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Record spike of UK litigants using Commercial Court

‘It has the lure of specialist judiciary,’ reports **Laura Clenshaw**



The number of UK litigants using the Commercial Court spiked in the last year, reversing a seven-year trend, research has found.

Portland Legal Disputes found that the number of home-grown litigants had risen by a staggering 74 per cent in the year leading up to March 2015, in contrast to a recorded steady 39 per cent decline between 2009 and 2014.

Georgina Squire, the head of dispute resolution at Rosling King and a member of the London Solicitors Litigation Association (LSLA) committee, said that the way the Commercial Court manages its cases may go some way to explain litigants’ choice of court during the survey period.

‘At that time, my understanding is that both the Chancery and Queen’s Bench Divisions were overwhelmed with cases and it was taking a long time to see a claim reach trial. The Commercial Court fixes a date earlier in the life of a claim, so driving the parties to assess the merits and resolve it sooner, if possible.

‘Frustration of litigants and a desire to resolve their disputes more quickly can lead, in the higher value claims, to starting them in the Commercial Court where they could achieve a trial date in around one year.’



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The Commercial Court also has the lure of the specialist judiciary, Squire said. Litigants recognise these judges as adept at handling large commercial disputes. As in the Technology and Construction Court, a judge, often the same one for consistency, deals with all interlocutory matters.

‘Such continuity allows for speedier handling of matters, which is attractive for someone involved in a complex commercial dispute. These are the same attributes that make the Commercial Court a magnet for overseas litigants. Combined with the quality of legal representation they can obtain in the UK, overseas litigants value the quality and specialist experience of those giving judgment on often complex, very high value disputes,’ she said.

Foreign litigants

Foreign litigants continue to see London as the international disputes resolution centre of choice, and comprised 63 per cent of the total number of litigants using the court during the same period.

Among the 71 countries represented in the Commercial Court, Eurasia (Armenia, Georgia, Kazakhstan, and Russia) and the Middle East and North Africa had the highest regional representation outside Europe with a total of 44 and 42 litigants respectively.

‘Given these litigants are more often than not trying to settle a cross-border trade dispute, the choice of the English legal system is down to the confidence parties have in its structure to arrive at an equitable result that is acceptable all round,’ said Clarissa Dann, editor of *Trade & Forfeiting Review*. **SJ**