



# Capital Challenge

## The UK capital's status as a leading global hub for dispute resolution will come under increasing pressure.

While many clients and practitioners remain confident that London will adapt and endure as an elite centre for high-end disputes, the UK capital's civil courts face mounting competition from a lengthening array of rival commercial courts, including common law equivalents explicitly modelled on London's example. This will be amplified by increasing pressure to keep Asia-related disputes in local hubs, and a heightened challenge in Europe thanks to the UK's exit from the EU.

Similarly, global competition to secure arbitration mandates has never been more intense. Even London's many admirers cite nagging concerns over rising costs and delays, while a number of GCs already see movement away from English courts – particularly for heavily regulated industries operating in the EU. Sean Edwards, Head of Legal, EMEA at Sumitomo Mitsui Banking Corporation, notes: "I see a definite trend towards trying to reduce or minimise the use of English law at all levels. Sometimes it's rational, sometimes irrational, but that will increase. We'll see less use of English law and less use of English dispute resolution fora."

While London's advantages around time zone, language and the global reputation of its judges and legal industry will remain potent assets, its competitive position will face its sternest test in modern times. As GSK's UK litigation head Antonio Suarez-Martinez concludes: "My concern is a gradual drain over time. The UK as a forum has to work harder than it has ever done to ensure it remains at the forefront of disputes. I haven't heard a strong argument to the contrary other than: 'We rely on our historic strength.' That's a loser of an argument, frankly. We have to remain innovative and relevant."

A proactive performance from London's courts and arbitrators amid the pandemic will, however, give some confidence that the UK capital is up for the challenge.

This is an excerpt from an HFW report on the future of dispute resolution. To read the rest of the report, which includes a series of 30 interviews with senior in-house counsel and other leading figures from across the global disputes industry, as well as insights from our expert litigators, visit: [www.hfw.com/litigation](http://www.hfw.com/litigation)

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