

What are the odds?

It turns out not all claims are equal.

As part of our assessment of the future of dispute resolution, we scrutinised English High Court data from analytics provider Solomonik, covering more than 25,000 claims and 4,500 judgments over the past six years.

Combing through the data reveals patterns, confirms some suspicions and challenges a few received wisdoms about the realities of litigating in London. It also offers clues to the future trajectory of litigation as we enter 2021.

London is renowned for the quality of its judiciary. This reputation is reinforced by the data, which shows that English High Court judges are remarkably consistent in their patterns of rulings, individually showing little sign of bias towards claimants or defendants.

Delving deeper into the data shows that there are other factors that can wildly influence a party's chances of success, however.

The most obvious and fundamental is the nature of the dispute itself. Contract claims have a far higher chance of success than tort claims, for example, with 45% of contract claims succeeding in full over the last six years compared to just 27% for tort actions.

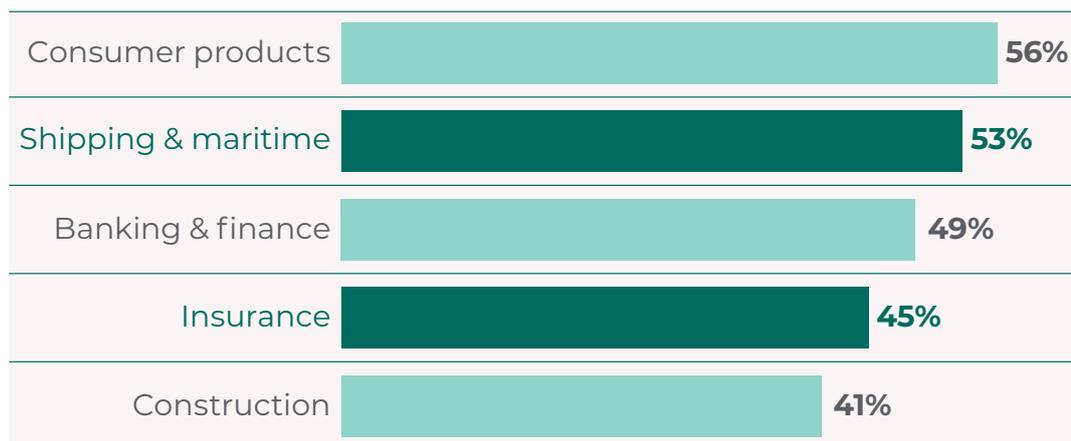
The picture is even bleaker for negligence claims, with just 14% succeeding between 2015 and 2020. Negligence cases have high settlement rates, however, suggesting the strong claims almost invariably settle.

The most successful form of remedy is contractual payment, which succeeded in 61% of High Court cases over the past six years. Claims for damages succeeded in full in only 29% of cases over that period.

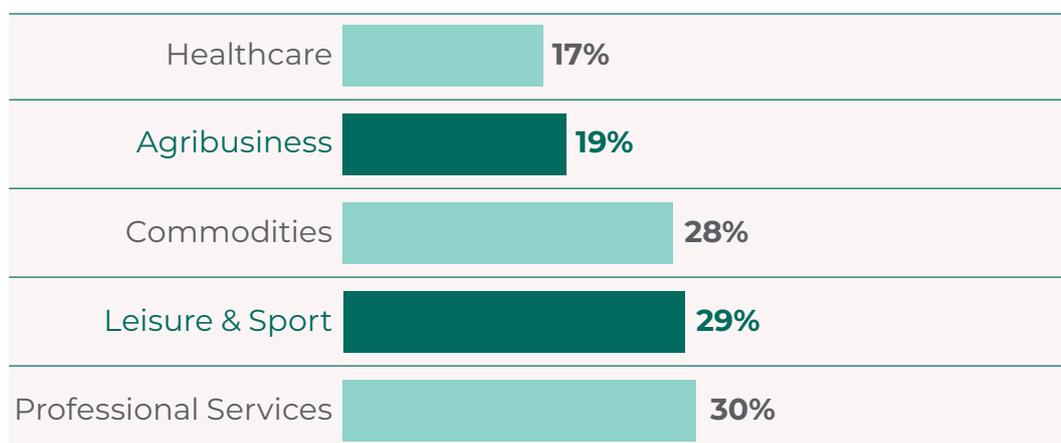
There is also a strong correlation between factual subject matter and average success rates. Consumer products cases had a 56% success rate between 2015 and 2020, for example, whereas healthcare cases succeeded just 17% of the time.

Litigation is a calculated gamble. No matter how good your case, there is always a chance that you may end up with a disappointing result. But as the data shows, some bets are safer than others.

Factual Subject Matters With The **Highest** Average Success Rate In The English High Court: 2015-2020



Factual Subject Matters With The **Lowest** Average Success Rate In The English High Court: 2015-2020



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