

THE DISPUTE
RESOLUTION
REVIEW

FIFTEENTH EDITION

Editor
Damian Taylor

THE LAWREVIEWS

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PREFACE

The Dispute Resolution Review provides an indispensable overview of the civil court systems of 26 jurisdictions. The following chapters aim to equip the curious practitioner with an up-to-date and concise introduction to the framework for dispute resolution in each jurisdiction. Each chapter outlines the most significant legal and procedural developments of the past 12 months and the authors' views as to the big themes predicted for the year ahead. The publication will be useful to anyone facing disputes that cross international boundaries, which is ever more likely in a world that seems to be more interconnected with every passing year.

In compiling the 15th edition of *The Dispute Resolution Review*, I am reminded that despite the variety of legal systems captured in the publication, there is a clear common denominator. All systems are organised and operate to ensure parties have a means of resolving disputes that they cannot resolve themselves. I am reassured that, despite cultural, traditional and legal differences, the jurisdictions represented here are united by this common thread. It reflects an innate, international commitment to the rule of law and the rights of individuals. This edition will be a success if it assists parties to navigate different legal systems to achieve fair and efficient outcomes for whatever dispute they are facing.

Reflecting on the past year, it was only shortly after the previous edition of *The Dispute Resolution Review* went to print that Russia invaded Ukraine, with huge humanitarian, political and economic consequences. The war illustrates the fragility of peace and the rule of law and terrible human suffering that follows in their absence. While the paramount objective must be to restore peace, in commercial disputes terms, the sanctions imposed by both sides created urgent and sometimes novel legal disputes concerning assets that cannot be moved or dealt with, as has the sudden and unexpected rise in commodities prices.

This past year also saw the passing of Queen Elizabeth II. In legal terms, this meant that silks in England and Wales switched from 'Queen's' to 'King's' Counsel, and our own 'Queen's Bench Division' of the High Court reverted to the 'King's Bench Division' for the first time in 70 years.

Looking ahead, there are certainly new challenges on the horizon that will test dispute resolution systems around the world. In the United Kingdom, we have officially entered a period of recession that by some estimates is predicted to last around two years (in stark contrast to the transactional frenzy that followed the pandemic). Other jurisdictions are facing similarly sober economic outlooks, and I expect many practitioners are beginning to experience an increase in contentious restructuring and insolvency matters. For those pursuing such matters through the courts in the United Kingdom, the Supreme Court's October decision in *BTI 2014 v Sequana* [2022] UKSC 25 provides guidance on when directors should have regard to creditors' interests.

This 15th edition follows the pattern of previous editions, where leading practitioners in each jurisdiction set out an easily accessible guide to the key aspects of each jurisdiction's dispute resolution rules and practice, and developments over the past 12 months. *The Dispute Resolution Review* is also forward-looking, and the contributors offer their views on the likely future developments in each jurisdiction. Collectively, the chapters illustrate a continually evolving legal landscape responsive to both global and local developments.

As always, I would like to express my gratitude to all of the contributors from all of the jurisdictions represented in *The Dispute Resolution Review*. Their biographies can be found in Appendix 1 and highlight the wealth of experience and learning from which we are fortunate to benefit. I would also like to thank the whole team at Law Business Research who have excelled in managing a project of this size and scope, in getting it delivered on time and in adding a professional look and finish to the contributions.

Damian Taylor

Slaughter and May

Harpenden

January 2023

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