forum of Commercial Courts (SIFoCC), judges also run and participate in programmes designed to promote inclusion and diversity in the legal professions, and support the work of the Circuit Commercial Courts outside London. More details of their work in these areas can be found on the Commercial Court pages on the Judiciary website.

I am extremely grateful for the hard work of all of the Commercial Court judges, which is reflected in the figures presented in this report. I pay particular tribute to Mr Justice Foxton, whose term as Judge in Charge of the Commercial Court comes to an end this summer. He has fulfilled this demanding leadership role in addition to his normal judicial responsibilities with characteristic flair, erudition and commitment.



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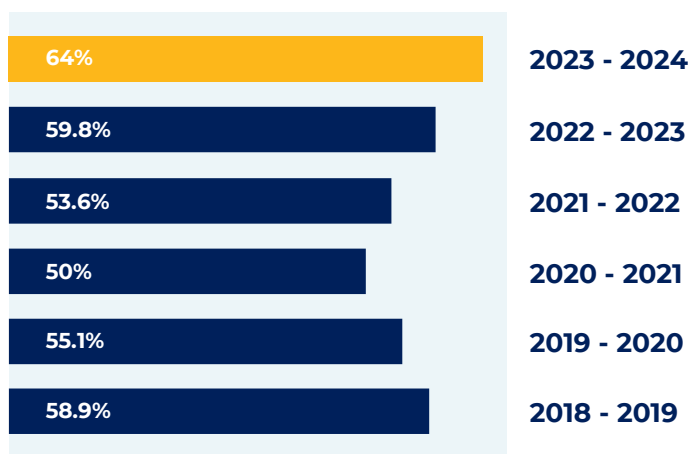
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1 London's Commercial Courts continue to attract record numbers of international litigants

The London Commercial Courts have had yet another record-breaking year. International parties constituted 64% of all litigants over the past year, the largest proportion since Portland began collecting data, and an 8% increase from last year (as shown in figure A).

A. Percentage of international litigants in the commercial courts



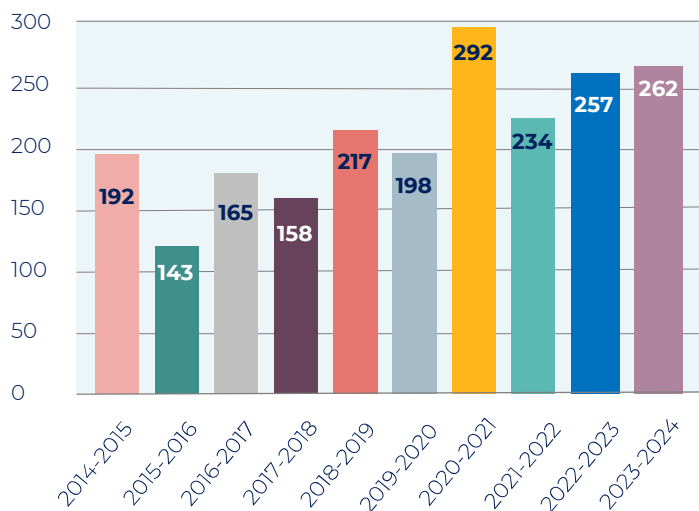
This increase was not recorded equally across all regions. As figure C indicates, there was a **significant rise in the number of EU27 litigants**, driven largely by a surge in litigants from Ireland involved in aircraft insurance cases.

Eighty-four nationalities appeared in the Commercial Courts over the past year. This beats last year's record of 78 nationalities, underscoring London's appeal as an international legal hub.

Portland's national polling indicates that the UK public believe this increasingly international makeup of the London courts is a positive development, with 76% agreeing that the English courts have an important impact on the UK's international reputation."

76% of public agree that
"The English courts have an important impact on the UK's international reputation."

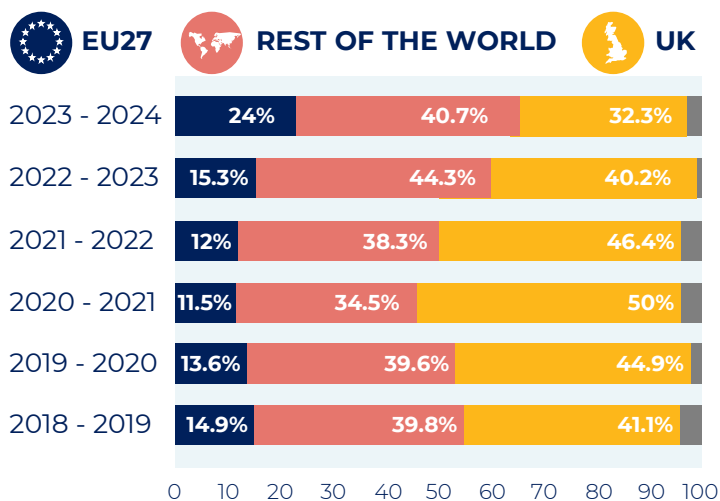
B. Number of judgments handed down by the London Commercial Courts



Overall activity in the Commercial Courts has also remained steadily on the increase. The past year saw a 2% increase in the total number of judgments handed down (as seen in figure B), reaching a total of 262. This marks a continued recovery from the post-Covid dip in activity seen in 2021-2022 and represents a 12% increase in activity over the past two years.

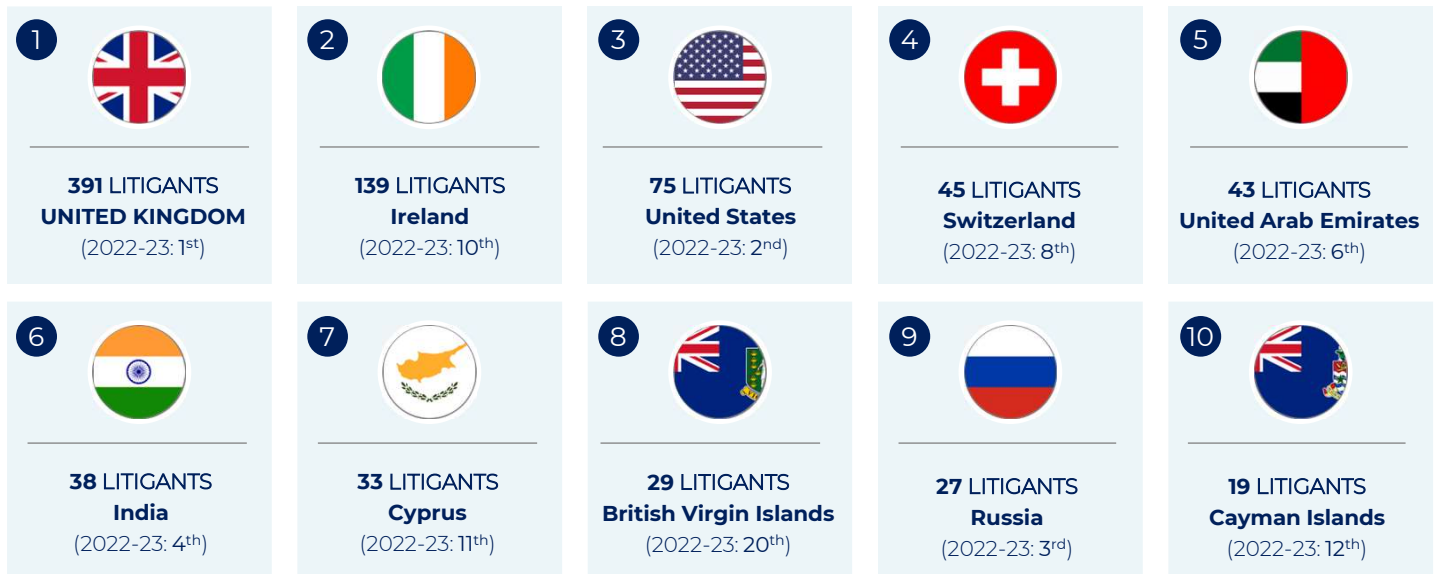
There were 1,220 litigants in total recorded across all judgments this past year, a 9% increase from the previous year. These numbers are not expected to decrease any time soon, with the UK's recent signing of the Hague Convention only enhancing the long-term attractiveness of the English jurisdiction.

C. Proportion of EU27, UK and rest of world litigants 2018-2024



*of known nationality. Unknown nationalities shown in grey.

D. Top ten litigants by nationality 2024 (previous year's ranking)



For the first time in four years, there has been a shift in the top three nationalities most frequently appearing in the London Commercial Courts. Propelled by a surge in litigants appearing before the courts for aircraft insurance cases, Ireland has for the first time appeared in second place, while the US has dropped to third, despite seeing a 56% increase in litigants this past year.

Meanwhile, the number of Russian litigants has decreased by more than half, with 58 Russian litigants in 2022-23, and only 27 litigants in 2023-24. This means Russia has dropped outside the top three for the first time since 2017-2018. **An in-depth analysis of Russia's decreasing presence can be found on page 11.**

This year there has seen record-high appearances by litigants from Switzerland, the UAE, Cyprus and the British Virgin Islands (BVI). Despite a 14% decrease in Indian litigants from last year, India's strong presence in the London courts has held firm since recording an all-time low of 5 litigants in 2021-2022. Singapore has notably dropped out of the top ten, with the number of Singaporean litigants decreasing from last year's record high of 35 in 2022-2023 to just 17 in 2023-2024.

The number of litigants from countries on the African continent also decreased from 62 to 51 in total this past year. Litigants from Zambians took the lead as the most frequently appearing nationality from the African continent with 11 litigants, despite not having appeared before the London Commercial Courts since 2019-2020. This was largely due to one case involving the purchase of Finance Bank Zambia (*Mahtani & Ors v Atlas Mara Ltd & Ors*).

State litigant appearances see record highs

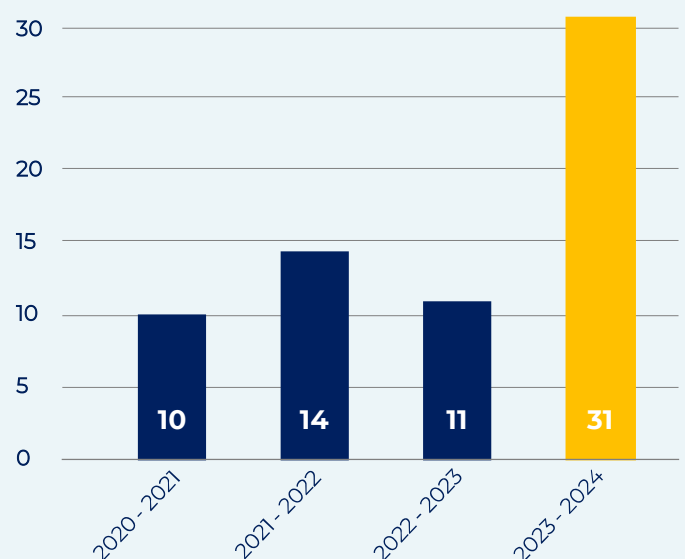
Portland recorded the highest number of nation-state litigants in the London Commercial Courts this past year, almost triple the number seen in the previous year (figure E).

Nation-state litigants appeared 31 times this past year (discounting government agencies or other public organisations), a record number. These were across four different continents, including the national governments of Cuba, Argentina, Nigeria, Spain, Mozambique, and Syria.

A majority of these judgments (58%) were related to arbitration. This reflects the Commercial Court's role as the principal supervisory court for London-seated international arbitrations, determining both challenges to and the enforcement of arbitral awards.

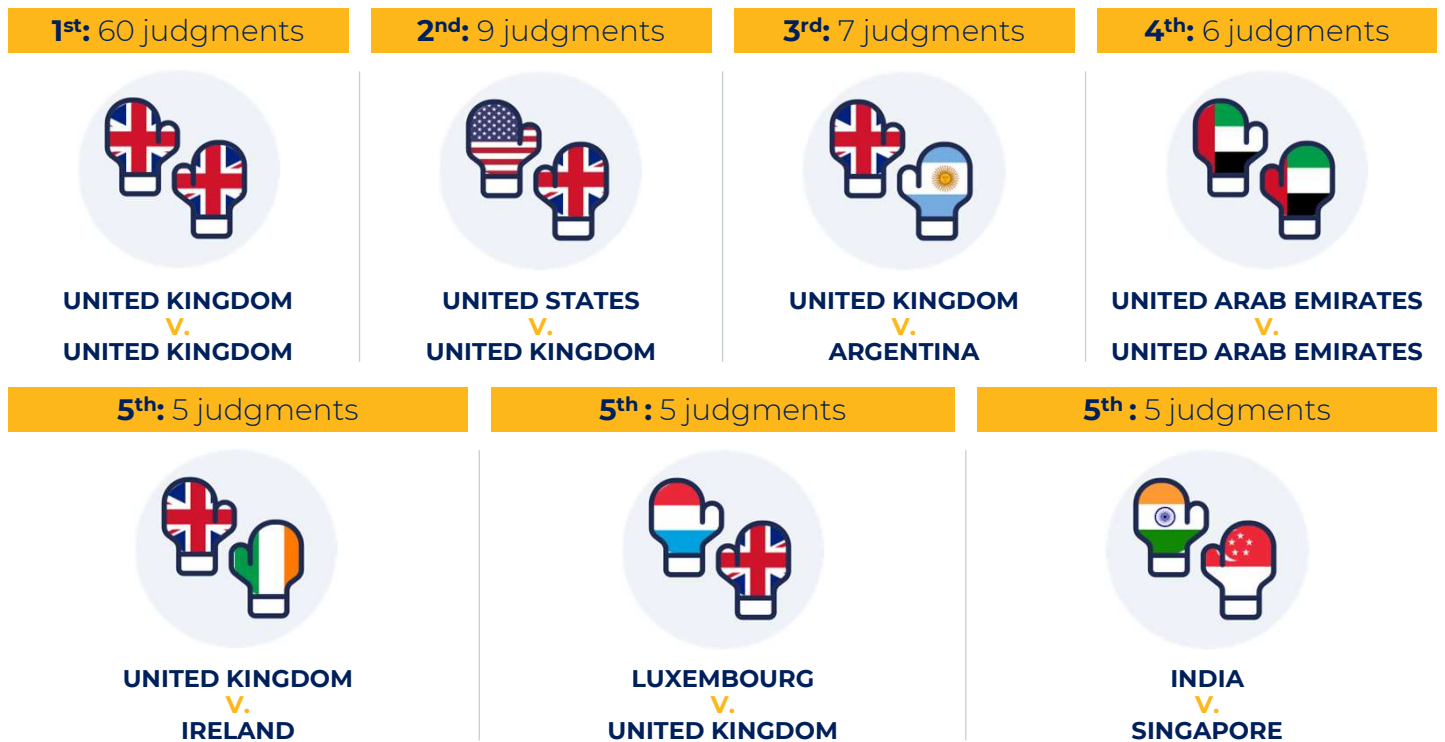
39% were disputes regarding sovereign debt claims. With the International Monetary Fund (IMF) recently reporting that almost 70 countries are now at risk of post-Covid debt distress, a future wave of litigation is already on radars.[1]

E. Number of state litigants appearing in the London Commercial Courts



FACE OFF: UK STILL DOMINATES TOP PAIRINGS DESPITE INCREASINGLY INTERNATIONAL COURTS

F. Top Seven Party Pairings by Nationality*

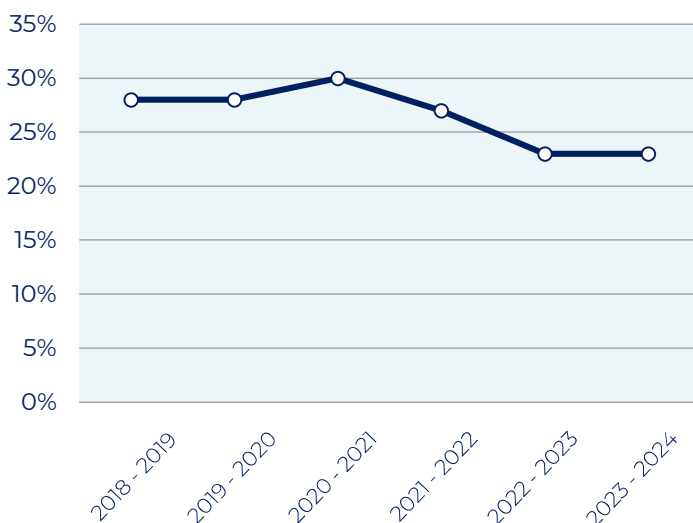


*Displayed order of nationalities does not reflect position of a party as claimant or defendant in the case.

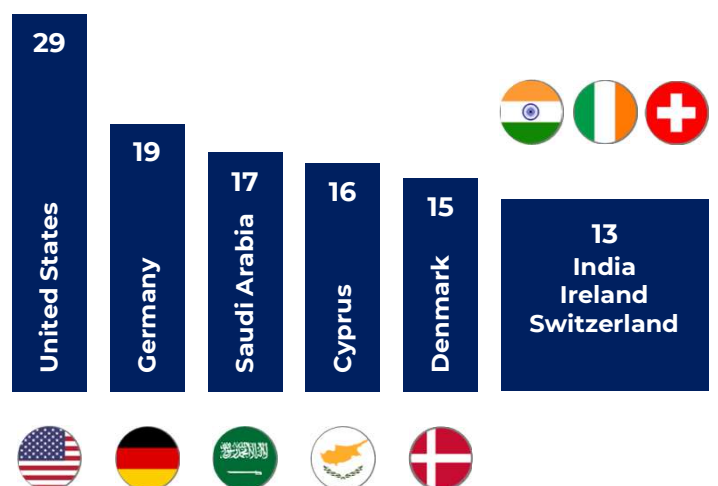
As expected, the most frequent head-to-head in the Commercial Courts was UK v. UK which constituted 60 judgments, the same number as last year. **The rate of UK v. UK match-ups has been gradually decreasing over the years**, as a percentage of total judgments (figure G), from reaching a peak in 2020-2021. This is also the second year in a row where UAE v. UAE has appeared in the top five pairings.

Consistently appearing as a top country pairing over the past five years, **the number of US v. UK cases hit a record high this year (nine judgments)**, the most recurrent party pairing involving a lead foreign litigant ever recorded. When looking at which nationality UK litigants have appeared against most in the past five years, the US also comes out on top, appearing as the lead litigant in the most judgments by a large margin (figure H).

G. Annual rate of UK v. UK match-ups as a percentage of total judgments



H. Most common lead litigant nationalities appearing against lead UK litigants since 2019 - 2020 (by number of judgments)



The London Commercial Court and International Commercial Courts



The Rt Hon. the Lord Thomas of Cwmgiedd
President of the Qatar International Court and
former Lord Chief Justice of England and Wales

As the Report shows, London is the worldwide centre for the resolution of commercial disputes and its Commercial Court maintains its position in attracting increasing numbers of overseas litigants.

There are several reasons for the pre-eminence of London, but the most important is the role the Commercial Court plays. It continues to build upon the achievement of commercial judges over the centuries in making sure that English Commercial Law continues to provide a system of law that meets the needs of commerce, is certain and has the flexibility to adapt to change. The English judiciary, supported by the profession, demonstrated these strengths in the move from sail to steam and other major changes in transnational trade and is continuing to do so by developing the law as we adapt to digitalisation and artificial intelligence.

The role of the Commercial Court in London has to be seen in the context of the worldwide development of Commercial Courts. Many countries have from time to time sought to develop their own commercial courts to support investment, to achieve an orderly business environment, and to encourage the provision of legal and other services. However, few of these courts obtained the confidence of transnational business and investors. Arbitration was preferred, although even there the support of courts is needed for enforcement of awards and for supervision or arbitration.

In 2017 the English judiciary proposed the establishment of the Standing International Forum of Commercial Courts (SIFoCC) to encourage the more systematic development of commercial courts worldwide. 57 jurisdictions are members of SIFoCC; they represent 70% of G20 nations as well as a number of smaller developing nations or nations in emerging markets. It held its 5th full meeting in Doha in April 2024.



London is the worldwide centre for the resolution of commercial disputes and its Commercial Court maintains its position in attracting increasing numbers of overseas litigants.



Although in one sense the courts are all competitors to London by seeking to retain international dispute resolution at home, there is a huge benefit for transnational business and investment and the rule of law. Leadership of SIFoCC strengthens the efficacy of dispute resolution, the development of commercial law and the growth of transnational commerce by raising common standards in case management and procedure, by support for international arbitration, by the more effective enforcement of judgments, and in the delineation and development of informed approaches worldwide to the legal issues that arise in climate change, artificial intelligence and third-party litigation funding.

A significant step was also taken by HM Government to encourage the use of commercial courts by its signature on 12 January 2004 of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. When the Convention enters into force, it will further strengthen the use of commercial courts worldwide and in particular London's Commercial Court for overseas litigants.

HOW HAS THE MEDIA REPORTED ON COMMERCIAL COURTS CASES?

For the first time, Portland collected data on and analysed the media coverage of all 262 Commercial Court judgments recorded in this year's report.

Twenty-two different judgments had news coverage (at least one article) in the top 25 UK news sites. This top 25 is according to the Press Gazette engagement rankings (March 2024).[2]

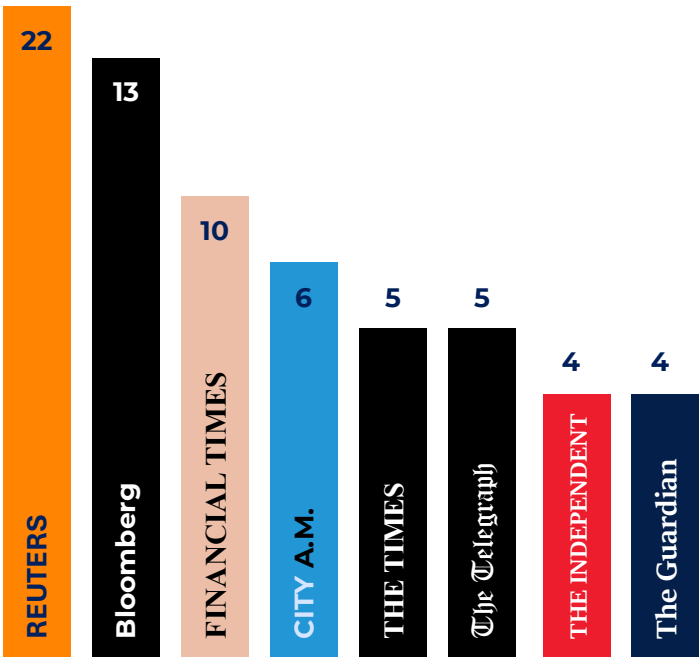
The Financial Times (FT) was the most prolific news outlet among the UK top 25, publishing articles on ten Commercial Court rulings (as seen in figure I). Among others, this included the judgments in *Palladian Partners LP & Ors v The Republic of Argentina & Anor* and *Navigator Equities Ltd & Anor v Deripaska*.

Judgments were also covered by international media outlets, reflecting the global calibre of litigants involved in London Commercial Courts cases. Twenty-two judgments were covered by Reuters, and another 13 appeared in Bloomberg, more judgments than any other UK outlet.

Seventy-six judgments had news coverage in general, counting all trade, local and national press outlets. Legal trade outlets were expectedly the most prolific out of all sub-groups.

In the past year, big businesses and prominent individuals involved in Commercial Court cases, on both defendant and claimant sides, have attracted high levels of attention from the media and the public. The media interest continues to demonstrate the wider impact that litigation can have on a business, beyond legal exposure.

I. Number of judgments covered in international and top-tier UK press

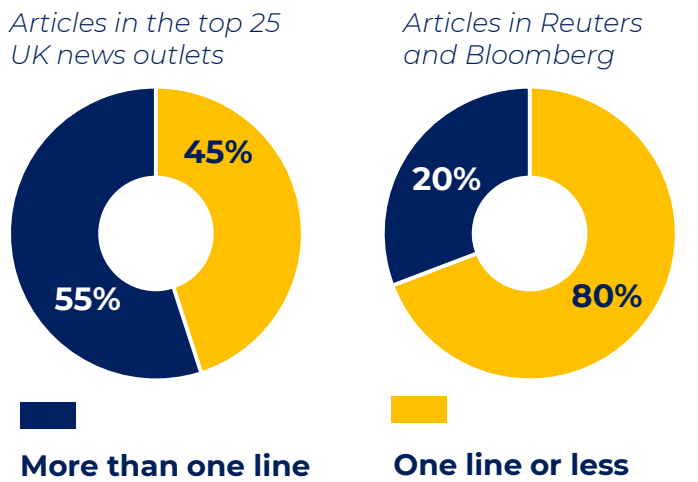


Not all judgments receiving international media attention were reported by UK outlets. For instance, in *CRF Ltd v Banco Nacional de Cuba*, the April 2023 ruling on investment firm CRF's claim to enforce historic sovereign debt on Cuba received no coverage in UK news outlets, but articles were published in French, Spanish and US media, as well as Reuters.

Two months prior to the judgment, Cuban government officials gave an exclusive briefing to the FT, which published an article highlighting their legal arguments against the backdrop of extensive public pressure over the unpaid Castro-era commercial loans.[3] Litigants may seek to use the media to advance particular legal arguments, but this is not without risk. It needs to be carefully managed and aligned to a post-judgment strategy.

The Commercial Courts often hand down complex, multi-faceted judgments which cannot always translate easily into news coverage. In CRF's case, while the Court ruled that it had jurisdiction to try CRF's claims and that it was a legitimate creditor, Reuters headlined with "*Cuba wins ruling in UK court battle with creditors over unpaid loans*".[4] This referred to part of the ruling which found the claim against only one of the two defendants (in this case the Republic of Cuba) to be dismissed.

J. Percentage of top-tier articles that directly quote lines from Commercial Courts judgments



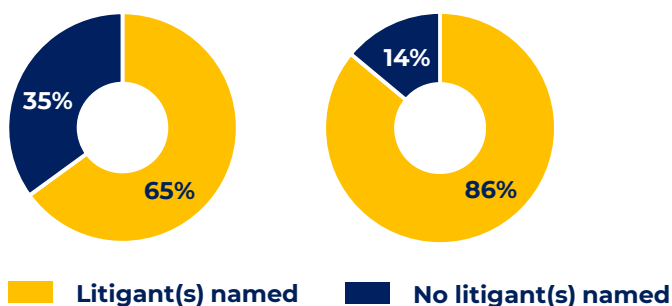
Regarding the articles in the top 25 UK news outlets, 55% directly quoted more than one line from the judgment. When it comes to international coverage (Bloomberg and Reuters), judgments were much less likely to be quoted at all (figure J). Fewer lines from a judgment being highlighted in coverage risks articles losing legal precision or being angled to one narrative – though lengthy rulings will inevitably need to be condensed to fit limited article space.

Portland's analysis found no notable difference in the amount of media attention between procedural or main judgments in the Commercial Courts. Coverage in the top 25 UK news sites constituted 13 main and nine procedural judgments.

Rather, the profile of litigants involved was a key driver in whether a judgment received coverage. This was reflected in the finding that 65% of all headlines in the top 25 UK outlets directly named either the claimant, defendant or both. Regarding headlines in Reuters and Bloomberg, this figure jumped to 86% (figure K).

K. % of articles that directly named at least one litigant in the headline

Top 25 UK news outlets Reuters and Bloomberg



The media cover cases throughout their many stages, not just at the judgment. For example, in *Virgin Enterprises Ltd v Brightline Holdings LLC*, there was top-tier international and domestic coverage when the case was first filed in February 2021 and during a 3-week trial in July 2023. The judgment handed down in October 2023 had the most top-tier coverage out of any Commercial Courts ruling in 2023-2024 (figure L).

L. Commercial Courts judgments that had the most top-tier coverage (articles in top 25 UK outlets, Reuters and Bloomberg combined)

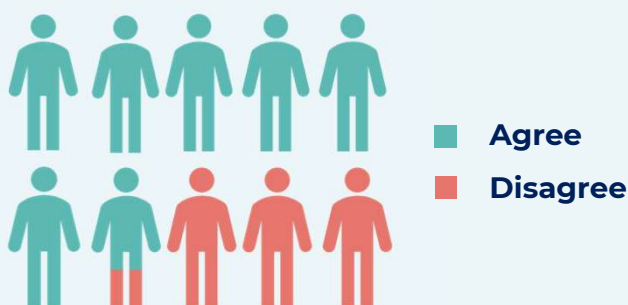
<i>Virgin Enterprises Ltd v Brightline Holdings LLC</i>	6
<i>Unitel SA v Unitel International Holdings BV & Anor</i>	5
<i>The Republic of Mozambique v Credit Suisse International & Ors</i>	4
<i>Palladian Partners LP & Ors v The Republic of Argentina & Anor</i>	3
<i>Navigator Equities Ltd & Anor v Deripaska</i>	3
<i>The Federal Republic of Nigeria v Process & Industrial Developments Ltd</i>	3
<i>Hulley Enterprises Ltd & Ors v The Russian Federation</i>	3

OPEN JUSTICE: A KEY FACILITATOR OF THE COURT OF PUBLIC OPINION

To help explain complex rulings to the public, judges in the Helsinki District Court in Finland are encouraged to write their own press notices to the media.[5] Influenced by a similar system in the Netherlands, articles on a ruling are often based on these statements and ensure greater accuracy in coverage.[6] Portland's polling of a nationally representative sample of 2,000 UK adults shows a majority (67%) would support this model being instituted.

Cautious steps have recently been made to improve non-party access to court information, and the Ministry of Justice will publish a consultation paper on open justice later this year which could recommend more reforms to increase transparency in the justice system.[7]

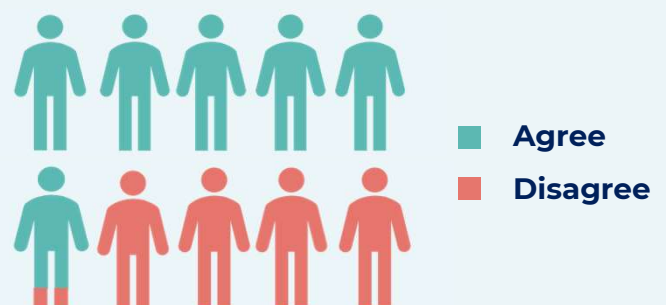
M. 'Judges in England and Wales should write their own press statements to ensure public understanding of rulings'



Aside from written coverage, Commercial Courts proceedings are yet to be subject to live broadcast. The Crown Court introduced TV cameras in July 2022, announcing a year later that 30 cases had seen sentencing remarks be broadcast live to the public.[8]

Supporting the recent opinions voiced by senior judges, there is firm public support for further expansion, with almost three fifths (59%) thinking more UK court proceedings should be broadcast to the public. More broadcast proceedings could be key to increasing transparency and public understanding. But some have urged caution and warned of risks to the influencing of judicial business and juries.[9]

N. 'More court proceedings in England and Wales should be broadcast to the public'



Increased public scrutiny and demand for open justice leaves litigants increasingly exposed



Katie Emms
Director at Portland Communications

For the first time our report has looked at how the media covers judgments coming out of the London Commercial Courts, as well as the public perceptions of court reporting and the current levels of public access.

Portland's in-house polling team found that the public wants to know more about what is happening in the courtroom, potentially exposing litigants to further scrutiny and reputational risk.

Beyond the arguments for court reporting that centre around open justice and transparency our polling showed there is public appetite for news relating to commercial court judgments. A third (32%) of the public would read or watch media coverage of commercial court cases if they came across it, while 42% would *maybe* consume it. Just under a tenth (9%) would actively seek out coverage of commercial court cases.

This may come as a surprise. Cases in the commercial courts are traditionally considered to be drier than criminal trials. However, it appears that public interest in court processes and decision making across all English courts is on the rise.

Last year's decision to allow journalists and bloggers to have access to the family courts was welcomed by the public. However, the pilot will be undermined if reporting focuses on sensational and scandalous details of cases. While it is likely to drive readership, the purpose of opening the doors to media is to help increase public knowledge around how the court reaches its decisions.

Our polling found that a majority (57%) agree that proceedings in the commercial court should be broadcast. Three fifths (59%) think more UK court proceedings in general should be broadcast to the public. If things continue to progress in this way litigants could find themselves increasingly in the public eye during proceedings.

It will be interesting to see how the courts manage the competing demands of rights to privacy with open justice. It is hard to imagine litigants welcoming TV broadcasts of in-depth accounts of their private assets.



When household brands or well-known individuals are in the courts the need to come prepared with a litigation communications strategy is heightened.



Given the current levels of media coverage in commercial courts cases, it is essential that those using the courts accept that the process may result in news.

Seventy six out of the 262 judgments handed down in the London Commercial Court were reported on in the media this year. We expect that this figure may be higher as some media may not have used the full judgment title, or litigant names, and we did not cover TV and radio coverage.

It is important that litigants should consider their public perception and how to protect their reputation or leverage the attention. If journalists are well briefed and provided with legal documents (as allowed by the court) the risk of misreporting is reduced.

When household brands or well-known individuals are in the courts, the need to come prepared with a litigation communications strategy is heightened. Unsurprisingly our research has shown that the profile of litigants involved is one of the most significant drivers in whether a judgment received coverage. Sixty-five per cent of all headlines we analysed named either the claimant, defendant or both. Anecdotally court reporters also tend to cover higher value cases more closely.

The language used in public statements around legal cases should also be carefully considered. What may be a good outcome in the courtroom can leave a different impression when seen by the public. Two fifths (40%) of the UK public think a company is guilty if they settle a lawsuit out of court. Providing media with the context around the settlement is critical.

DRAMATIC DROP IN NUMBER OF RUSSIAN LITIGANTS USING LONDON COURTS

Since 2018, there has been a sustained presence of Russian businesses, businesspeople and state entities using London's Commercial Courts. This year, the number has drastically fallen.

Just 27 Russian litigants appeared in the Commercial Courts this past year, less than half the number recorded in the previous year. They were the most common foreign nationality to use the Commercial Courts for two years running prior to this past year (figure O).

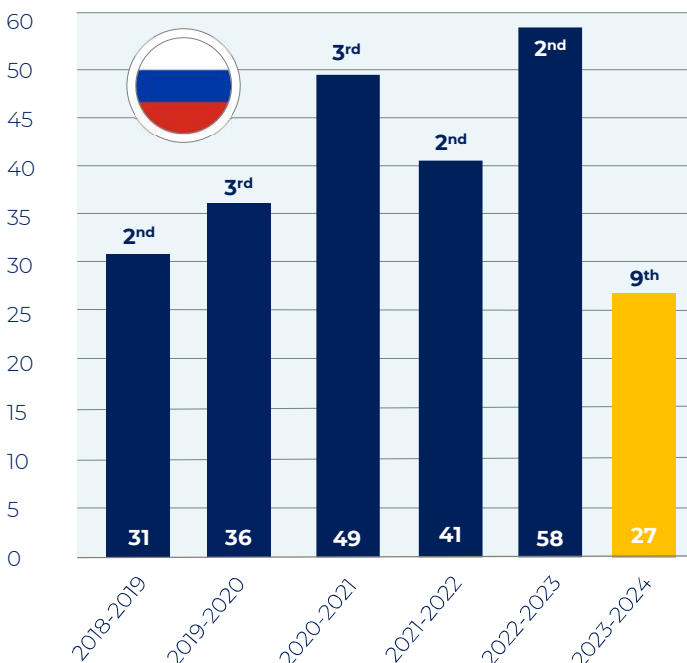
Although the UK sanctions regime does not preclude designated entities from using the English courts, many international law firms have stopped operating in Russia or representing Russian clients.

Portland's data can reveal that just 30% of Russian litigants had legal representation in the Commercial Courts this past year. This is in stark contrast to the previous year, where just over 70% were represented by a law firm.

The 27 litigants recorded this past year constituted 10 individuals, 13 companies, and four appearances from the Russian state or state entities. This was across a total of ten judgments.

One judgment that attracted a large volume of media coverage was *Hulley Enterprises Ltd & Ors v The Russian Federation*. This involved former shareholders of Yukos Oil Company and the enforcement of two arbitral awards in their favour. Mrs Justice Cockerill held that Russia could not raise a jurisdictional challenge, and its application for state immunity should be dismissed.[10]

O. Number of Russian litigants and top 10 ranking



30% of Russian litigants had legal representation in all Commercial Courts judgments this past year

CONTINUED PUBLIC SCEPTICISM OF RUSSIANS USING ENGLISH COURTS?

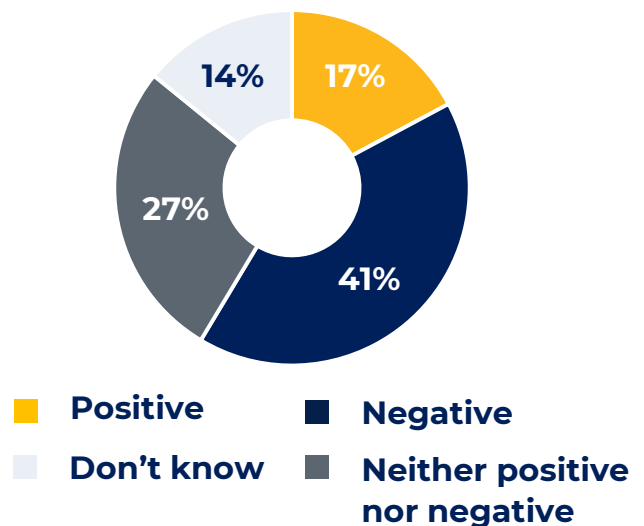
Portland's polling reveals that a majority of the UK public (62%) remain supportive of law firms that have closed their offices in Russia since the beginning of the War in Ukraine. Just nine per cent have an outright unfavourable view of this.

Despite this, when it comes to Russian usage of the English courts, public sentiment seems to be softening. Forty-one per cent believe it is negative that the English courts are being used by Russian litigants, a slight dip from last year's finding that 51% thought it was negative.

A similar figure (45%), would have a less favourable view of a law firm that provides legal services to Russian individuals or companies, also down from 51% the year before.

A demographic breakdown of the responses can reveal a generational disparity in sentiment towards these issues: older age groups are considerably more likely to hold a negative view towards the English courts being used by, and law firms representing, Russian litigants.

P. Public opinion towards Russian litigants using the English courts



NOTABLE RISE IN SWISS LITIGANTS WITH A 73% SURGE

With the presence of 45 Swiss litigants in the London Commercial Courts this past year, Switzerland ranks this year as the fourth most common nationality (figure Q).

This was the most Swiss litigants ever recorded in the Commercial Courts, as they increased in appearances by 73% and appeared across 24 different judgments from April 2023 to March 2024.

Swiss litigants this past year constituted nine individuals and 39 companies. Regarding the sectors of these companies, 15 were in banking and finance, seven in oil and energy, six in insurance (or reinsurance), three in agriculture, and one in shipping.

Judgments involving lead Swiss litigants were facing-off against companies spanning six different continents. Opposing litigants were from a diverse array of countries including the BVI, the UAE, Curacao, Mozambique, Australia and Greece. In 72% of these judgments, the Swiss litigant was on the defendant side.

There has been a strong presence of Swiss banks using the Commercial Courts in recent years.

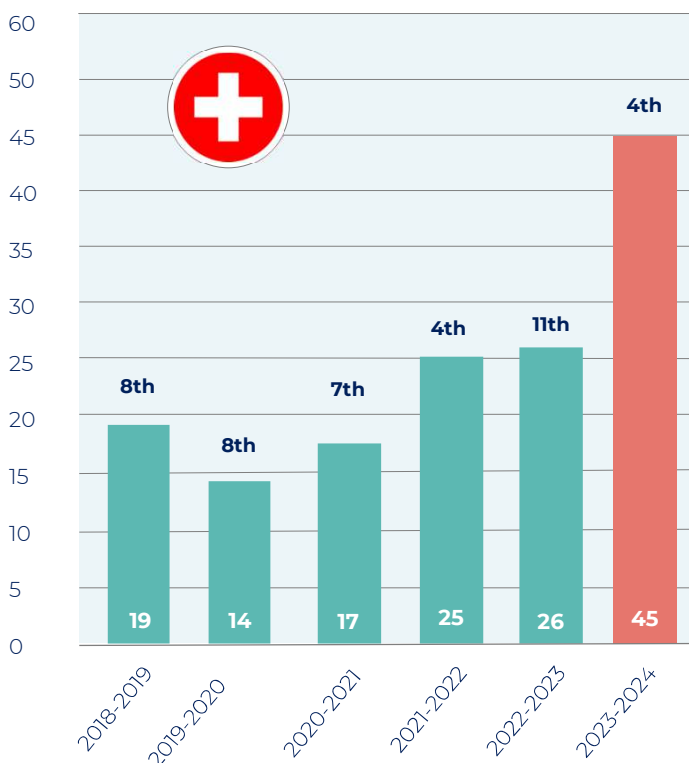
With the banking and finance sector seeing the highest volume of new High Court claims out of any sector in 2023, their continued presence in Commercial Courts judgments is unlikely to decrease.[11]

Judgments involving Swiss banks received some of the largest volumes of media attention out of all Commercial Courts cases.

The September 2023 judgment in *The Republic of Mozambique v Credit Suisse International and Ors*, received coverage in the Independent, Bloomberg, Reuters and the FT, amongst others. This involved the President of Mozambique's successful claim for immunity in the 'tuna bonds' case.

On the claimant side also, Credit Suisse AG's successful claim to enforce the debt on a yacht loan was covered by media outlets across international (Reuters), UK national (the Times), and trade (Law.com) press, among others (*Credit Suisse AG v Burgundy Sea Ltd & Ors*). Court hearings prior to the April 2023 judgment were also covered widely by press, with articles published by Bloomberg and the Daily Mail which highlighted the bank's legal arguments.

Q. Number of Swiss litigants and top 10 ranking



NO LUGANO, NO PROBLEM?

Brexit and the UK's non-accession to the Lugano Convention was a cause for concern as to the attractiveness of English judgments in Switzerland, and other European Free Trade Association (EFTA) member states.

No longer automatic, the recognition of judgments is now governed by the Federal Act on Private International Law ("PILA"), which has more scrutinous provisions for enforcement in the Swiss courts.[12]

As the data shows however, this shift hasn't slowed the rate of Swiss litigants using the London's Commercial Courts, despite the risks to the appeal of English judgments.

Despite Switzerland signalling its consent for the UK to re-join the Lugano Convention, the EU Commission has blocked this.[13] And although the recent signing of the Hague Convention was seen as a boost to future cross-border enforcement with Europe, an EFTA-sized hole in the regime remains.

Switzerland follows suit by introducing international commercial courts



Stefanie Pfisterer
Partner at Homburger

Kimberly Amrein
Associate at Homburger

Switzerland's presence in the London Commercial Courts has been remarkable. This may see a certain change with Switzerland introducing international commercial courts into its legal system, thus enabling the cantons – especially Zurich, Geneva and Bern – to introduce international commercial courts.

Traditionally, Swiss parties have often used the London Commercial Courts to litigate their disputes. The main users are Swiss commodity traders, shipping companies and parties to international financing agreements, on the borrower and the lender side. This year, the number of Swiss litigants has gone up to 45, which means a stark increase from 26 litigants of last year.

However, a newly adopted option for Swiss cantons to introduce international commercial courts may have an effect on the use of London Commercial Courts by Swiss litigants:

On March 17, 2023, the Swiss Parliament passed a revision to the Swiss Civil Procedure Code. A central point of the revision is that the Swiss cantons will be enabled to establish international commercial courts before which international commercial disputes can be resolved.

If implemented by a given canton, international commercial courts will have jurisdiction if (1) the dispute concerns the commercial activity of at least one of the parties, (2) the amount in dispute is at least CHF 100,000, (3) the parties consent to the jurisdiction of the commercial court, and (4) at the time of this consent at least one of the parties is domiciled or has its



The existing Swiss commercial courts are renowned for their specialist commercial expertise, drawn from a mix of full-time judges and judges with commercial backgrounds.



registered seat outside Switzerland. In such case, the chosen commercial court will have to accept jurisdiction.

Cantonal legislation may also allow parties to agree on conducting the proceedings in English. In such case, any appeal against the court's decision to the Swiss Federal Supreme Court can also be made in English.

The existing Swiss commercial courts are renowned for their specialist commercial expertise, drawn from a mix of full-time judges and judges with commercial backgrounds. It is expected that the international commercial courts will also have considerable specialist expertise.

The international commercial courts in Switzerland will benefit from a strong position with regard to the recognition and enforcement of their decisions abroad: Since October 30, 2007 (entry into force on January 1, 2011), Switzerland is a party to the revised Lugano Convention. On December 22, 2023, the Swiss Parliament decided to ratify the Hague Convention on Choice of Court Agreements.

The revision to the Swiss Civil Procedure Code will come into force on January 1, 2025. Once in force, the cantons will be able to introduce cantonal legislation which is expected to take some time. So far, at least the cantons of Zurich, Geneva and Bern have expressed their interest in establishing international commercial courts.



A newly adopted option for Swiss cantons to introduce international commercial courts may have an effect on the use of London Commercial Courts by Swiss litigants.



LITIGANTS FROM THE UAE HIT RECORD HIGH FOR SECOND YEAR IN A ROW

A grand total of 43 litigants from the UAE appeared in the London Commercial Courts this past year. This builds on the strong presence of UAE litigants found in last year's Report which totalled 32, representing a significant increase from the 13 recorded in 2021 – 2022 (as seen in figure R).

Emirati litigants were recorded across 13 judgments, with 72% appearing as defendants in these cases. Six of these judgments involved Emiratis on both claimant and defendant sides. This was one of the most common nationality pairings across all judgments this year (as detailed on page 6) and was also a key trend seen in last year's report.

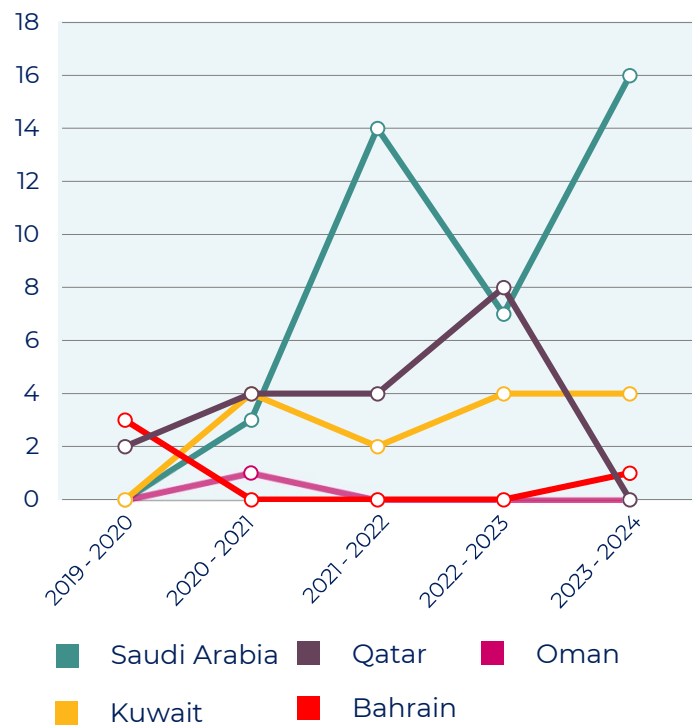
One notable judgment (*Emirates NBD Bank PJSC v Almkhawi & Anor*) involved all-Emirati litigants, including a former diplomat for the UAE. In this case, Justice David Edwards KC ruled that a Dubai Court judgment, in favour of Emirates NBD Bank PJSC, was enforceable in England and Wales, allowing the bank to recover the defendant's UK assets.

The decision signalled the potential for a future relationship of reciprocal enforcement between the UAE courts and England and Wales courts, building on a directive issued by the UAE Ministry of Justice in 2022, confirming that English judgments can be enforced by UAE courts.[14]

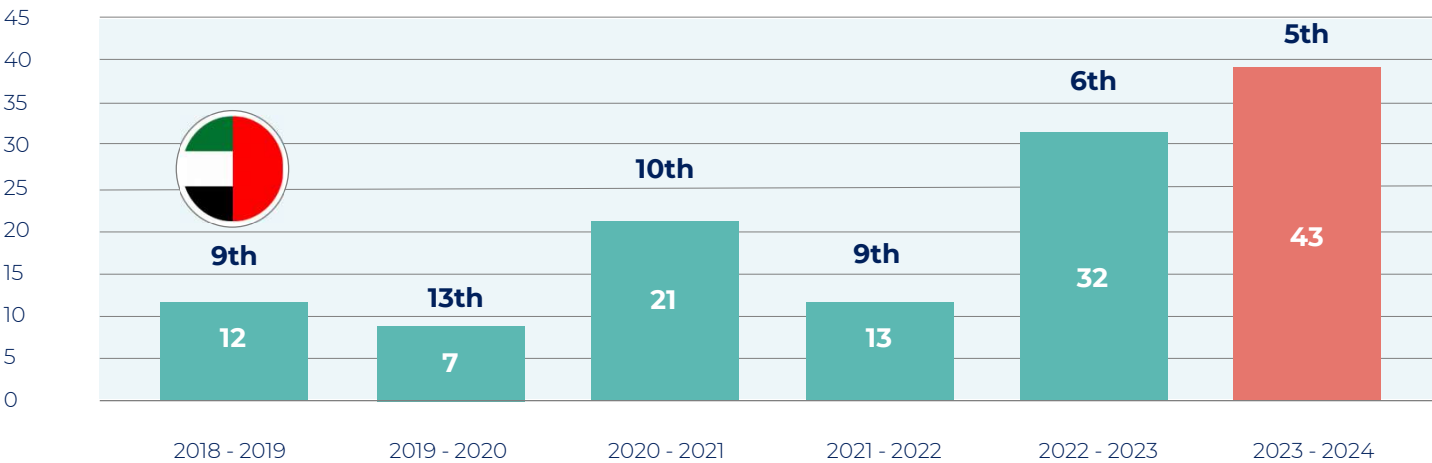
The developing judicial relationship underscores the moves made by Abu Dhabi to strengthen its ties to the UK in recent years, as well as general efforts to assert itself in the global marketplace.[15] This could partly explain how the use of the Commercial Courts by Emirati litigants has steadily increased over time.

Although Gulf Cooperation Council (GCC) states have increased their global commercial presence over the past decade, Saudi Arabia and the UAE are the only GCC members to have increased their appearances in the Commercial Courts in the past year. The number of litigants appearing from Saudi Arabia has doubled in the past year to 14, whereas Oman, Kuwait, Qatar and Bahrain have either stagnated in appearances or have not appeared at all (figure S).

S. Number of litigants from other GCC states appearing in the London Commercial Courts



R. Number of litigants from the UAE and their ranking



Home and Away: UAE litigants continue to favour the English Courts - in the UK and the UAE



Andrew Mackenzie

Partner and Regional Head of Litigation, Arbitration and Regulatory for DLA Piper (Middle East) LLP

The English Commercial Courts are thriving and continue to be the legal forum of choice for global business and individuals. This is illustrated both by an increase in the number of international litigants utilising London's Commercial Courts and the continued application of English common law principles in global legal markets, such as Dubai and Abu Dhabi, in the UAE.

According to the latest figures, the Commercial Courts continue to handle a significant caseload from abroad, with 64% of litigants in 2023-2024 not originating from the UK. There was also a 34% increase, from the previous year, in the number of UAE based litigants utilising the Courts. This is attributable to the fact that parties the world over continue to adopt English law as the governing law of their contracts and for the English Courts to resolve their disputes. The enduring appeal of English law and the English Courts can be attributed to the following key strengths:

Consistency, Certainty, Predictability – the global use of the English language in business transactions makes English law the market standard for many industries. The Commercial Court in London has a particularly strong reputation for handling complex international commercial disputes and its decisions offer a stable legal environment which is crucial for longer-term risk assessment.

Clear Legal Principles – binding precedents established over centuries in the English Courts provide clarity and guidance in interpreting and applying the law. For example, unlike in many Civil law jurisdictions (such as the UAE), there is no overarching duty of good faith within English law, which creates more certainty for parties in dispute.

Remedies – English law provides for equitable remedies such as worldwide freezing orders and temporary injunctions that may be necessary to protect the monetary focus of a dispute.

The UAE has long recognised the appeal of English law and its Courts to international businesses. The Dubai International Finance Centre ("DIFC") and the Abu Dhabi Global Market ("ADGM") have gained international recognition as world-class financial centres.

Both have flourished as international hubs for dispute resolution, arguably due to their adoption of a common law system based predominantly on English law (in the DIFC's case) or the adoption of English law wholesale (the approach favoured by the ADGM). Both have established specialised commercial courts, which apply legal and regulatory frameworks, based on principles of English common law and both jurisdictions allow parties to "opt in" and have their disputes settled by the Courts, no matter where the parties are based.

In July 2023, the DIFC Courts recorded a 692% increase in case value in the first half of 2023, compared to the first six months of 2022. 455 cases were filed with a total value of over USD 4 billion. Further, the UAE onshore Courts, the DIFC Courts and the ADGM Courts have each put in place mechanisms for the mutual recognition and enforcement of judgments and orders between them and the English Courts. We are seeing a number of entities with European headquarters litigate in England and have the judgments enforced in the UAE.

Recognising the success of the DIFC and ADGM as top financial and business centres and with a view to further enhancing the ease of doing business in the UAE, the Dubai Government issued a [press release](#) confirming that it is exploring the expansion of English common law to all free zones within Dubai. The DIFC and the ADGM act as the gateways for commercial entities seeking to access the Middle East, Asia and other markets. Having a reliable, transparent, predictable and efficient legal system, which businesses can trust is at the core of that success. Expanding the use of English common law to other free zones will only enhance this trust and confidence in the region for global businesses.

2 EMERGING JURISDICTIONS: AN OVERVIEW OF INTERNATIONAL COMMERCIAL COURTS

Although the data demonstrates London's position as a world leader for international dispute resolution, the past two decades has seen a global proliferation of international commercial courts in other jurisdictions.

These courts offer specialised tribunals tailored to handle complex cross-border commercial disputes through an array of specific features designed to draw foreign investment. These include flexible procedural rules, multilingual court proceedings, and the recruitment of experienced foreign judges.

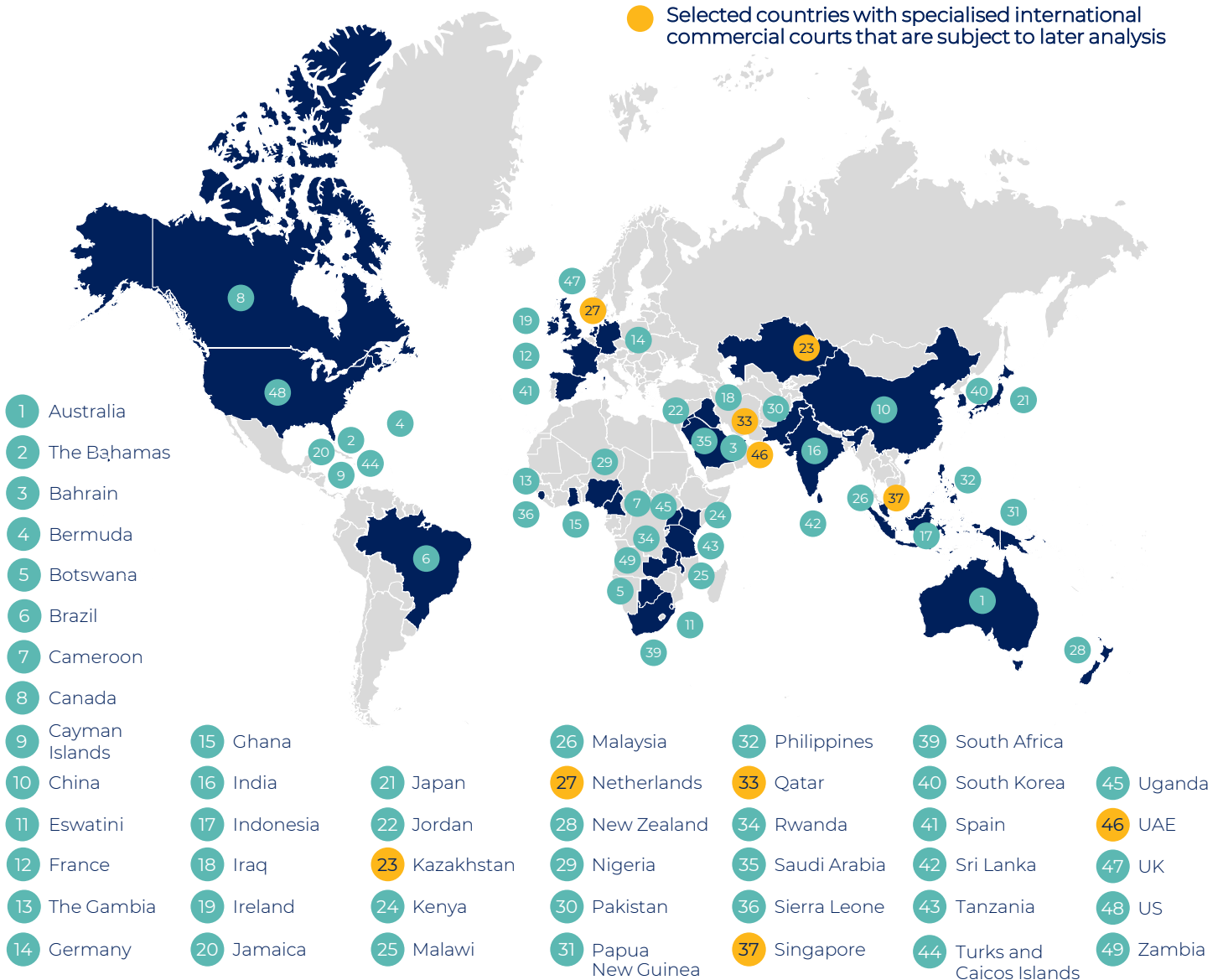
Portland selected courts from five countries as key examples to analyse how the international commercial court market is progressing: **Netherlands, Qatar, Kazakhstan, the UAE and Singapore.**

Each of these jurisdictions has a wide variety of features, underlying philosophies and years in operation. What they all share are significant signs of progress and innovation, culminating in an increasingly competitive global marketplace for London.

Despite this, there is room for London, whose Commercial Courts have been operating since 1895, to learn from and cooperate with each emerging jurisdiction and other commercial courts around the world to further build on international best practice.

T. GLOBAL COMMERCIAL COURTS

- Countries with member courts in the Standing International Forum for Commercial Courts (SIFoCC)
- Selected countries with specialised international commercial courts that are subject to later analysis



New international commercial courts play a central role in establishing successful commercial centres



The Rt Hon. the Lord Burnett of Maldon
Chief Justice of the AIFC Court and former
Lord Chief Justice of England and Wales

In recent times international commercial courts have been created in countries where new commercial centres have been established to attract investment, including in Singapore, Hong Kong, Qatar, Dubai and Abu Dhabi. Other countries inherited common law systems including commercial law from the UK, including Australia, Canada, India, Malaysia, and New Zealand. These jurisdictions have systems of justice which are substantially based on the common law system of justice and designed to accord with the rule of law.

The models of commercial dispute resolution in these jurisdictions were considered when deciding upon the model which should be adopted at the Astana International Financial Centre Court (AIFC Court) in Astana, the Republic of Kazakhstan, to which I was appointed as Chief Justice from 1 November 2023 following the retirement of the Chief Justice, The Rt. Hon. The Lord Mance, who succeeded the founder and first Chief Justice, The Rt. Hon. The Lord Woolf CH.

The reason why countries are establishing courts similar to the AIFC Court is because it is being increasingly accepted by the leaders of those countries that the prospects of their new commercial centres are greatly increased if investors are satisfied that their centres are safe places in which to invest. International investors look to invest in jurisdictions which recognise and apply the rule of law.

Any commercial decision outside an investor's home jurisdiction involves risk. Investors know that from time to time disputes in business will arise and they may require assistance of a court to resolve them. They want to have the protection the rule of law provides. Risk is significantly reduced if courts exist which are unequivocally independent, compliant with the rule of law, operated by judges known internationally, and with familiar procedures.



Collaboration can assist courts to develop international best practice and enable international businesses to enjoy the significant benefits of world class dispute resolution...



New international commercial courts play a central role in establishing successful commercial centres with all the facilities and international standards that investors expect such institutions to have. Similar to other courts, the AIFC Court has proven in little more than six years to significantly increase investment attractiveness in the Republic of Kazakhstan and the wider Central Asia region where at present there are no comparable courts.

While the London Commercial Courts remain a popular and trusted venue for resolving commercial disputes between international parties and have been a source of inspiration, as well as judicial talent, for courts such as the AIFC Court, all Courts can usefully learn from each other by collaborating and sharing experience. The AIFC Court has proven to be a useful innovator both in terms of infrastructure and procedural efficiency, with digital technology and remote hearings, simplified procedural rules, and enforcement protocols, enabling it to quickly respond to the changing dispute resolution needs of its users.

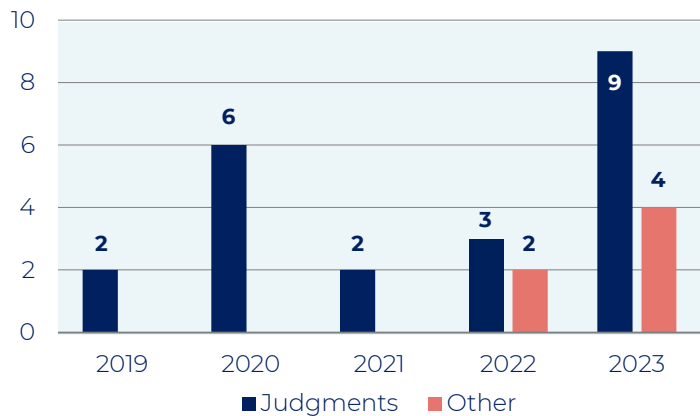
I welcome collaboration between all commercial courts and note the Standing International Forum of Commercial Courts (SIFoCC), which met recently in Doha, Qatar. Collaboration can assist courts to develop international best practice and enable international businesses to enjoy the significant benefits of world class dispute resolution from the comfort of their own locations.

The Netherlands Commercial Court

The newest of the courts analysed in this section, the Netherlands Commercial Court (NCC), was introduced on 01 January 2019. It is situated within the Amsterdam District Court and Amsterdam Court of Appeal, leveraging the Netherlands' strategic economic positioning and its reputation for high-quality judicial processes.

Proceedings in the NCC are conducted entirely in English, including the pronouncement of judgments, making it distinct from other courts in the European Union. It issued its first ruling merely two months after opening its doors, and parties appearing before the courts have mainly been from common law jurisdictions (figure V). The NCC has dealt with 32 cases in its first five years. The upward trajectory peaked in 2023 with 15 new cases initiated (figure W).

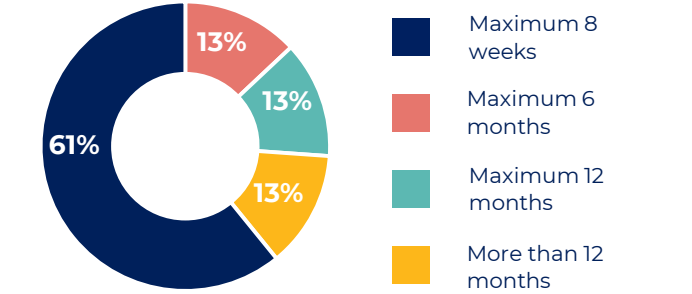
X. Annual number of judgments handed down by the Netherlands Commercial Court



The NCC has demonstrably swift adjudication processes (as seen in figure U). Remarkably, the NCC Court in Summary Proceedings has delivered judgments in less than two weeks for the majority of the past five years.

The international makeup of litigants at the NCC reflects a burgeoning global appeal - the Court has seen litigants from several continents. In 2023, there was a large uptick in cases involving EU27 litigants, including France. Growing in domestic popularity also, 60% of Dutch of General Counsel said they would consider an NCC clause in their commercial contracts in a 2023 survey.[16]

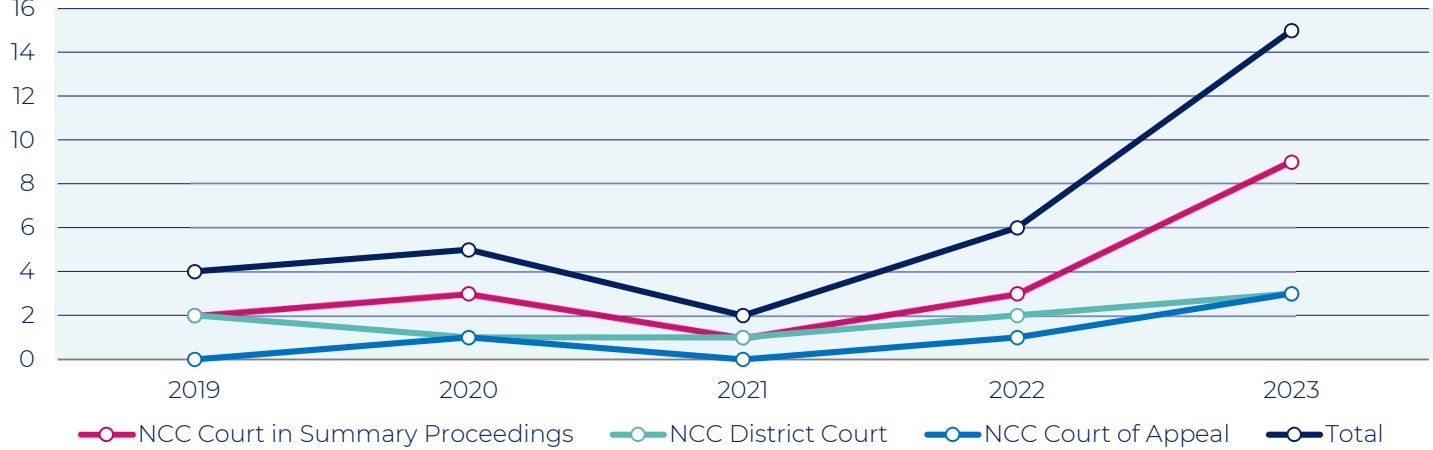
U. Length of case proceedings from 2019 to 2023



V. Top 6 litigants by nationality (2019 to 2023)



W. Annual number of cases initiated in the Netherlands Commercial Court



The future of the Netherlands Commercial Court is promising



Duco Oranje

President of the Netherlands Commercial Court of Appeal

The Netherlands Commercial Court (NCC) is the international chamber of the Amsterdam District Court in Amsterdam and the international chamber of the Amsterdam Court of Appeal.

The NCC started in 2019 and it received its first case within 2 months. The NCC is a part of the Dutch Judiciary which is consistently ranked among the most efficient and reliable worldwide.

In the first four years, the majority of non-Dutch parties came from common law countries. Last year, we saw a rise in the number of EU litigants, which resulted in a 50/50 split in civil law countries and countries with a common law or mixed system.

The majority of cases were resolved within 8 weeks. And almost all were dealt with within one year. This follows from the Court's active case management.

A case is assigned to the judges at an early stage of the proceedings, usually within two weeks, and a case management conference is scheduled not much later. During such a management conference – which may be held using videoconference – the Court will discuss a timetable for submissions and a date for the hearing. This results in a clear and swift path to a final hearing on the merits. A helpful tool in this respect is also our electronic portal for all communications. This offers the judges and the parties a 24/7 up-to-date view of the status of the case, and much faster communication than in 'paper file proceedings'.



The NCC is a part of the Dutch Judiciary which is consistently ranked among the most efficient and reliable worldwide.



The caseload is on the rise and will continue to rise, as more and more lawyers consider the NCC to be a neutral forum that can efficiently and expertly deal with international commercial disputes.



We are still in a start-up period, but the number of cases initiated in the NCC is on the rise, with 15 cases in 2023. This is a modest caseload, but one must bear in mind that the NCC cases are initiated solely on the basis of active party choice. Dutch and foreign lawyers are reassuring us that NCC clauses are being included in agreements, even in contracts where there is no direct connection to the Netherlands. We may therefore expect a steady rise in the number of cases in the coming years.

In addition, as of 1 March 2024, the default place of arbitration of the Netherlands Arbitration Institute (with a substantial international caseload) will be Amsterdam, which will also generate arbitration-related cases in the NCC.

In the past five years the NCC dealt with a variety of cases: claims relating to M&A, financial agreements, clinical trial services, manufacturing and distribution agreements, as well as claims seeking restructuring of a company's debt. The judgments given by the NCC were well received, including, for instance, a judgment under English law, and a judgment in which the NCC introduced for the first time the "share the pain" approach when dealing with a dispute on modification of a contract due to COVID-19 circumstances.

To sum up, the future of the NCC is promising. The caseload is on the rise and will continue to rise, as more and more lawyers consider the NCC to be a neutral forum that can efficiently and expertly deal with international commercial disputes. The second reason for the short duration of NCC proceedings is that the average time from the moment the judgment date was set until the judgment was rendered was no longer than 6 weeks, and for summary proceedings was no more than 2 weeks.

The Qatar International Court and Dispute Resolution Centre

In line with the Qatar National Vision 2030, the Qatar International Court and Dispute Resolution Centre (QICDRC) was instituted in 2009 as part of efforts to diversify Qatar’s economy and attract foreign direct investment.[17]

The QICDRC is comprised of the Qatar Financial Centre Regulatory (QFC) Tribunal, the Qatar International Court (QIC), as well as mediation and arbitration services.

As seen in figure Y, the number of judgments handed down by the QIC increased significantly in 2023 compared to 2022, constituting 25% of all judgments issued since the Courts opening year.

This growth in the QIC’s caseload has been driven by various developments, most notably the adoption of state-of-the-art technology and support from the Qatar government in expanding the court’s domestic jurisdiction and international network.

The QIC is populated by judges with significant expertise in a range of sectors, hailing from a multitude of jurisdictions, including Kuwait, Qatar, Cyprus, Singapore, New Zealand and South Africa. Though as figure Z shows, a majority of QIC judges are former High Court judges of England and Wales. This reflects the fact that the courts methods are largely based on the judicial system of England and Wales.[18]

Z. Nationalities of QIC judges

 6 JUDGES UNITED KINGDOM	 2 JUDGES QATAR
 1 JUDGE SOUTH AFRICA	 1 JUDGE CHINA
 1 JUDGE FRANCE	 1 JUDGE NEW ZEALAND
 1 JUDGE CYPRUS	 1 JUDGE SINGAPORE

2009

OPENING YEAR
FIRST JUDGMENT
IN 2010

56

JUDGMENTS
HANDLED DOWN
IN 2023
56% INCREASE
FROM 2022
(COURT OF FIRST
INSTANCE)

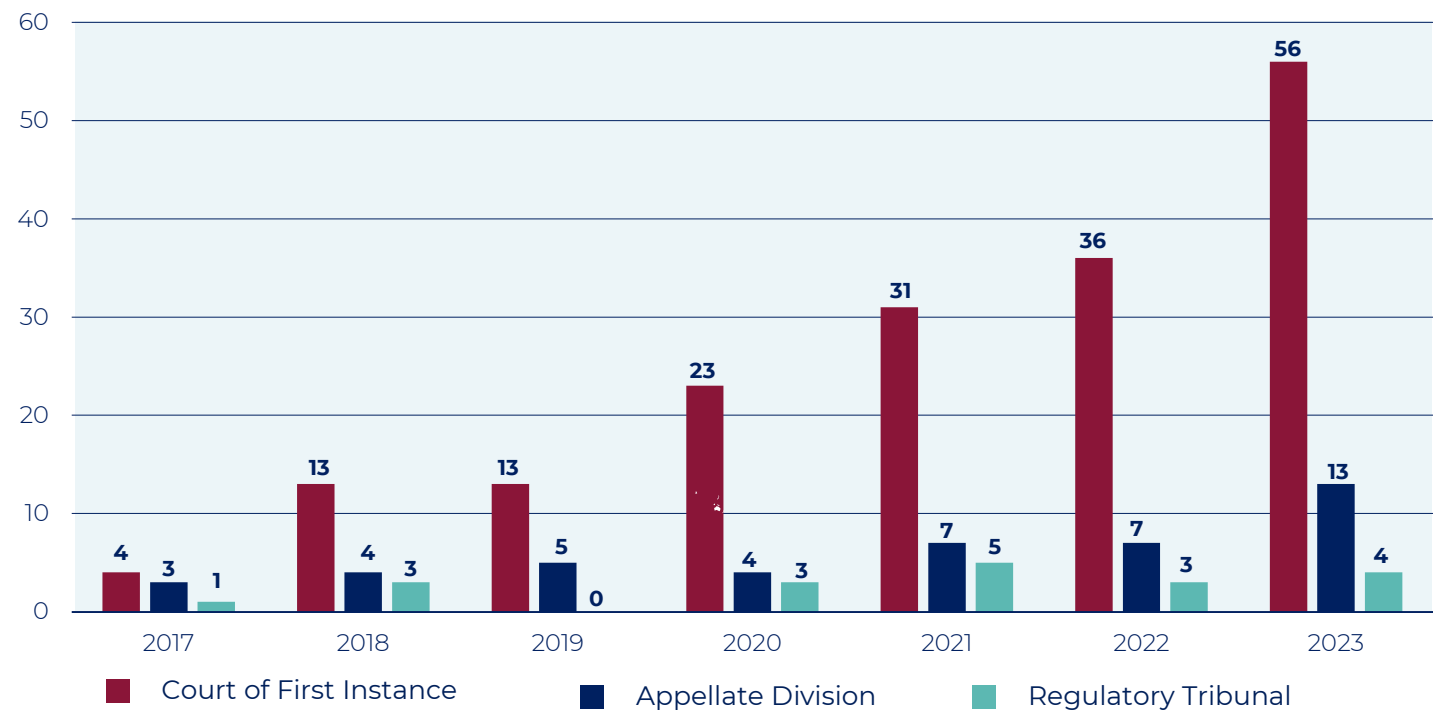
25%

TOTAL
JUDGMENTS
ISSUED SINCE 2009
WERE IN 2023

130%

CASELOAD
INCREASE IN 2023
COMPARED TO
2022

Y. Annual number of judgments handed down by the QIC



An overview of the Qatar International Court and Dispute Resolution Centre



Faisal Rashid Al-Sahouti
CEO, the Qatar International Court
and Dispute Resolution Centre

The Qatar International Court and Dispute Resolution Centre, comprising the Qatar Financial Centre ('QFC') Civil and Commercial Court (the 'Court'), Regulatory Tribunal (the 'Regulatory Tribunal'), and arbitration services, was established by the QFC Law No. 7 of 2005.

The QFC was set up as a special economic zone that provides favourable business conditions designed to attract investment into the State of Qatar. Those conditions include a favourable tax regime, an ownership structure that allows a company to be 100% foreign-owned, a full repatriation of profits, and a set of laws based on international best practice that will be familiar to international investors. To date, well in excess of 1,500 firms have registered with the QFC.

Part of the significant attraction to the QFC is that the Court and Regulatory Tribunal are the default bodies to which disputes from the QFC do go (latterly, the QICDRC also became the default forum for various matters coming from the Qatar Free Zones). The QICDRC provides a truly exceptional, world class service.

The Court is led by its President, Lord Thomas of Cwmgiedd, former Lord Chief Justice of England and Wales ('LCJ'; indeed, all former Presidents have held the LCJ position), and the Regulatory Tribunal is led by Sir William Blair.

The QICDRC boasts 18 Judges from 12 jurisdictions uniquely covering the common law tradition, the civil law tradition, and regional law traditions through our Qatari Judges. The Judges are a combination either of senior retired Judges or eminent practitioners/academics.

The QICDRC prides itself on the high quality, cost effective, and efficient service that it provides to all court users, with transparency, access to justice and the rule of law at its core. The QICDRC's reputation is evidenced by a 130% increase in cases filed in 2023 compared to 2022.

All of the proceedings at the QICDRC – save for where they must be private e.g. arbitration-related cases – are livestreamed on the Court's website. The QICDRC is dual language and therefore parties are free to plead either in Arabic or in English, with free simultaneous translation between the two languages provided.



The QICDRC provides a truly exceptional, world class service.



All judgments are published simultaneously in English and Arabic and are published on the website shortly after hearings. The QICDRC further ensures transparency in a variety of ways, including through a Practice Direction on access to documents which allows non-parties to apply to obtain pleadings in cases. The QICDRC, also uniquely, does not charge any court fees of any nature, and this – coupled with a very successful pro bono scheme, helps ensure that access to justice is as wide as possible and that funds are no bar to parties securing their rights.

QICDRC's international profile is also high and continues to increase. By way of example, it hosted the 5th Full Meeting of the Standing International Forum of Commercial Courts (SIFoCC), which entailed welcoming over 170 judges from 56 jurisdictions to Qatar in April 2024, including around 25 Chief Justices/Presidents of Courts. Other attendees included the Minister of Justice and Chief Justice of the State of Qatar, and various Ambassadors. The event was a resounding success and has resulted in further strong partnerships around the world, building on the outreach work conducted by the QICDRC in Shanghai, Hong Kong, London and Paris in 2023.



The QICDRC prides itself on the high quality, cost effective, and efficient service that it provides to all court users...



The Astana International Financial Centre

The Astana International Financial Centre (AIFC) acts as a key financial hub in its region and has attracted over \$10 billion of investment in Kazakhstan since its opening in 2018.

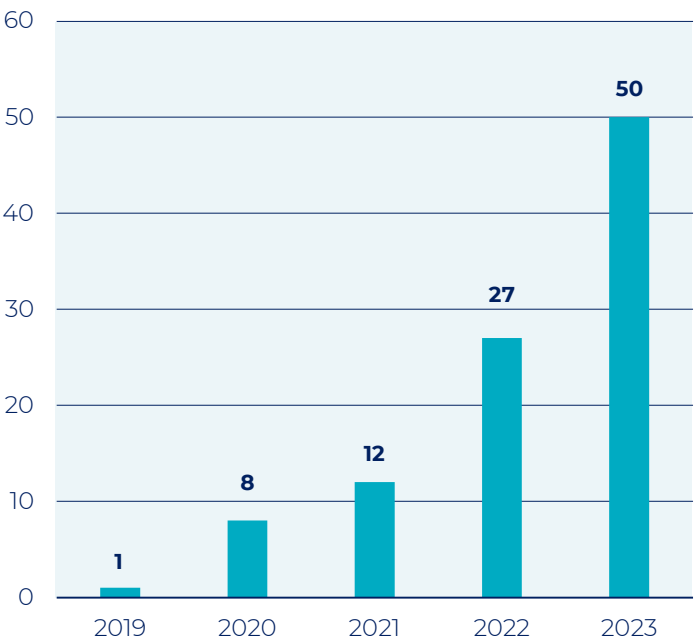
With exclusive jurisdiction to resolve civil and commercial disputes in the AIFC, the AIFC Court has significantly increased in activity every year since its inception. The number of judgments handed down in 2023 was almost double the amount given in 2022 (as shown in figure AA).

The Court sits independently from Kazakhstan's domestic judicial system, with its own procedural rules that are modelled on English common law procedures. It has a judiciary drawn entirely from England and Wales, with 9 justices (including the Chief Justice) that possess broad experience across civil and commercial disputes.

As of January 2024, the AIFC Court and IAC have handled 2,412 cases, including 102 court judgments, 498 arbitration awards and 1,812 mediation settlements. The impressive growth of the Court's caseload reflects the large annual increase in AIFC-registered companies, with 28% of total participants registering in 2023 alone.

Over 600 lawyers have now obtained rights of audience in the AIFC Court, from 34 jurisdictions – this includes 377 from Kazakhstan, 93 from England and Wales, 16 from Russia, 14 from Hong Kong and 14 from the US.[20] AIFC courtrooms are also accessible in other countries such as Armenia, Azerbaijan, Georgia, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan.

AA. Annual number of judgments handed down by the AIFC Court



THE AIFC COURT IN NUMBERS:

604
LAWYERS
FROM 34
JURISDICTIONS

97.7%
OF CASES
INVOLVE
PARTIES WITH
BUSINESS IN
KAZAKHSTAN

\$330m
HIGHEST VALUE
CLAIMED
AS OF JUNE 2023

48%
OF CASES
INVOLVED A
FOREIGN PARTY

9
COURT JUSTICES
ORIGINATING FROM
ENGLAND AND
WALES

2412
CASES RESOLVED
ACROSS ALL
TRIBUNALS

102
AIFC COURT
JUDGMENTS
HANDED DOWN
AS OF JANUARY 2024

498
ARBITRATION
AWARDS ENFORCED
AS OF JANUARY 2024

1812
MEDIATION
SETTLEMENTS
AS OF JANUARY 2024

23
NATIONALITIES
APPEARING ACROSS
ALL CASES
AS OF JUNE 2023

THE ASTANA INTERNATIONAL FINANCIAL CENTRE IN NUMBERS (AS OF DECEMBER 2023):

2394
COMPANIES
REGISTERED TO AIFC
FROM 78 COUNTRIES

39%
INCREASE
IN AIFC
PARTICIPANTS IN
2023 COMPARED
TO 2022

\$2.6b
TOTAL
INVESTMENT
ATTRACTED VIA
AIFC ECOSYSTEM
IN 2023

964
COMPANIES
INVOLVE FOREIGN
INVESTORS

781
NEW JOBS CREATED
BY AIFC
PARTICIPANTS IN
2023

\$10.5b
TOTAL
INVESTMENT
ATTRACTED VIA AIFC
ECOSYSTEM SINCE
2018

The AIFC Court leads the way in international commercial dispute resolution in Eurasia



Chris Campbell-Holt
Registrar and Chief Executive, AIFC Court

The AIFC Court commenced operations on 1 January 2018. It is led by The Rt. Hon. Lord Burnett of Maldon, former Lord Chief Justice of England and Wales, and ten judges who understand the commercial world and are amongst the most experienced and distinguished judges from the common law system with global reputations for absolute independence and impartiality. Previous Chief Justices were The Rt. Hon. The Lord Woolf CH, the Court's founder, and The Rt. Hon. The Lord Mance, former Deputy President of the UK Supreme Court. The Court is supported by international standard administration. The Court's independence is guaranteed in statute..

The Court has given 118 judgments involving a broad range of commercial disputes including contracts, banking and finance, construction and property. It has supported the AIFC International Arbitration Centre (IAC), guided by the principle of non-intervention with limited supervision in IAC arbitration cases and recognition and enforcement of IAC arbitration awards. Its judgments are final.

Any law can apply with the consent of the parties in a given case. The procedural rules are flexible and include all the innovations of other commercial courts to avoid unnecessary complexity, delay, and costs. All judgments have been enforced to 100% satisfaction of the parties, including all judgments given against the Kazakhstan state. Arrangements are in place for international enforcement. Claim values have exceeded USD 1 billion. Applicable law has been the Astana International Financial Centre law, modelled on English common law and international best practice, and Kazakh law. More than 600 lawyers from 30 countries have rights of audience.



The Court has been recognised by global investors as the preferred court for international commercial disputes in Eurasia



The Court has been the “deal breaker” in final decisions to invest in Kazakhstan.



The Court's international standard premises are headquartered in Astana, the Kazakhstan capital, and in eight additional countries in Eurasia that are key trading partners with Kazakhstan. New premises will be launched in Beijing to meet the needs of the Court's Chinese users. All of the premises have international standard meeting and conference rooms, hearing rooms, and office facilities, and access to innovative digital technology to assist with timely and cost effective case management. eJustice provides immediate 24/7 electronic access to all documents to the parties and judges in a case. Video hearings happen when a judge decides that an in-person hearing is not necessary or appropriate. New AI assisted transcription for hearings will be launched in English and Russian languages.

The Court has been recognised by global investors as the preferred court for international commercial disputes in Eurasia, competing with the very best courts in the UK and elsewhere, and has been included in more than 10,000 business contracts as the court of first choice. The Court has been the “deal breaker” in final decisions to invest in Kazakhstan. It is “truly international not only because there are disputes which are international but also because Parties come from all over the world”. It is “a very good alternative to London”. It has “first class, cutting edge facilities, with a robust legal framework, supported by judges and a management team that delivers a service on which users can rely, specific to their needs”.

The Dubai International Financial Centre

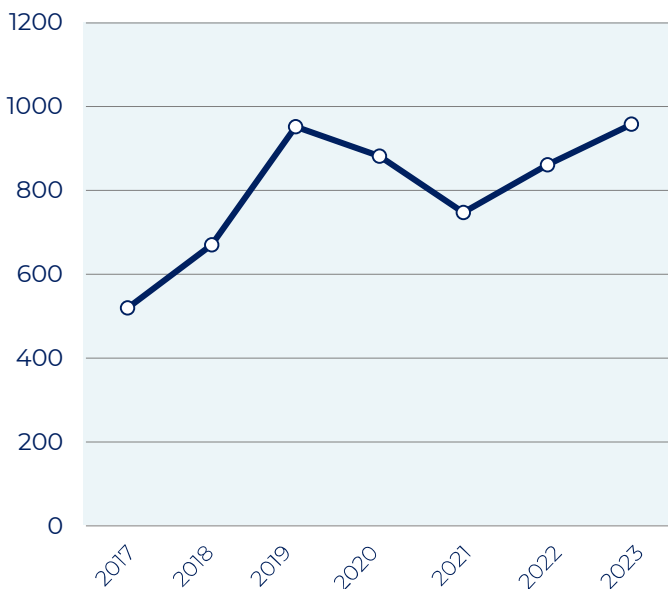
Similar to its counterparts in Astana and Qatar, the Dubai International Financial Centre (DIFC) Courts act as a jurisdictional carve-out separate from UAE domestic law, operating under English common law.

The DIFC Courts have seen an impressive amount of growth since beginning operations in 2006. In 2023, there were 958 cases heard across all divisions (figure AB), a record number for the Courts. In the Court of First Instance alone, there were 111 cases recorded in 2023 which had a total value of £3.57 billion.[21]

As of December 2023, there are 187 law firms registered at the Courts, a 55% increase since 2017, and 895 individually registered practitioners.[22] The Courts have enforcement treaties in place with 11 countries in the region and 16 other courts globally. Memorandums of enforcement have been signed with the UK, Australia, Kenya, France and China, among others.

The DIFC Courts has cemented itself as one of the most forward-thinking courts in the world. Entire proceedings, including; inter alia, submitting pleadings, conduct of the court hearing sessions, and investigations, can be carried out through virtual portals. In 2023, the Digital Economy Court was opened to hear claims relating fintech, AI, big data, e-commerce and blockchains.[23] This is the first division of its kind, and one example of how the DIFC is preparing for disputes of the future.

AB. Annual number of cases handled across all DIFC divisions



AC. Nationalities of DIFC Court judges



THE DIFC COURTS IN 2023:

111
CASES
IN COURT OF FIRST
INSTANCE

£6.3m
AVERAGE CASE
VALUE ACROSS
ALL DIVISIONS

325
ENFORCEMENT
CLAIMS FILED

£3.57b
TOTAL CASE VALUE
IN COURT OF FIRST
INSTANCE

£49.1m
AVERAGE CASE VALUE
IN COURT OF FIRST
INSTANCE

£205m
AVERAGE CASE VALUE
IN ARBITRATION
DIVISION

THE DIFC IN NUMBERS:

895
REGISTERED
LAWYERS

32
OVERSEAS COURTS
WHERE DIFC
JUDGMENTS ARE
ENFORCEABLE

39%
EMPLOYEES ARE
UAE NATIONALS

187
REGISTERED LAW
FIRMS

10
COOPERATION
AGREEMENTS SIGNED
WITH OVERSEAS
COURTS

100%
ORDERS AND
JUDGMENTS
ISSUED IN DIGITAL
FORMAT

Cultivating a courts system for the future



H.E. Justice Omar Al Mheiri

Director, Dubai International Financial Centre (DIFC) Courts

In a world that is more globalised and connected than ever, one element still dictates the success of commerce – trust... and the ability to trade securely with business certainty. We are seeing the transnational movement of goods and services across the world through hundreds and thousands of different companies. Inevitably this sustained flow of commerce will attract disputes.

When resolving cross-border disputes, will corporations prefer arbitration, particularly in conjunction with Alternative Dispute Resolution (ADR) mechanisms, with a streamlined stepped approach; or will concerns regarding the legitimacy of local or global enforcement cause further doubt on litigation proceedings?

Looking at global legal infrastructures, it becomes apparent that the challenges for commercial dispute resolution run much deeper than superficial procedural obstacles. Professor Gillian K. Hadfield Professor of Economics at the University of Southern California (USC), published a book, entitled 'Rules for a Flat World', addressing this issue. She states in her book: *"Our existing systems for developing the rules and legal practices we need to manage the galloping progress of the global digital economy are drowning in cost and complexity...the legal systems we have are failing ever more regularly to do what law is supposed to do: make it easier for people to work together and make life for all better, not worse."*

Dispute resolution needs to be more about providing a service – helping people resolve problems they can't work out themselves. Adopting user-friendly procedures, reinforcing the overall courts experience is crucial as a stepping stone to building trust. Effective and less-expensive access to dispute resolution procedures and regulatory systems need to work in tandem with governments that ensure the rule of law is being honoured.

There is discussion in recent times of artificial intelligence and how it can revolutionise the legal sector. At a very practical level, some dispute resolution centres are failing to even introduce intelligent automation. It has caused many courts around the world to lag behind in solving disputes, including arbitration, mediation, or private sector resolutions. There are endless opportunities for increased service to the public, even in moments of apparent global crisis. Recognising these opportunities to further assist communities, whether individuals, SMEs, or large multi-national businesses, requires constant collaboration, innovative discussion, and the nimbleness for rapid execution.

If we look to the long-term future challenges for commercial dispute resolution; what will be the challenges in 20, 30, or 40-years' time? What law and mechanisms will dispute resolution services need to adopt, in order to keep pace?

Are the necessary laws in place to allow secure innovation? How do you resolve disputes in the global 3D printing technology supply chain? The same goes for all the emerging technologies of recent years, from autonomous cars and drones, through to artificial intelligence and blockchain.

In an era of significant technological disruption, this process becomes ever faster and more dynamic. This prompted the DIFC Courts, to think ahead. If new technologies are creating challenges for regulators, what will the impact be on the court systems that will resolve the commercial disputes that inevitably arise? So, the obvious question is: what will the courts of the future look like? We can already say with some certainty that technology will enable them to bridge barriers of language, borders, jurisdiction, and currency.

Future research will combine expertise and resources to investigate handling disputes arising out of private and public blockchains, with regulation and contractual terms encoded within the smart contract. To deal with such future economy disputes, the DIFC Courts set up the Digital Economy Court Division with specialised Rules in 2021, aimed at simplifying the resolution of complex civil and commercial disputes related to the digital economy.

In 2022, we issued a judgment in one of the first cryptocurrency litigation disputes in the region and one of the few reported cases anywhere in the world, which addressed issues such as the safe transfer of cryptocurrency between buyer and seller and the obligations owed by a custodian of cryptocurrency. This case gave rise to various other interesting questions such as the nature of Bitcoins, i.e., whether cryptocurrencies are considered commodities, currencies, properties, or something entirely different, and the appropriate time to value Bitcoins.

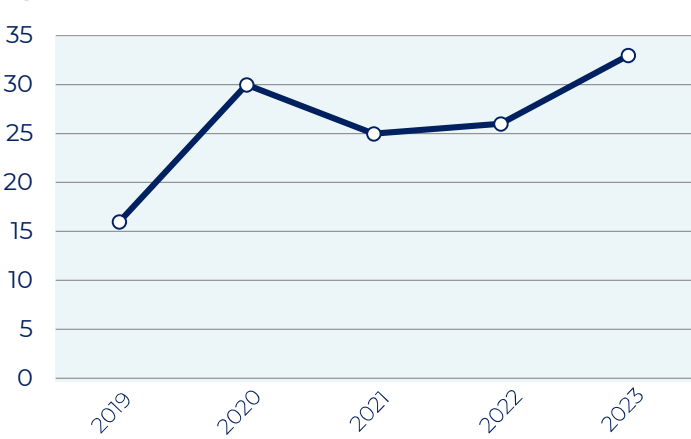
When something truly innovative hits the market, new legal questions around liability and applicable laws and regulations are posed. In response, regulators and policymakers set to work to ensure the necessary legal framework is in place to protect both people and businesses. Finally, court systems step in to resolve new types of cases and disputes.

The Singapore International Commercial Court

From its founding, the Singapore International Commercial Court (SICC) has been identified as a competitor to the London Commercial Courts, as stated in a 2015 UK Ministry of Justice report.[24] The data collected supports that assessment, as the number of judgments handed down in the SICC reached record highs in 2023 (figure AD).

The SICC's proven track record was underscored in a groundbreaking treaty with Bahrain in March 2024 to create a Bahrain International Commercial Court (BICC). This would be modelled on the SICC, as well as allow appeals from BICC judgments to be heard from SICC judges.[26]

AD. Number of judgments handed down by the SICC



Unlike the courts previously analysed, a key feature of the SICC is its strong links to its domestic judicial system and government. The SICC is a subdivision of the Singapore High Court, which is part of the Supreme Court of Singapore, though there is no requirement for cases to have any connection with Singapore. The judicial profile is arguably more diverse than other international commercial courts, drawing expertise from a range of common and civil law jurisdictions (figure AE).

In 2021, the SICC established the Technology, Infrastructure and Construction (TIC) List to deal with technically complex issues such as engineering or building disputes. Cases are heard by specialist judges, with unique case management features adopted from arbitration best practices.[25]

AF. Top 5 litigants by nationality (SICC judgments handed down in 2023)



SICC JUDGMENTS IN 2023:

16
JUDGMENTS
WERE
ARBITRATION-
RELATED

24:76
SPLIT
SINGAPOREAN:
INTERNATIONAL
LITIGANTS

20
DIFFERENT
NATIONALITIES
OF LITIGANTS PARTY
TO JUDGMENTS

52%
LITIGANTS
BASED IN ASIA

AE. Nationalities of SICC judges (First Instance Bench and Appellate Bench)



Singapore: the preferred forum to resolve international commercial disputes



Jennifer Lim
Partner at Sidley Austin LLP

The Singapore International Commercial Court (SICC) was established in January 2015 to serve as a neutral forum to resolve international commercial disputes. Now approaching its tenth anniversary, it has gone from strength to strength, with more judgments issued in 2023 than the total number of judgments issued from 2016 to 2019, and about three-quarters of litigants hailing from outside of Singapore. These figures confirm the growing importance of Singapore as an international dispute resolution hub, particularly in the Asia-Pacific region, and the SICC's increasing international appeal.

A key feature of the SICC is its panel of international judges from both civil law and common law traditions. These international judges hear cases together with Singaporean judges at the SICC, bringing to bear their experience in adjudicating complex or technical commercial disputes. There are currently 21 international judges on the SICC from nine jurisdictions. Most of them have decades of experience in commercial law, with some having particular expertise in specialist areas such as arbitration and insolvency. One-third are former chief justices of state, federal and national courts in their home jurisdictions. This prestigious line-up increases the SICC's attractiveness as the forum of choice for transnational disputes in general, and as a centre for cross-border insolvencies and restructurings and international arbitration in particular.

In 2023, nearly half of the SICC's judgments were arbitration-related; in January 2024, the SICC issued its first insolvency-related judgment, granting recognition to an Indonesian airline's Indonesian restructuring.

The SICC has other features that reflect its internationalised nature. For instance, foreign lawyers may represent parties in certain circumstances, such as in so-called "offshore cases" with no substantial connection to Singapore, provided that they are registered with the SICC.



the SICC has continued to innovate, taking inspiration from the best features of other forms of dispute resolution.



As of 29 February 2024, there are more than 100 registered foreign lawyers from twenty countries. Litigants before the SICC may also agree or apply to the SICC: (i) to apply alternative rules of evidence instead of Singapore's laws of evidence; (ii) for the proceedings to be confidential; and (iii) to exclude or limit the right to appeal the SICC's decisions. These features signal to the international business community that the SICC can resolve their disputes flexibly and efficiently.

Since its establishment, the SICC has continued to innovate, taking inspiration from the best features of other forms of dispute resolution. For example, the SICC and the Singapore International Mediation Centre (SIMC) established a litigation-mediation-litigation protocol, which took effect from January 2023. This protocol sets forth the procedure under which cases commenced in the SICC may be referred to mediation at the SIMC and provides for the SICC proceedings to continue or be terminated upon the conclusion of the mediation. This protocol allows litigants to take advantage of both the benefits of mediation and the enforceability of an international commercial court order.

More recently, in March 2024, the governments of Singapore and Bahrain signed a treaty to establish a new Bahrain International Commercial Court in Bahrain, from which cases may be appealed to the SICC. This development offers parties another option in their dispute resolution toolkit, and provides opportunities for the Singapore and Bahrain judiciaries to develop international commercial jurisprudence.

As Singapore positions itself as an international dispute resolution hub and also as a global hub for business, it is expected that the size of the SICC's docket will only grow over time.

3 NATIONAL POLLING ON GLOBAL LEGAL TRENDS

Each year, Portland conducts national polling of UK residents to track public sentiment on a range of topics in the global legal sector. Insights can reinforce legal strategies, as well as mitigate the reputational and commercial impacts of litigation.

This year, Portland analysed public perceptions on topics such as Environmental, Social and Governance (ESG) litigation, the role of Artificial Intelligence (AI) in the legal industry, and out-of-court settlements.

Public majority supportive of ESG lawsuits

Portland's exclusive polling of a nationally representative sample of 2,000 adults reveals that the UK public continue to support lawsuits that hold governments and businesses to account over their ESG practices.

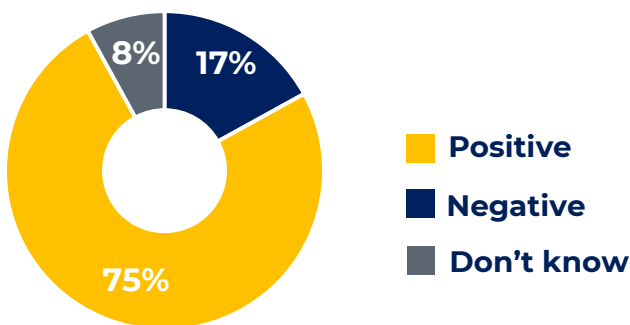
Despite decreasing by 21 percentage points from last year, 56% of respondents believe the recent rise in lawsuits over contributions to climate change is a positive development. A larger majority (75%) also view positively the recent increase in lawsuits related to greenwashing.

The prospect of litigation presents businesses with clear commercial and reputational risks. Incoming ESG-related disclosure obligations and regulatory enforcement powers in the UK could increase the chances of legal action and the need for businesses to think ahead.[27] Portland's polling shows 60% of the public would view a company more negatively if they were subject to lawsuit around greenwashing.

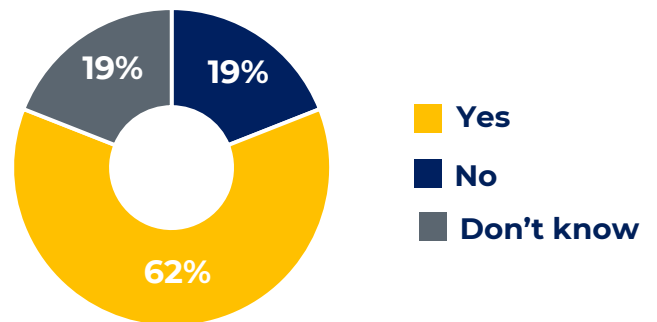
The public are also strongly in favour (62%) of shareholders being able to sue companies over their ESG policies. And when asked about environmentally harmful actions of a subsidiary company, 44% believe that parent companies should always be held liable.

Despite this support, a large proportion (46%) still believe law firms should provide services to companies whose activities harm the environment, compared to 33% who believe they should not.

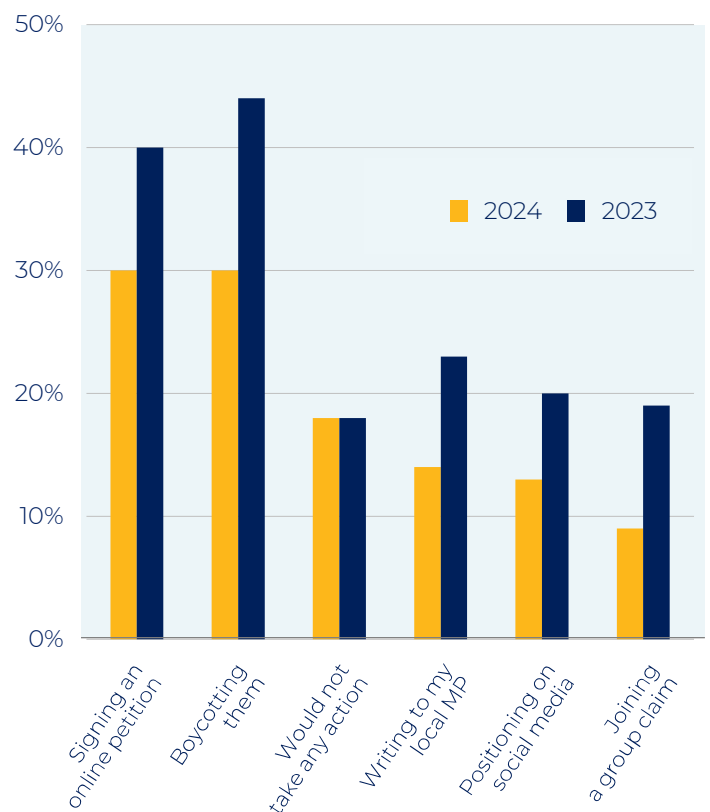
AG. Public opinion towards the increase in companies being sued over 'greenwashing' issues



AH. % of people who believe that shareholders should be able to take legal action to require companies to limit their environmental impact



AI. Actions the public would consider taking to hold companies to account for not limiting their contributions to climate change



The convergence of public opinion, directors' duties, and nature risk: a new era for corporate governance



James Cameron

Senior Advisor at Pollination Group
and experienced board member

Thea Philip

Associate Director
at Pollination Group

The findings in this report show that a significant majority of the UK public supports legal action to enforce corporate environmental accountability and are another sign that society's expectations of corporate behaviour have changed. This relates to recent developments regarding directors' duties and nature risk under UK company law. More than ever, it makes sense for companies to align with net zero and nature positive ambition.

In the UK, damage to nature could lead to a 12% economic hit by the 2030s, equal to wiping up to £300 billion off GDP. Nature loss poses systemic risks to financial and natural systems, in addition to firm-level risks. These can arise from changes to the physical environment and legal, policy, and market conditions. Think flood risk, heat and water stress, crop failure, disease, asset depreciation, price volatility, insured losses, regulatory changes, etc.

62% of the UK public supports shareholders taking legal action to require companies to reduce their environmental impact. Changes in societal, industry, and regulatory expectations mean that the law can be freshly interpreted. For example, in March 2024, a team of corporate and financial law barristers (led by Sharif Shivji KC and Rebecca Stubbs KC, supported by Karl Anderson, Hossein Sharafi, and environmental law expert James Burton) released a public-facing legal opinion concluding that UK directors should have regard to relevant nature risks when discharging their company law duties.

Commissioned by Pollination Law and the Commonwealth Climate and Law Initiative, the opinion confirms that nature risks (including climate risks) are like any other business risks and should be addressed by directors accordingly. The opinion notes that the recent shareholder action in ClientEarth v Shell should not be read as a general bar to future derivative claims concerning nature risk and that another judge could have decided the case differently.

75% of the UK public think the increase in companies being sued over greenwashing is a positive development. The legal opinion states that directors who greenwash their company are likely to expose the company to latent financial risks arising from unaddressed nature-related impacts and dependencies, potential shareholder and investor claims (including for deceit), and reputational risk. With continued growth in greenwashing litigation, companies and directors should consider this closely.

The polling data and the opinion reflect the growing scientific, commercial, and legal understanding that a thriving natural world underpins global economic resilience. But what about the opportunity? Companies transitioning their business models toward net zero, nature positive will not only mitigate risk, but can also seize upside potential – where lower risk can reduce cost of capital and increase supply chain resilience, operational efficiencies, and access to new products and customers.

Directors and decision-makers would be wise to establish processes for routine assessment, management, disclosure, and documentation of these risks and opportunities. Boards should consider whether current directors are capable of seeking and acting on the specialist advice required or if a refreshed composition is required. Appointing a new director could be appropriate or tasking an existing director, perhaps the risk committee chair, to own the topic.

There are outstanding questions around corporate purpose and whether company law reform is required to create enterprises with better capacity to solve public goods problems. However, within the bounds of existing company law, this polling shows alignment between the public (themselves consumers and, occasionally, shareholders) and the legal system, which expect more from companies beyond short-term profit maximisation. Directors need to understand that their obligations extend to creating longer-term value for investors and business resilience in the face of global ecosystem stress.

Public opinion is sceptical of AI's role in the legal industry, as its use by practitioners grows

Portland's polling sheds light on public perceptions around the role of Artificial Intelligence (AI) in the legal sector. The findings indicate a cautious public stance towards its use by both lawyers and judges, though sentiments change according to the specific task.

The public remain largely sceptical as to the use of AI by judges in England and Wales. Just over half (52%) of respondents would have a less favourable view towards a judge if they used AI to help them write a ruling for a legal case.

Respondents were less cautious towards judges using AI for general research. Forty-four per cent said they would view a judge less favourably if they had used AI to provide written summaries for an area of law they are unfamiliar with.

Mirroring public sentiment, the English judiciary has been taking a cautious approach to the application of AI in the courts. Guidance issued by the Courts and Tribunals Judiciary in December 2023 outlined responsible use of AI by judicial office holders, acknowledging both its potential and limitations. It specifically warned against judges relying on AI tools such as chatbots, which do not provide answers from authoritative databases.[28]

In a notable case last year, Court of Appeal judge, Lord Justice Birss, said he had used ChatGPT to help him draft a portion of a case ruling. He found the AI tool's output to be helpful and acceptable with its answers. This was the first known use of ChatGPT by an English judge to write a judgment. [29] In a recent speech, Lord Birss said that "AI used properly has the potential to enhance the work of lawyers and judges enormously".[30]

Master of the Rolls Geoffrey Vos, similarly expressed in December that "judges do not need to shun the careful use of AI, but they must ensure that they protect confidence and take full personal responsibility for everything they produce." [31]



52% would view judges who use AI to write rulings for a legal case **less favourably**

44% would view judges who use AI to provide summaries for an area of law they are unfamiliar with **less favourably**



44% would view lawyers who use AI to write legal arguments for their client **less favourably**

33% would view lawyers who use AI to conduct research in a case **less favourably**



Relative to judges, the public are slightly less sceptical of lawyers using AI, though this is still dependent on the task in question.

When it comes to lawyers using AI to conduct research for a case, 33% of the public would view this negatively. A larger portion of the public (38%) would view it neither positively nor negatively. AI technology is already being used in a small-scale manner in most leading law firms. A 2023 Lexis Nexis report revealed that 66% of UK lawyers said they had used AI for their research.[32]

The public are more sceptical towards lawyers using AI when writing legal arguments for a case. Almost half (44%) of respondents said they would view lawyers less favourably, and a portion (30%) would view them neither favourably nor unfavourably.

AI being used to this extent is slowly being tested at law firms. The offices of CMS held a mock arbitration in December 2023 which tested generative AI's ability to formulate written submissions. Whilst the systems were able to generate legal arguments in seconds, there were clear limitations seen, including the ability to anticipate the outcome of the case.[33]

SNAPSHOT: Solicitors Regulation Authority's Risk Outlook report: The use of AI in the legal market

- Three quarters of the largest solicitors' firms were using AI, nearly twice the number from just three years ago.
- Over 60% of large law firms were at least exploring the potential of the new generative systems, as were a third of small firms.
- SRA regulation "focuses on the outcomes firms' actions produce, not necessarily the tools they use to reach them".

AI in the legal profession: early steps in an important journey



Minesh Tanna

Partner and Global AI Lead at Simmons & Simmons LLP

Current UK public opinion reveals a level of scepticism and perhaps slight distrust about the use of AI in the legal profession. This is perhaps unsurprising given that AI, let alone AI in the legal industry, is still in its infancy.

This scepticism is, however, likely to be short-lived. Many will have shared the same scepticism and distrust of airplanes when they were first offered for mainstream travel. Nowadays, despite not understanding how airplanes remain airborne, most people use air travel, and they trust planes. Why? Most likely due to a comprehensive track record of safety in air travel and widespread regulation, of both planes and those handling planes.

Neither of those features is currently present in the world of AI. But, as AI regulation slowly but surely appears over the horizon, and as a society we become more familiar with using AI tools, our trust of AI will increase, and our scepticism will decrease, including in the legal profession.

The legal industry is, after all, ripe for AI adoption. Legal services are traditionally document-heavy, manual and expensive. AI (especially generative AI) therefore has a significant role to play, engendering – as it inevitably will – significant efficiencies, to the benefit of both providers and users of legal services. Significant competition in the legal industry will also push law firms to innovate at speed to realise these efficiencies and seek a competitive advantage.

As AI becomes increasingly powerful and accurate, users will not only favour the use of AI by their lawyers, but they will come to expect it. Why would clients pay for hours of lawyer-led legal research, when an AI tool is likely to arrive at a similar answer, in a fraction of the time and at a much lower cost?



As AI becomes increasingly powerful and accurate, users will not only favour the use of AI by their lawyers, but they will come to expect it.



When deployed safely and responsibly, AI has a significant role to play, even in the legal industry where truth and accuracy are paramount.



The use of AI in the judiciary is a more sensitive issue, as the current opinion polls suggest. Judicial decision-making has a significant impact on corporations but, especially, on individuals. The deprivation of a person's liberty is not a decision that can be taken lightly. Entrusting this power to AI is, at least currently, bound to be met with scepticism.

For the foreseeable future, this attitude is unlikely to change and, indeed, judges themselves are unlikely to feel comfortable in delegating judicial decision-making to an AI system. But AI still has an important role to play in the broader judicial process.

AI can make judicial processes much simpler and accessible. It can review and analyse evidence far quicker and more accurately than humans. And AI can provide support to judges, without negatively impacting or usurping their ultimate role as arbiter of a case. In many jurisdictions where obtaining judicial redress is a lengthy and costly process, AI can therefore significantly improve access to justice and enhance the rule of law.

When deployed safely and responsibly, AI has a significant role to play, even in the legal industry where truth and accuracy are paramount. We are at an early stage for the use of AI in the legal profession, but the journey seems inevitable.

Out-of-court settlements: the public's response



Ned Beale
Partner at Hausfeld

Two fifths (40%) of the UK public think a company is guilty if they settle a lawsuit out of court. Less than a fifth (19%) think they are not guilty, whilst 41% are unsure, or neither guilty nor innocent.

Settlements are very much in the public eye, from the furore over the compensation that sub-postmasters received compared to their own legal costs and those of the Post Office, to Hugh Grant complaining that CPR Part 36 forced him to accept an “enormous sum” to settle his phone hacking claim.

Litigators know that settlement is fact of life, given inherent litigation risk and how the court rules incentivize settlement. With the polling data showing that 40% of the UK believe a company is guilty if they settle out of court, the public seems to view settlement more pejoratively.

Given the advantages of early settlement to both claimants and defendants, this public perception is unhelpful. If court proceedings receive increased publicity, as the polling data suggests the public would support, it may be worth also publicising why settlements can benefit both sides.

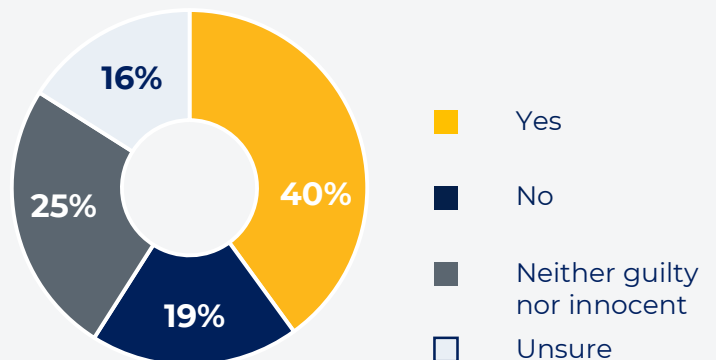
Absent first-hand experience, both businesses and individuals tend to underestimate the burden of litigation. That burden includes own party costs and adverse costs risks, length the process may take (especially when appeals are involved) the opportunity cost and – often forgotten – the psychological impact. Efficiencies of those factors, but ultimately settlement is the most effective way of avoiding them.



If court proceedings receive increased publicity, as the polling data suggests the public would support, it may be worth also publicising why settlements can benefit both sides.



AJ. Do the public think a company is guilty if they settle a lawsuit out of court?



We have seen a judicial trend of using costs to promote ADR and settlement – observed in last year’s Court of Appeal’s judgment *Churchill v Merthyr Tydfil County Borough Council* – which is not without its dangers. Deploying costs punitively will inevitably put more pressure on the weaker resourced party. Also, whilst most Commercial Court claims are monetary, litigation can deal with fundamental matters that go beyond the financial, involving fundamental questions of accountability. Hence Mr Grant’s disquiet at his successful financial settlement.

Of course, settlements can be accompanied by admissions of liability and offers of compensation. However, another trend has been the problems observed in redress schemes established after admissions, including the Horizon scheme operated by the Post Office and the schemes implemented by Lloyds Bank to deal with the HBoS Reading Fraud. Victims are finding that perpetrators devising their own schemes to deliver compensation – in some cases operated by the same lawyers who defended the original claims – can mean that outcomes do not favour victims.

With significant numbers of mass consumer claims now underway before the Courts, it will be interesting to see how both claimants and defendants will navigate the settlement discussions which are likely to ensue.

Methodology and sources

Portland's Commercial Courts Report 2024 analysed data published on the British and Irish Legal Information Institute (BAILII). This ongoing data analysis process is periodically revised to minimise duplication, rectify data omissions and remove anomalies. Research from primary and secondary sources supplemented our analysis.

Portland used a combination of specialist media monitoring tools (Talkwalker, Factiva and Signal AI) to collect all news coverage analysed in this report.

Data was also analysed from the websites of the Netherlands Commercial Court, Qatar International Court and Dispute Resolution Centre, Astana International Financial Centre, Dubai International Financial Centre and the Singapore International Commercial Court.

This report includes exclusive data from Portland's proprietary polling on issues relating to climate change litigation, perceptions of the courts and of law firms acting for Russian clients, out-of-court settlements, AI and the broadcasting of court procedures. Portland polled 2,000 adults online, between 5th and 9th April 2024. Results have been weighted to nationally representative standards, based on ONS figures. Portland's polling methodology is accredited by the British Polling Council.

Please contact Portland's Litigation and Disputes practice at disputes@portland-communications.com for additional data and analysis, or to use the findings in this report.

This report was produced by: Alex Murphy, Izzie Weller, Chris Simmons, Sam Woolbank, Anushri Satavlekar and Bryan Wang from the Litigation and Disputes Team. Thanks also to Konrad Grabowski from Portland's creative and design team, Jude Ryan-Gray and Leon Davies from the research team and Sophie Hoyle from the marketing team. With special thanks to Simon Pugh, Katie Emms, Stephen Bateman, Jemimah Watkins and Katie Greenslade for their input.

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Portland's Litigation and Disputes practice provides specialist advice and strategic communications support to help reinforce your legal strategy. Our work extends beyond the courtroom to encompass complex public and political considerations. We use a data-led approach to ensure that every aspect of your client's concerns are managed, and every potential advantage explored. Our distinct practice has specialist training, skills and experience.

GET IN TOUCH:

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Specialist advisory and strategic communications

Portland applies its problem-solving abilities in combination with data gathered through its British Polling Council-accredited in-house research team to develop and execute bespoke communications solutions to legal issues across multiple jurisdictions, countries and languages.

We understand the realities of the modern media and digital landscape, the rigours of the law and the need to deliver results.



Band One, UK Litigation Support, 2018-2023

Top Ranked, Global Litigation Support, 2023

Top Ranked, Crisis and Risk Management, 2023

Chambers and Partners Band 1, since 2018

"Portland are a big firm - they are very global and they have the wow factor."

"Portland are efficient, reliable and top performers in their field"

"They have genuine international capabilities and their juniors are as good as their seniors. They respond almost immediately, which can be very helpful."

"...mind-blowingly good."

"They are very focused and supportive, and respectful of the legal market in which you are operating. They never overstep and are very mobile."

"Portland has a deep bench and even the most junior team members are knowledgeable and sophisticated, coming up with innovative solutions to difficult client problems."

"Across the board the team has wide knowledge of the global media landscape."

"They've been great at working very quickly and supporting us under pressure. When a hearing is happening, issues are emerging, and journalists have deadlines for copy - the firm is very good at working within those time constraints in a clear and focused way."

Chambers and Partners 2024 results are announced later this year

How we can help



EXPERIENCE: Litigation | Arbitration (Investor-state, LCIA) | Judicial review | Multi-jurisdictional disputes | Regulatory charges | Media law | Worldwide freezing orders | Unexplained wealth orders | Competition claims |

Sector expertise: Aviation, Commodities, Automotive, Retail, Securities, Tech, Financial Services, Philanthropy



LITIGATION CONSULTING: Strategic litigation advice | Evidence gathering | Quantitative and qualitative evidence analysis | Expert witness selection | Notification plans



MEDIA: Journalist briefings | Media strategy | Media training | Crisis preparation and response | Courtroom media management | Press office function



DIGITAL: Data-driven campaigns | Online reputation management | Deep web risk analysis | Digital and social media strategy | Open and closed networks | Website design and build



CRISIS MANAGEMENT:

Reputation protection | Media handling | Scenario planning | Incident response | Business continuity



GOVERNMENT SUPPORT: Political insight | Stakeholder management | Capacity building | Media strategy and relations



CLASS ACTIONS: Claimant and defendant-side campaigning | Book-building | Class insight & audience analysis | Representative actions | Drafting and delivery of notification plans | Press office function | Website design and build



RESEARCH: Insight testing | Audience identification and segmentation | Primary qualitative and quantitative research | Polling (accredited by the British Polling Council)



LANGUAGES: English | German | Arabic | Mandarin | French | Spanish | Dutch | Portuguese | Russian | Italian



OFFICES: London | Washington DC | Singapore | Doha | Nairobi | Brussels | Paris



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