



# Revolution deferred

The pandemic will be a turning point in driving the adoption of disputes technology, but the likelihood of longer-term radical change is uncertain.

Covid-19 was a pivotal moment for legal technology, with the courts and profession achieving widespread adoption of remote working and new tools during the pandemic. Related areas such as online case management and increasingly advanced e-disclosure tools are also set to advance rapidly through the decade. However, the prospects for radical change to support lower-cost frameworks for dispute resolution remain uncertain, given the need for either long-term government support or heavy private sector investment in low-cost online ADR.

Even advocates for change like Richard Susskind acknowledge the scale of the challenge. “Fundamentally changing a court system is a 10-year project,” Susskind says. “I said that when I advised Lord Woolf in the 90s and everyone said: ‘10 years is too long,’ and ... it never happened. I don’t think 2030 is so long from now – these are fundamental changes to ancient institutions, so we need long-term vision. We need support of the senior judiciary, financial backing from government and a willing legal profession. This is a tall order.”

Sceptics, moreover, argue that law tech too often falls short of its sales pitch. “The problem with legal tech is that most of it doesn’t work,” says Standard Life Aberdeen disputes head Gavin Davis. “On a daily basis, I get phone calls from legal tech companies saying: ‘We’ve got this great solution,’ but actually they don’t. They are looking for a partner to experiment with. When someone gets this working properly, they’ll make a lot of money – but no-one has really done it yet.”

While continued escalation in the costs of high-end litigation and the expansion of the vast global disputes market will stoke demand for low-cost alternatives, the challenge of developing enforceable new models of dispute resolution without explicit state support remain formidable. It is not clear yet that the irresistible force building for change will overcome the immovable object of professional inertia by 2030.

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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