



UNLOCKING
DISPUTES

London



FOREWORD

“The opening of the Rolls Building is one further step to secure London’s pre-eminence as a centre for worldwide legal services, whether for the purpose of litigation or for dispute resolution through arbitration or mediation.

The integrity and incorruptibility — and, if I may say so, the sheer quality — of our judges is already acknowledged around the world. It needs no elaboration.

Within this building, High Court judges from the Chancery, the Commercial, the Admiralty and the Technology and Construction courts will be gathered together to administer justice under a single roof.

Business people operating in a global economy will benefit from the predictability and flexibility of the common law system.

London now provides the largest concentration of judicial expertise for finance, business and property anywhere in the world.”

Igor Judge

Igor Judge, Lord Chief Justice of England and Wales



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Unlocking disputes in London

INTRODUCTION

Now one of the world's favourite capital cities has become even more attractive to corporate counsel and their clients. London has proudly unveiled the largest business court in the world.

Strategically positioned between legal London and the City financial district, the Rolls Building is a purpose-built, one-stop courthouse with no fewer than 31 courtrooms. Three of these are "super-courts", spacious and flexible enough to cope with the most demanding multi-party litigation. There are also 55 conference rooms available for use by litigants and their advisers.

For the first time in many years, all the senior specialist judges who decide high-value business, financial and property disputes are working from a single building. And yet the three jurisdictions from which they are drawn still retain their historic areas of expertise, allowing claimants to choose between:

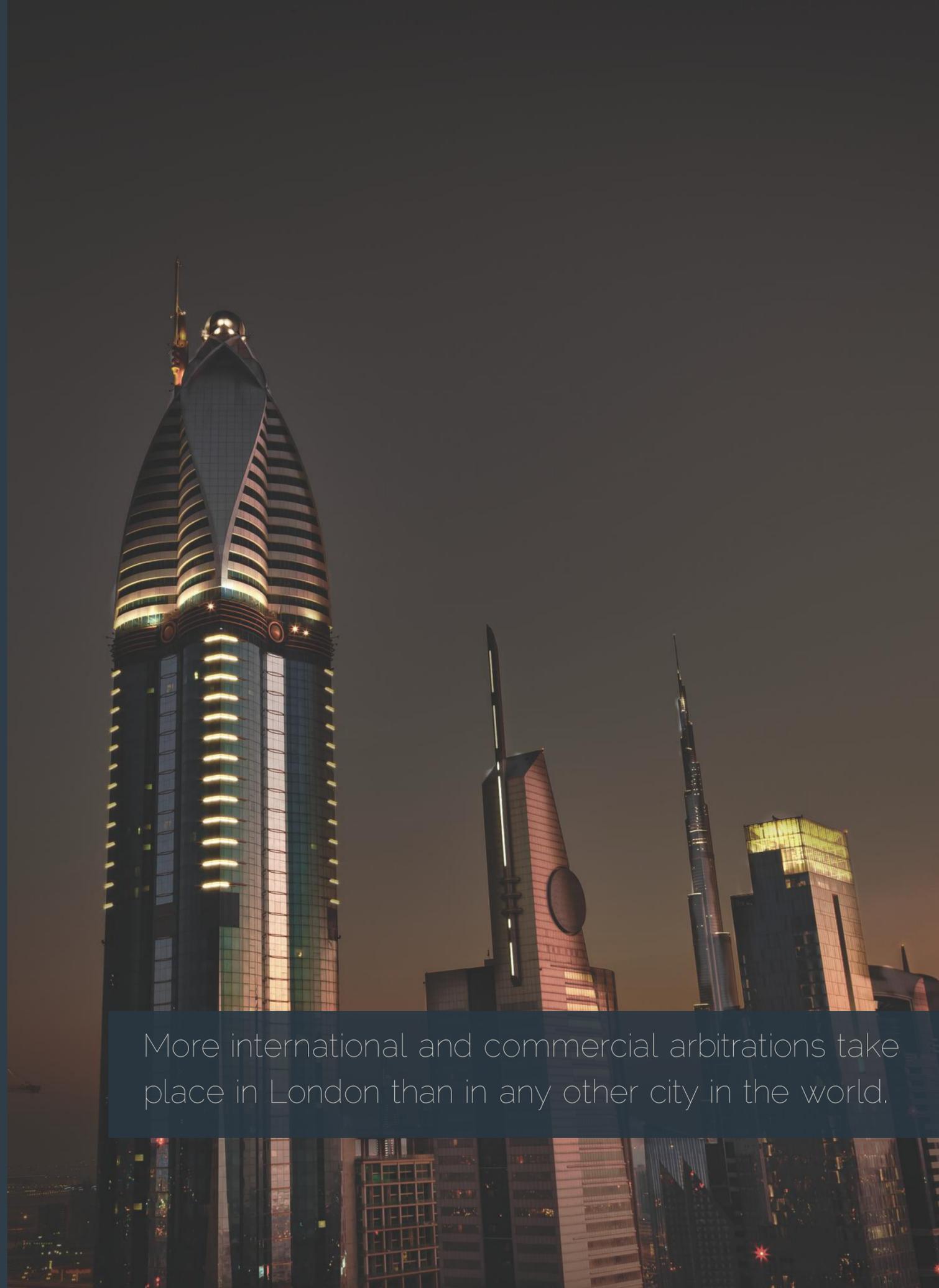
- **The Chancery Division**
- **The Commercial and Admiralty Courts**
- **The Technology and Construction Court**

Bringing three jurisdictions under a single roof allows judges from different traditions to share best practice. Support staff for all three courts work side by side, easing the administrative burdens on lawyers and their clients. Judges from the different divisions can easily liaise to manage related proceedings in the different courts.

The Rolls Building represents a major financial commitment by the British government to the rule of law. It underpins the City of London's position as the world's pre-eminent financial centre. But it also reflects the pre-eminence of London as a first class centre for both international and national dispute resolution.

London is already the venue of choice for unlocking commercial disputes. It provides a major concentration of specialist expertise from lawyers, arbitrators, experts and other support services, all with international links.

For many years it has enjoyed a reputation as a highly sophisticated centre for dispute resolution using arbitration, mediation and litigation.



More international and commercial arbitrations take place in London than in any other city in the world.

THREE HISTORIC JURISDICTIONS



THE CHANCERY DIVISION

Although the Chancery Division can trace its roots back 1,000 years to Norman times, it did not begin to develop its modern jurisdiction over trusts and land until the 15th century. One of three divisions of the High Court since 1875, the Chancery Division still retains its 400-year-old jurisdiction as a court of equity, a court for which fairness is the guiding principle.

But now, the Chancery Division is a modern business, property and financial court, specialising in intellectual

and other property-related disputes, banking and company work. It also retains its historic responsibility for disputes over land and trusts, including mortgage claims and contentious probate work. Chancery cases are often complex and involve substantial sums of money or property of high value.

The specialist Companies Court and Patents Court are both part of the Chancery Division. Chancery judges sit as judges of the Competition Appeal Tribunal.

They also hear appeals on taxation, financial services, pensions regulation and charities when sitting in the Tax and Chancery Chamber of the Upper Tribunal.

There are currently 18 High Court judges attached to the Division. Additionally there are six Masters who are primarily involved in managing the cases prior to trials.

There are also six bankruptcy Registrars who deal with both corporate and personal insolvency.

An increasing amount of the work of the Chancery Division has an international element, particularly in corporate reconstruction and insolvency, intellectual property, fraud and asset recovery.

THE COMMERCIAL AND ADMIRALTY COURTS

English judges have been resolving mercantile disputes for as long as merchants have been selling goods. In the middle ages, traders needed quick decisions before moving on to the next town. They used the courts of *pie-poudre* — so called because rulings were given as the parties were still shaking the dust from their feet.

Although the law of merchants did not become part of the common law until the 18th century, English

law was firmly established by the late 19th century as the predominant law of commerce for international business transactions.

A Commercial List was established in 1895 to ensure that business disputes were resolved by judges who understood commercial practices and had extensive experience in resolving commercial disputes.

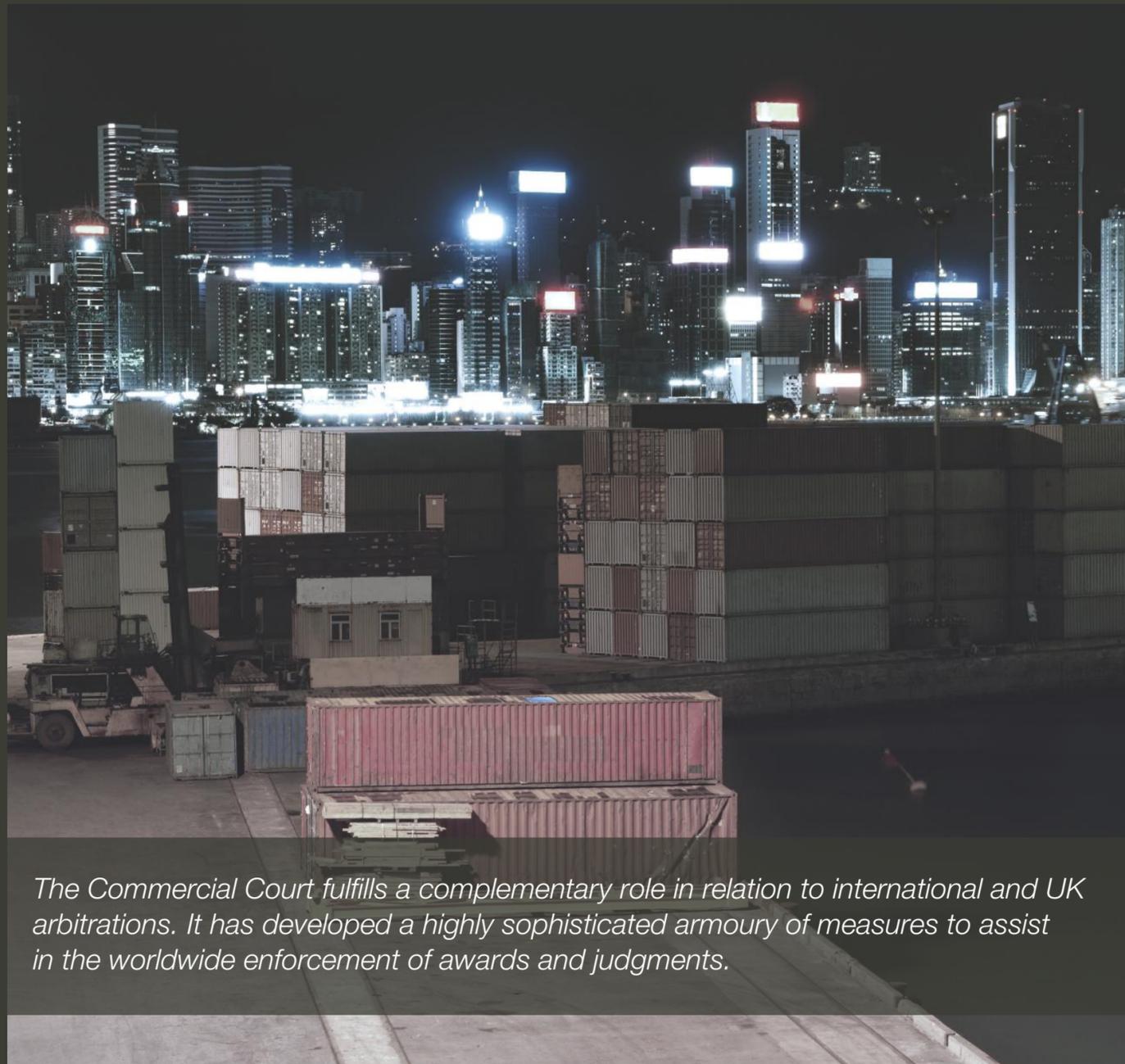
This developed into the modern Commercial Court, established under that name in 1970.

Four cases out of every five heard by the Commercial Court involve at least one party from outside the United Kingdom. In approximately half the cases heard by the Court, all of the parties are from outside the United Kingdom.

The Commercial Court is part of the High Court Queen's Bench Division. The Admiralty Court, which deals with certain specialised marine disputes, is also linked to the Commercial Court. There are currently 16 High Court

judges attached to the Commercial and Admiralty Court.

The Commercial Court is a specialist court dealing with a wide variety of high-value commercial cases. These range from disputes arising out of transactions in world financial and commodity markets, international trade or energy and oil concessions to those involving insurance, reinsurance, shipping, the international transportation of goods or corporate acquisitions.



The Commercial Court fulfills a complementary role in relation to international and UK arbitrations. It has developed a highly sophisticated armoury of measures to assist in the worldwide enforcement of awards and judgments.



An aerial, high-angle photograph of a dense urban skyline. The image is dominated by numerous skyscrapers of varying architectural styles. In the lower-left foreground, a prominent classical-style building with a large, dark, domed roof and a facade of many windows stands out. To its right and further back, several modern glass skyscrapers rise, including one with a distinctive rectangular cutout near the top. The city extends to the horizon under a heavy, overcast sky. A semi-transparent white text box is overlaid on the left side of the image.

In approximately half the cases heard by the Commercial Court, all of the parties are from outside the United Kingdom.

THE TECHNOLOGY AND CONSTRUCTION COURT

Like the Commercial Court, the Technology and Construction Court is part of the High Court Queen's Bench Division. It has been established for over 130 years.

As the name suggests, it is a specialist court dealing mainly with technology and construction disputes. But its jurisdiction is much broader, extending to all types of engineering and infrastructure projects.

The Technology and Construction Court has five specialist judges — all of them with international experience — making it the largest court of its kind anywhere in the world. There are just three other comparable courts and none in Europe, America or Africa.





THE STRENGTH OF ENGLISH LAW

When international corporations, commercial parties or states are negotiating substantial contracts or transactions, they will regularly look for a neutral, third-party legal system to resolve their disputes. More often than not, they will choose English law.

A similar choice may be made by contractual parties from a single country if they regard their own courts as lacking independence or the relevant experience. Parties to a contract may agree that it will be governed by English law and subject to resolution by arbitration or litigation in England. Here, they will secure a first-class service, either in arbitration or in court.

The three courts are therefore unique as an international forum widely chosen by business parties from around the world to resolve disputes.





London has the largest concentration of judicial expertise anywhere in the world.

Litigants know, of course, that the decision of a court in England and Wales carries a global guarantee of impartiality and integrity. But why should parties choose to arbitrate under English law even when they have no intention of bringing their disputes before the English courts?

It is because English law provides the ideal combination of predictability and flexibility. Courts follow their earlier decisions, providing continuity and certainty. But, where

necessary, they will adapt past rulings to meet modern business and technological needs, ensuring that precedent is always a servant and never a master. They don't have to wait for governments to amend a written code.

Of course, making England the "seat" of your arbitration does not require the arbitrator to sit in London. But few other cities offer a combination of experienced lawyers,

specialist business and financial professionals and experts, often within a short walk of one another.

English law is underpinned by English lawyers. Their reputation for integrity engenders a high level of trust and they will give clear and commercially realistic advice.

Judges are prepared in appropriate circumstances to make coercive orders after hearing from only one side

in a dispute. That allows the courts to act with great speed where assets are at risk.

Parties that litigate over a contract know that English law will construe an agreement according to its own terms. Unlike other legal systems, English law does not have a codified structure under which a contract might be declared void on technical grounds. If the parties have made a valid deal, English law will enforce it.

LITIGATION

Unlike jurisdictions that have followed the example of continental Europe, English litigation is adversarial in nature. Parties must present their evidence and arguments well ahead of the trial. The process enables each side to expose the other's weaknesses, aided by rigorous requirements for document disclosure that may not be available in inquisitorial systems of justice. As a result, the parties often achieve a commercially sensible compromise of the dispute that reflects the strengths and weaknesses of their case.

English judgments are easily enforceable, not just within the European Union but also in most parts of the world — even when there are no reciprocal enforcement arrangements.

Judges in England are not elected and owe nobody any favours. They are selected by an independent appointments commission on which the government is not represented. Their terms of service are not subject to periodic renewal and they cannot be removed by the government. They are fiercely independent.

LITIGATION, ARBITRATION AND MEDIATION

All over the world, there are courts, arbitrators and mediators. But the global leader in commercial dispute resolution is London.



Typically, newly-appointed judges in England have had 30 years' experience as practitioners, arguing cases of the kind that they will now have to resolve judicially. They are unlikely to be taken in by weak arguments, however attractive they may appear.

Judges in countries with career judiciaries have less practical experience. Under a codified legal system, judges are more likely to be hidebound by rigid rules.

English judges sit in public. They deliver reasoned judgments summarising and assessing the evidence and the arguments put by the parties.

With fewer appeals than would be permitted in other jurisdictions, cases can be resolved within a surprisingly tight timeframe – a real advantage to businesses.

You would never receive a judgment which states “both parties are wrong nobody wins”. The aim is to honour the bargain rather than defeat it.



ARBITRATION

More international and commercial arbitrations take place in London than in any other city in the world. Ninety per cent of commercial cases handled by London law firms now involve an international party.

An important advantage of arbitrating in London is the availability of experienced specialist arbitrators from a variety of different disciplines, including finance, engineering and shipping. Parties are likely to find experts in the subject matter of the dispute, however complex or technical it may be.

English courts support arbitration by ordering the preservation of documents and compelling witnesses to give evidence, as well as by granting injunctions to assist in the enforcement of future or existing awards. The effects may be as dramatic as the arrest of a ship that is about to set sail.

The courts respect the parties' autonomy and desire for finality. If necessary, courts will enforce awards under the Arbitration Act 1996 in the same way as court orders. But judges will not interfere with parties or arbitration awards unless the arbitrators have clearly misunderstood the law or have misconducted themselves.



MEDIATION

Mediation has come of age as a major means of dispute resolution. It offers speed, flexibility and economy, and may be used before or during court proceedings. The courts encourage but do not force parties to mediate.

Alternative dispute resolution is becoming increasingly popular in England. In 2009, more than 35,000 disputes were resolved through arbitration or mediation in the UK, up from fewer than 19,500 in 2007.

In England, there are now hundreds of mediators experienced in all types of disputes, both domestic and international.

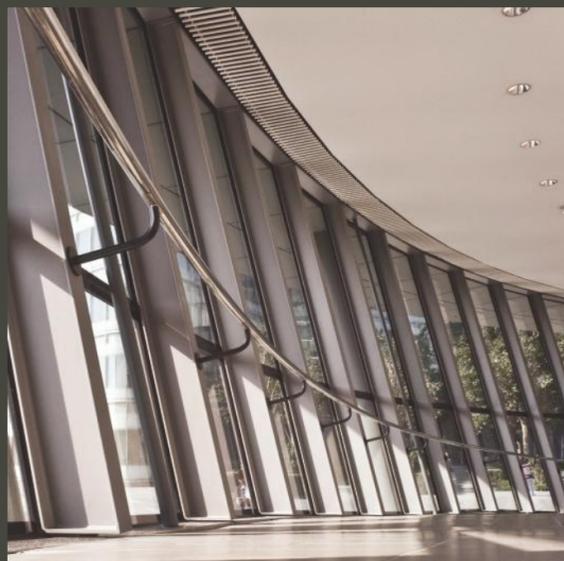
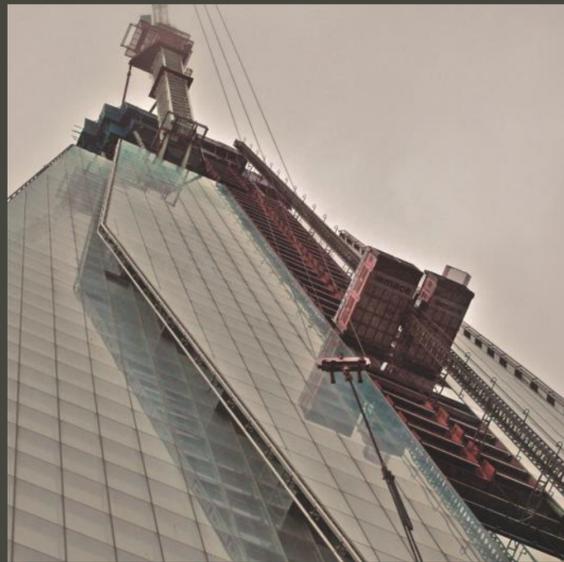


The international outlook and specialist expertise available from solicitors, barristers and throughout the City of London has played a major role in developing London as the most used venue for unlocking international disputes.

Alderman David Wootton - Lord Mayor of London 2011-2012

ALL ROADS LEAD TO LONDON

London has been a global trading centre since Roman times. With centuries of experience to draw on, it is the world leader in international finance and business services.



The City of London Corporation runs London's business and financial district, known as the Square Mile. Its annually-elected leader, the Lord Mayor of London, is an international ambassador for the City and its work.

The Rolls Building is the latest court to be constructed in the City. As a centre of excellence, it is destined to take its place alongside another of the City's world-famous seats of justice — the Old Bailey.

Good transport links mean that the Rolls Building and all the main arbitration centres are less than an hour away from four international airports.

Law firms registered in England and Wales can take advantage of a new regulatory regime that encourages innovation and competition while supporting robust and proportionate supervision. Independent barristers provide the crucial advocacy service essential to success in arbitration and litigation, as well as a specialist advisory and case preparation service.

As there are virtually no barriers for international law firms wishing to enter the UK market, more than 200 foreign law firms now have offices in London. More than half the world's leading law firms have chosen the capital as their headquarters. This brings an additional expertise in many areas of foreign law.

Alongside the many specialist solicitors and barristers who practise in London, there are experienced experts in all the fields in which disputes arise, including accountants, naval architects, actuaries, engineers from every discipline, commodity specialists, oil and gas technologists and specialists in computer hardware and software.





More than 200 foreign law firms now have offices in London, with more than half the world's leading firms choosing the capital as their headquarters.

A CLOSER LOOK AT
THE THREE COURTS



THE WORK OF THE CHANCERY DIVISION



Asset recovery

Business contract disputes

Reconstruction of companies

as well as limited liability partnerships and other investment vehicles, including disputes

Patents and intellectual property

including confidential information, copyright, trade marks and passing off

Financial services, securities and banking

including charges and guarantees

Insolvency and restructuring

including administrations, liquidations and bankruptcies

Competition law

Pensions

Professional liability

Commercial and domestic property disputes

Fraud

Succession and the administration of estates

including wills, probate and claims under the Inheritance Act

Trusts

THE WORK OF THE COMMERCIAL AND ADMIRALTY COURTS

Commercial contracts and arrangements

Financial services, securities and banking

Financial market and commodity exchange transactions

Insurance and reinsurance

International trade: import and export

Carriage of goods by land, sea, air or pipeline

Oil and gas and other natural resources

Arbitration applications and appeals

Commercial fraud

Business agency

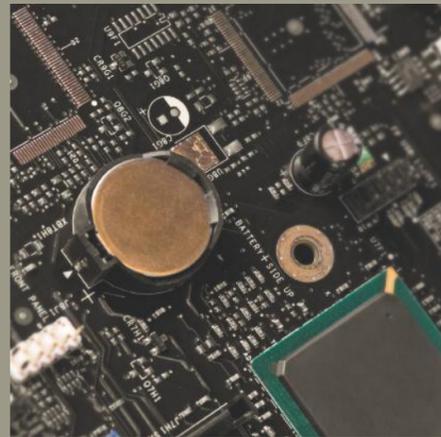
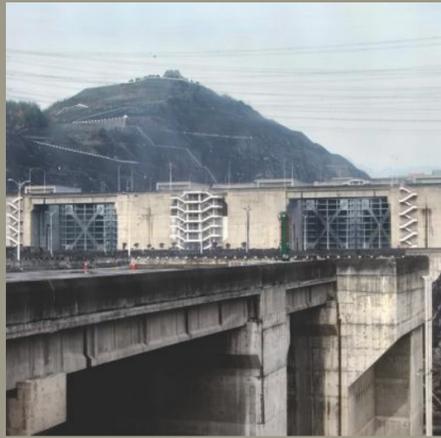
Professional negligence claims

Shipping and maritime disputes

including construction, collision, salvage, financing and cargo



THE WORK OF THE TECHNOLOGY AND CONSTRUCTION COURT



Building and construction disputes

about office buildings, housing,
roads, bridges and dams

Engineering disputes

involving power stations, process plants, oil
and gas platforms, rigs and refineries,
ship construction, mining, electrical
and nuclear installations

Claims by and against engineers, architects, surveyors, accountants and other specialised advisers

Claims by and against government and local authorities

relating to the development of land or the
construction of buildings

Claims relating to the design, supply and installation of computers

as well as software and related network systems

Claims relating to the quality of goods

sold or hired and work done,
materials supplied or services rendered

Claims between landlord and tenant

for breach of repairing covenants

Claims between neighbours, owners and occupiers of land

in trespass or nuisance

Claims relating to the environment

including pollution cases

Claims arising out of fires

Challenges to decisions of arbitrators in construction and engineering disputes



Because courtrooms are allocated to cases rather than judges, resources are used much more efficiently than they were in the past.

UNLOCKING DISPUTES IN LONDON

As many as 50 specialist judges are based at the Rolls Building in London, making it the largest business court in the world.

Commissioned and administered by Her Majesty's Courts and Tribunals Service, the new Rolls Building off Fetter Lane is one of the most significant new court building projects since the nearby Royal Courts of Justice were opened in 1882.

Among its 31 state-of-the-art courtrooms are three extra-large courts, designed to cope with the most demanding multi-party litigation. There are also hearing rooms for masters and registrars within the building's 16,000 square metres of fully-accessible space, as well as 55 consultation rooms for use by litigants and their lawyers.

The opening of the Rolls Building forms part of the UK government's commitment to strengthen the UK's reputation as a world leader in legal services. The Ministry of Justice is working closely with TheCityUK, UK Trade & Investment, the Bar Council and the Law Society to promote the UK as the global centre of legal dispute resolution — by arbitration, litigation or mediation — and as a provider of high quality commercial and financial legal services.

The Rolls Building provides a focus of excellence for the legal and expert services available in London to support businesses that use English law or which need to arbitrate or litigate here.

English law — specifically, English contract law — is the world's business law of choice. That makes London the key to unlocking disputes.

Photography
Dee Ramadan

Design & Art Direction
Digital White Ltd

Printed by Kingsley Print on
FSC accredited Fedrigoni paper



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