

HFW LITIGATION



INSIDE LONDON'S COMMERCIAL COURT

How the Commercial Court cemented its position as the destination for high-stakes international litigation



In this report, we analyse data published by Solomonic – the litigation analytics platform – and review the developing trends coming from London’s Commercial Court, which reinforce its position as a leading choice for determination of international high-stakes litigation.

Our data-based answers to the following questions will assist clients in developing their strategy and managing their litigation risk:

- 1. Certainty?**
- 2. International appeal?**
- 3. What cases are typically seen in the Commercial Court?**
- 4. What are the usual Commercial Court claim values?**
- 5. How long will it take to resolve your case?**
- 6. Can you predict outcomes for Commercial Court cases?**

Having analysed the data, we provide our conclusions on what this all means for clients.

Certainty?



The English High Court and, specifically in this case, the Commercial Court do not operate a system in which the parties can choose their judge. Instead, the allocation is determined by the court and will depend upon the legal issues, case requirements, judicial experience and availability. Solomonik has analysed all published trial decisions of Commercial Court judges over the last 12 years (2014-2025) making it the most comprehensive analysis of judicial decision making available.

What the data indicates is that, statistically speaking, there are no judges whose decision history sits more than 3 standard deviations from the average. Indeed, only one judge in the analysis is more than two standard deviations away from the average. In other words, there is no statistically meaningful bias towards claimants or defendants.

Judicial consistency

In summary, the data shows that judges are a consistent peer group, with ruling patterns showing no outliers thereby demonstrating fairness and predictability, even in the most complex disputes. This uniformity, together with a history of strong legal precedent, enables litigants to strategise using an evidenced-based expectation of probable outcomes. Of course, each case will differ on the facts and available evidence, and the legal team's expertise, but it is this judicial consistency that is the bedrock of the Commercial Court.

“Litigants can be confident in how a case is likely to progress and the eventual outcome. Evidenced based clear strategies can be created reducing surprises, and optimising outcomes.”

**RICK BROWN, PARTNER
LONDON**

International appeal?

2.

Court data from Solomonik shows that 41% of parties (over 7,500 organisations) involved in disputes issued in the Commercial Court between 2014-2025 were based outside of the UK (or location unknown). Parties from the European Union (EU), United States (US) and Asia Pacific now account for a significant proportion of cases (see figures 1 and 2).

It is clear that international litigants continue to turn to the Commercial Court in greater numbers to resolve their disputes and make up a significant portion of those using the court. The universally recognised factors making it an appealing global dispute resolution forum include:

- the independence of its judiciary;
- decisions based on case precedent;
- flexibility enabling it to adapt to a changing commercial world; and
- the quality of its judgments.

Arbitration

We cannot look at international disputes without commenting on international arbitration, the alternative method of dispute resolution. It is noteworthy that when comparing with the two main Institutions favoured by parties who also litigate in the Commercial Court (namely The London Court of International Arbitration (LCIA) and the International Chamber of Commerce (ICC)), recent data (outlined on page 5) supports a preference by the business community for London litigation over alternative forms of dispute resolution.

“Our clients are frequently choosing the Commercial Court to resolve their big-ticket disputes. They like the quality of judgments and consistency of decision making, along with the efficient case management and the availability of quick interim relief. The Commercial Court really stands out in the international dispute resolution arena.”

**ADAM RICHARDSON, PARTNER
SINGAPORE**

2024 in numbers

318 LCIA arbitrations commenced

282 Seated in London

831 ICC arbitrations commenced

96 Seated in London

529 Commercial Court claims issued

Figure 1: Party count by region, 2014-2025

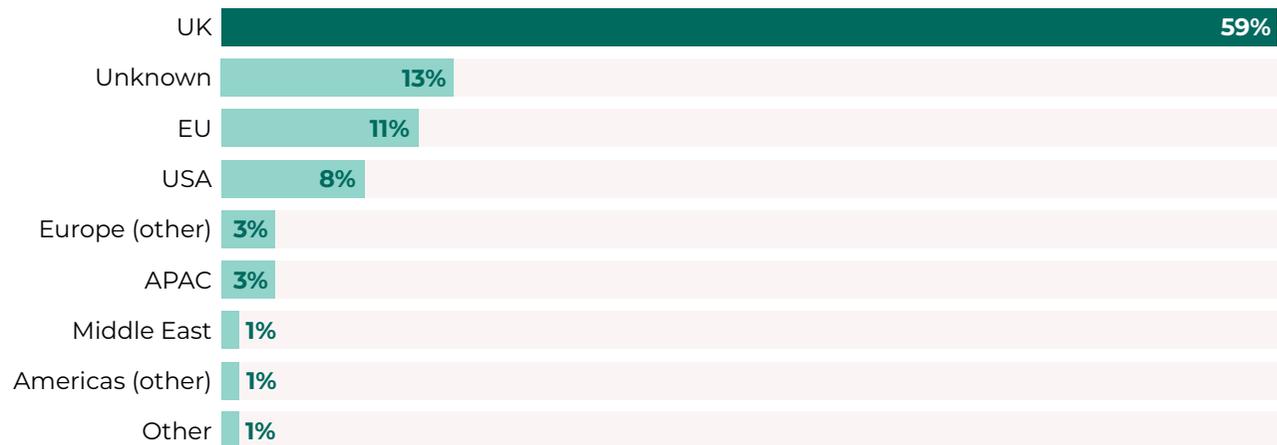


Figure 2: Proportion of claims involving solely non-UK entities by issue year



“International litigants are attracted to the Commercial Court, because of its history of independence, judicial consistency, and transparency. The court has worked hard to attract foreign parties and to ensure that it is efficient and adopts a commercial approach. This has reinforced its status as an international dispute resolution forum for “bet-the-company” disputes.”

**ANDREW WILLIAMS, PARTNER
GLOBAL HEAD OF COMMERCIAL DISPUTES**

What cases are typically seen in the Commercial Court?

3.

The Banking and Finance sector was the most active source of disputes in the Commercial Court between 2020-2025, followed by Shipping and Maritime, and Insurance.

Insurance cases spiked significantly in 2023 due to a stream of business interruption claims arising from the Covid pandemic, although that sector has seen an overall decline in these disputes since then (see figure 3).

However, looking most recently, cases launched by insurance claimants, as well as those in professional services, increased in 2025 (see figure 4).

“Given the extent of losses caused by the Covid-19 pandemic and Russia’s invasion of Ukraine, it is no surprise that we have seen a significant flow of major insurance cases (and reinsurance disputes in arbitration) over the past few years. We are now seeing insurance cases returning to more usual levels.”

**CHRISTOPHER FOSTER, PARTNER
GLOBAL HEAD OF INSURANCE &
REINSURANCE**

Figure 3: Claim volume by top 6 sectors by issue year

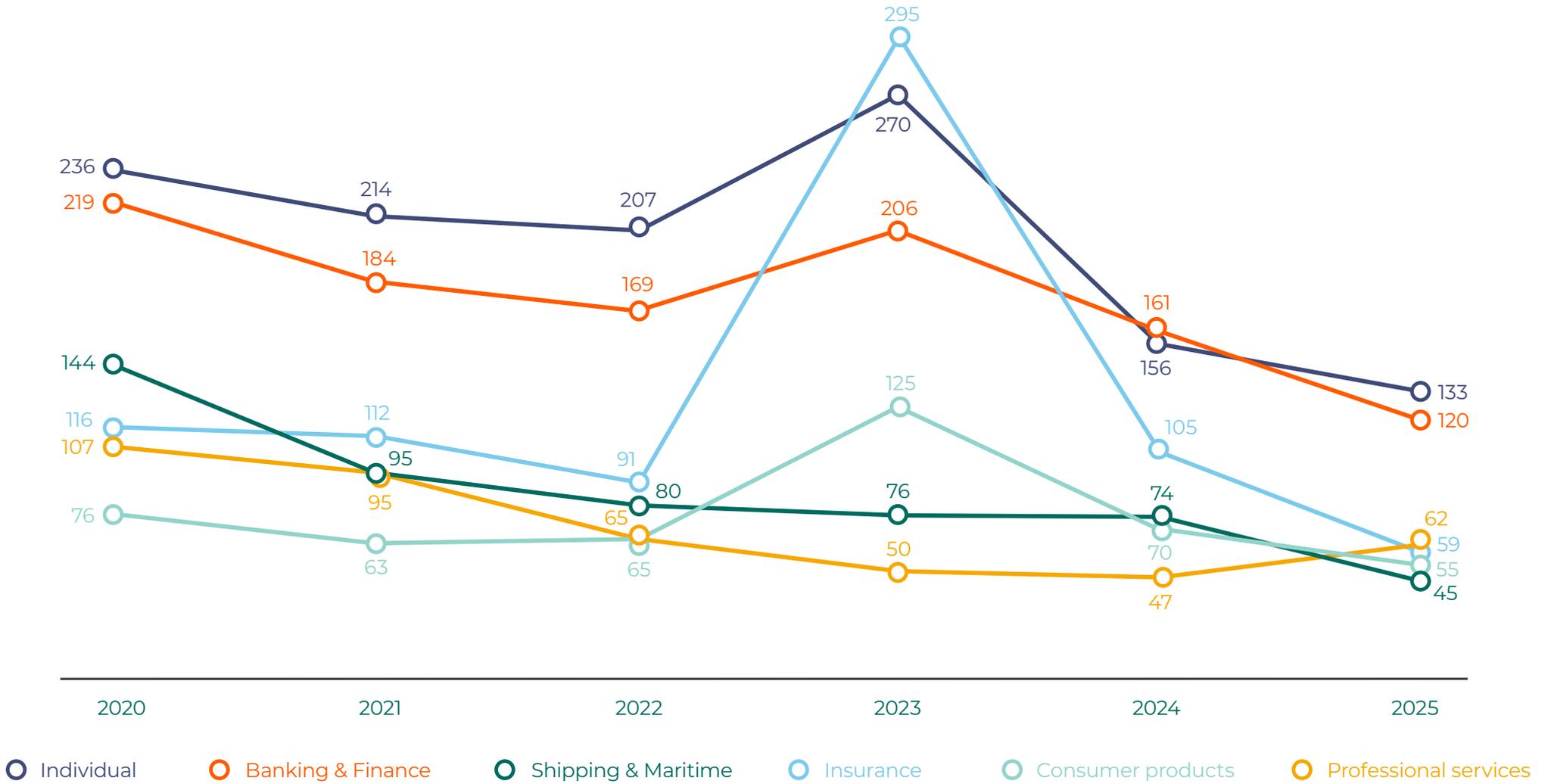
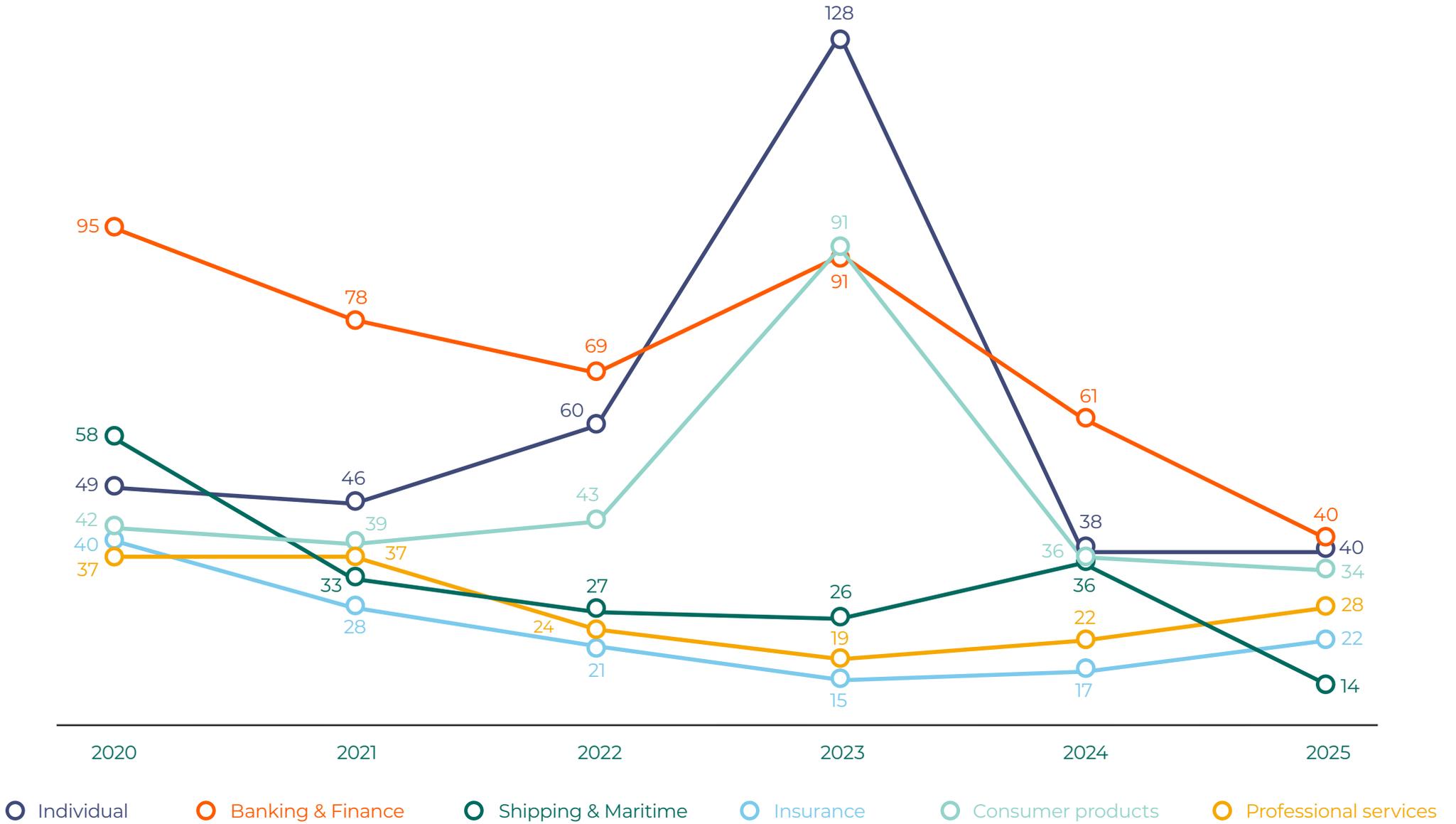


Figure 4: Claim volume by top sector by issue year (claimant ONLY)





Aviation

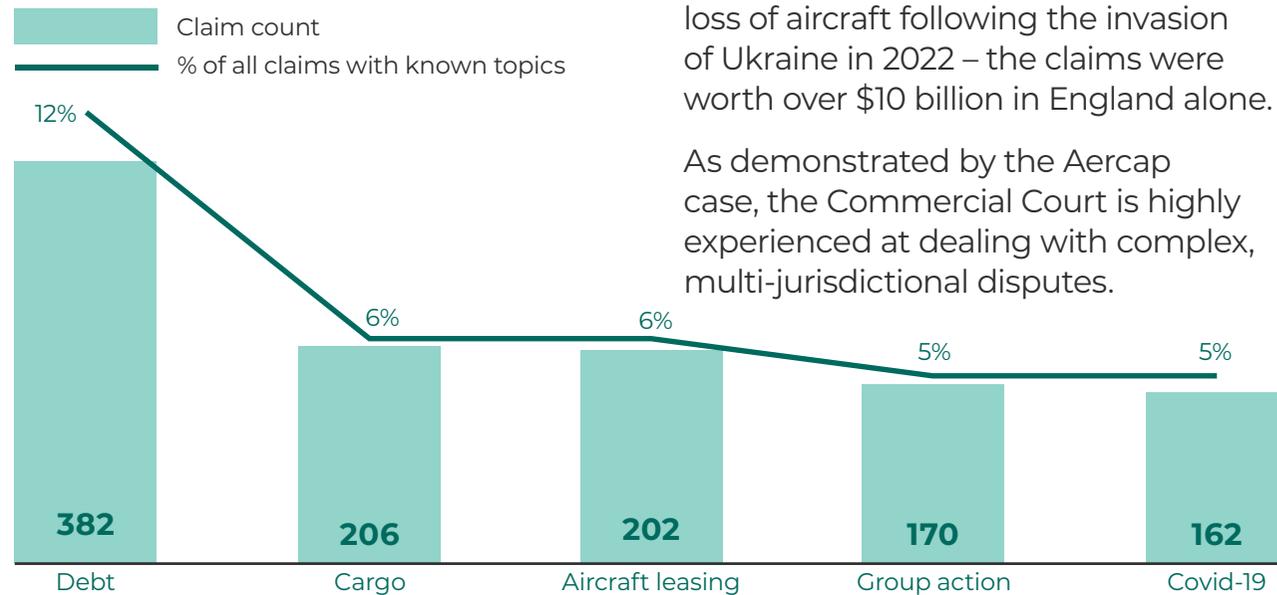
Aircraft leasing cases have been one of the dominant features of Commercial Court proceedings in recent years, with a peak in 2023 linked to economic sanctions against Russia (see figure 5). This resulted in several ‘mega-trials’ relating to insurance claims for aircraft stranded in Russia.

In 2025, the Commercial Court handed down its judgment in the landmark *Aercap v AIG* case, establishing that aircraft lessors are entitled to claim under contingent insurance policies issued by the London insurance market. HFW represented All Risks (AR) insurers, including AIG.

HFW also represented the international reinsurers of Russian and Ukrainian airlines in proceedings brought by leasing companies in England, Ireland and the US concerning the alleged loss of aircraft following the invasion of Ukraine in 2022 – the claims were worth over \$10 billion in England alone.

As demonstrated by the *Aercap* case, the Commercial Court is highly experienced at dealing with complex, multi-jurisdictional disputes.

Figure 5: Claim volume and % claim proportion (top 5 topics), 2020-2025



What are the usual Commercial Court claim values?

4.

The Commercial Court has seen its median claim values climb sharply from just over £10 million in 2024 to nearly £40 million in 2025, almost a 300% increase (see figure 6).

As of July 2025, the claim value threshold for the Commercial Court increased from £5 million to £7 million, below which (excluding interest and costs) the claim would be transferred to the lower Circuit Commercial Court.

This has allowed the Commercial Court to focus on larger disputes, enabling more efficient case management, and reduction of the backlog resulting from cases relating to the Covid-19 pandemic.

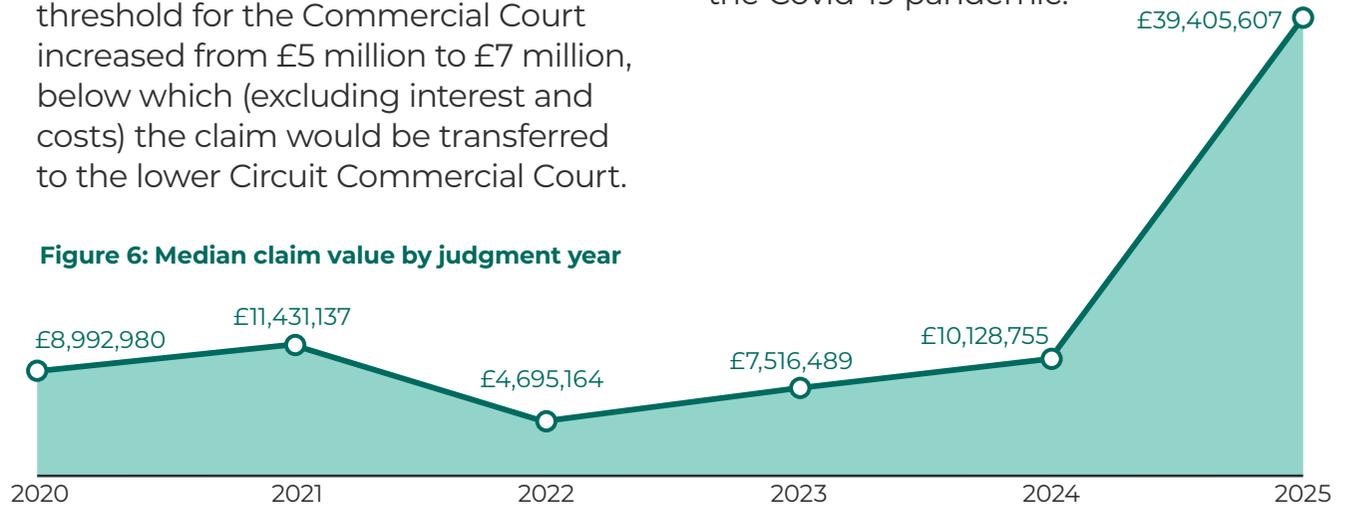


Figure 6: Median claim value by judgment year

“We are seeing more “bet-the-company” disputes in the Commercial Court. When the cases are so important and the value is high, they are less likely to settle. When you add in the fact that claimants can expect a relatively high chance of success or partial success, then this naturally motivates them to continue to trial. We see this from our own experience – HFW has succeeded in 74% of its cases in the Commercial Court over the past decade, the highest win rate amongst the top 10 litigation firms handling the most judgments in this period.”

**ANDREW WILLIAMS, PARTNER
GLOBAL HEAD OF COMMERCIAL DISPUTES**

**based on Solomonik data covering 2014-2025*

How long will it be before your case is resolved?

5.

Parties are rightly concerned to know how long they are going to be in litigation. This not only indicates the likely level of legal costs that may be incurred but also the extent to which they will need to invest management time and attention to the proceedings which can be a significant distraction from their core business.

Solomonic's data reveals that the Commercial Court has a relatively high trial rate compared to other courts where actions typically settle or are resolved before trial. This can be explained by its focus on big ticket and complex disputes, and parties who are prepared to make the financial investment necessary to take their case to trial.

The average action in the Commercial Court took 819 days in 2025, up 60% from 2024, reflecting the increased size and complexity of the disputes that it hears.

These factors can be very significant for the court's "mega" disputes, further impacting the increase in average case length. In addition, cross-border claims will often involve jurisdictional challenges before the substantive claim is heard and can last a significant period of time. However, if the English court determines it does not have jurisdiction to hear the case then it will be concluded at that point.

Figure 7 outlines the typical intervals between each stage of a case and the chances of settlement and a successful outcome.

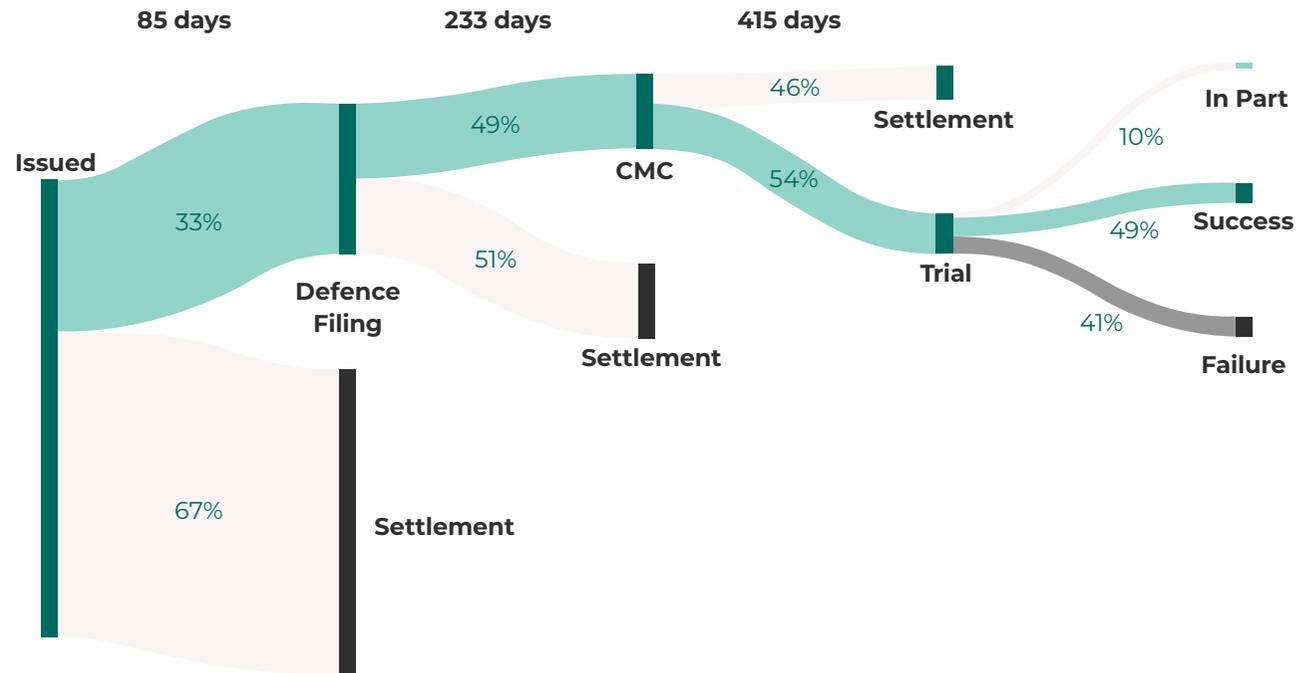
“We are seeing an increasing influx of major cases coming to the Commercial Court and our clients around the world absolutely recognise the value of litigating in this forum. We expect this trend for bet-the-company disputes being heard by the court only to increase.”

**ANDREW WILLIAMS, PARTNER
GLOBAL HEAD OF COMMERCIAL
DISPUTES**

Breaking the timeline into key sections (median values):

- A defence is filed 85 days after the claim is issued.
- The CMC is held 233 days after the Defence.
- It typically takes 415 days from the CMC to reach trial. The fact that the median time for a defence filing is significantly beyond the standard 28 days as specified under the CPRs (assuming an acknowledgement of service is filed), once again shows the typical magnitude and complexity of cases that are heard in the Commercial Court.

Figure 7: Case progression in key stages



Whilst parties can expect the type of case heard by the Commercial Court to be a not insignificant time and resource investment, this is balanced by the Commercial Court's willingness to deal with cases summarily without a trial where appropriate and thus reduce time and costs. In those instances, cases can be determined as quickly as 6 to 9 months.

Appeal rate

Looking at the data, parties can be confident that judgments handed down by the Commercial Court are unlikely to be appealed. Solomon's data shows that only around 5.1% of Commercial Court claims are appealed. This no doubt largely reflects the complexity and value of the disputes, and the quality of the judgments.

Can you predict outcomes for Commercial Court cases?

6.

Of those cases that go to trial, claimants have a 59% chance of succeeding or partially succeeding in the Commercial Court, according to Solomonic data between 2014-2025. This can be explained by the court's claim issue fee, which dissuades parties from bringing frivolous cases.

With the odds of success weighted towards claimants, this will inevitably encourage confidence in terms of their risk appetite for litigation. However, on the contrary, defendants will need to consider whether to roll the dice and robustly defend their position or attempt to reach an early settlement and save the costs they will likely be ordered to pay the counterparty if they lose, which will be in addition to their own legal costs.

The data also shows that the claim failure rate has increased in recent years with a particular spike in 2022.

67%

of cases settle before a defence is filed, compared to

78%

in the Circuit Commercial Court

After the Case Management Conference (CMC),

54%

of cases carry on to trial, compared to

36%

in the Circuit Commercial Court

Conclusion

As can be seen from the data points illustrated in the Report, the Commercial Court remains an attractive option for parties wishing to bring or defend a claim.

The court's willingness to evolve and better serve its users – for example, by focusing exclusively on claims valued at £7 million and above, and by encouraging the use of technology, including artificial intelligence – ensures it stays at the forefront of international dispute resolution.

With claimants recognising the status of the court and the consistency of its decision making, it is no surprise that it continues to hear some of the largest disputes in the world, as reflected in Solomon's latest data. This is a trend that we expect to continue, not least because of the high degree of flexibility and commercialism that the court applies to its processes to ensure modernity, which make it a 'go to' venue for those seeking predictable outcomes, and certainty.

7.



Methodology



This report has been produced in partnership with **Solomonic**.

Solomonic's findings are based on data obtained from court documents (claims, hearings, judgments) which were analysed through a combination of machine learning and qualified solicitor and barrister assessment. Solomonic's analysis includes all publicly available claims (public claims are all claims that are visible on CE-File as per the CPR.)

Data includes claims issued in Commercial Court ONLY from 2014–2025.

Jurisdiction of company is identified using a robust AI-assisted hierarchy of sources. Where available, Companies House data is treated as authoritative. If Companies House data is unavailable, targeted web searches were used to identify the company's legal place of incorporation. Where this does not produce a clear result, established company-name suffix rules (e.g. Ltd, LLC, GmbH) are applied to infer jurisdiction.



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