

# Global data

The market is busy – and getting busier.

**While regularly updated statistics from the courts in England and Wales have become the norm, timely data on disputes in other major jurisdictions is less readily accessible.**

**We have assessed available data across the Middle East, Asia-Pacific, Europe and the United States to compare disputes activity around the world.**

**One clear trend emerges: it's busy and getting busier.**

## The Middle East

The DIFC-LCIA Arbitration Centre in Dubai saw a record 80 cases in 2019 - up 18% from the previous year - fuelled by robust activity in construction and infrastructure disputes. The year-on-year increase in the total value of DIFC-LCIA claims was even more pronounced, more than doubling from \$600m in 2018 to \$1.25bn in 2019.

This growth was mirrored in the DIFC Courts, with its caseload rising 43% in 2019, to 952 cases.

Nick Braganza, a disputes partner in our Dubai office, expected Dubai and Abu Dhabi to both experience a surge in disputes activity, with the Abu Dhabi Global Market Courts being "very user-friendly and aggressive in its marketing" to compete with the DIFC Courts' recent success. Nick predicts a busy period for insolvency and fraud work, with litigation funders further stoking the local market over the last 18 months, adding: "There was hardly any slowdown in 2020 and it's only getting busier now. It's going to be a busy time for disputes over the next three-to-five years."

## Asia-Pacific

The Singapore International Arbitration Centre (SIAC) also saw record activity in 2019, with 479 new cases filed - a 19% increase on 2018. International parties accounted for 87% of all new cases, with Indian parties being the heaviest foreign users of the centre.

It is a similar story at the Hong Kong International Arbitration Centre (HKIAC), which received 318 arbitration filings in 2020 - its highest number for over a decade, although only a marginal increase on the 308 cases filed in what was already a bumper 2019. (The popularity of ad hoc proceedings in Hong Kong means that many arbitrations will not be covered in the statistics, understating the size of the local market.) Again, the vast majority - 72% - of those arbitrations were international, while 60% of applications concerned assets or evidence owned by mainland Chinese parties. The total amount in dispute was \$8.8bn.

While it can often be forgotten in the international disputes market, mainland China has become home to a huge market for domestically-focused arbitration. Figures from the China International Economic and Trade Arbitration Commission (CIETAC) show its caseload more than tripling over the past seven years, leaping from 1,060 in 2012 to 3,333 in 2019.

The Seoul-based Korean Commercial Arbitration Board (KCAB) has also seen robust demand in recent years, rising from 385 cases in 2017 to 443 in 2019.

HFW Singapore partner Peter Aston echoes the sentiment of many in forecasting a robust period ahead for the deepening Asia Pacific disputes market, pointing to insolvency, fraud, commodities and construction as the "boom areas" over the next five years.

## Europe

It has not just been a busy period in London for litigation - the London Court of International Arbitration (LCIA) has also been extremely active. The LCIA saw an all-time high of 444 referrals in 2020 - up from 395 in 2019. This included 407 cases administered by the LCIA under its own rules.

The Paris-based International Chamber of Commerce also announced a substantial influx of cases for its arbitration and ADR services in 2020, with 946 new registered cases - up 9% on 2019 and its highest tally since 2016. This included 929 new cases under ICC rules of arbitration.

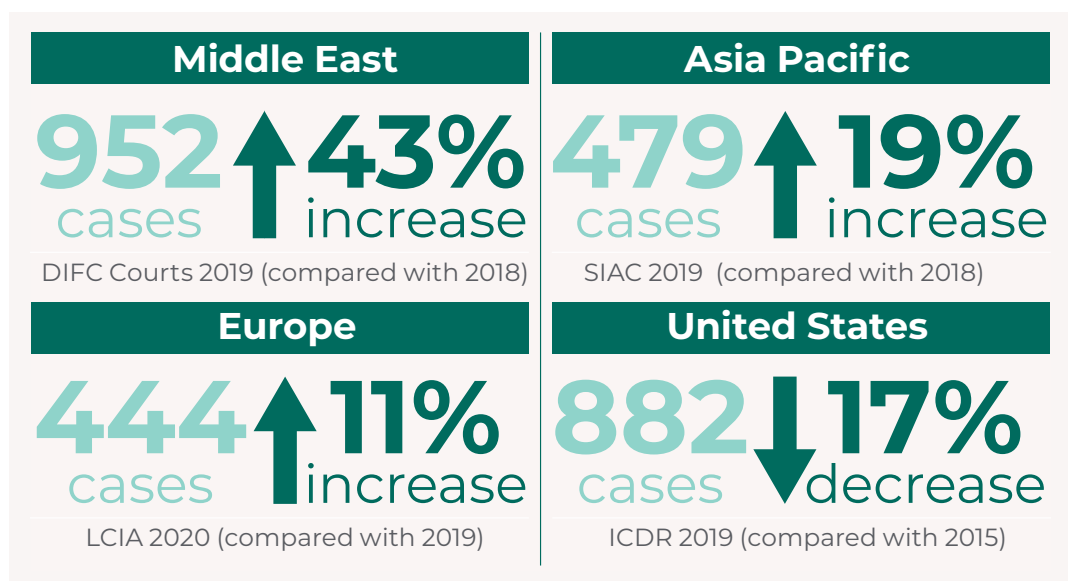
Vincent Bénézech, a partner in HFW's Paris office, says: "The ICC adapted quickly to the pandemic and successfully avoided excessive procedural delays. The ICC also continues to enhance its dispute resolution system and has published a new set of its Arbitration Rules, which notably pursue the institution's commitment to more efficient, responsive and transparent arbitrations."

## The United States

Conversely, the International Centre for Dispute Resolution (ICDR) - the international arm of the American Arbitration Association - has seen ebbs and flows in caseload in recent years. The body saw 882 cases registered in 2019 - some way short of the 1,063 registered in 2015.

A major question now facing the world's largest legal market is whether the combination of huge Covid-induced backlogs that will clog civil courts for years and the spiralling costs of high-end disputes will force major companies to rethink their approach to litigation. It seems reasonable to expect ADR to increase either way.

Stuart Singer, a partner at leading US disputes firm Boies Schiller Flexner, says: "As litigation expenses increase - especially the cost of electronic discovery, which has skyrocketed - companies will be more selective about the cases they litigate. Law firms that adjust to that are the ones that will do best in the years to come."



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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We have more than 350 specialist disputes lawyers across the Americas, Europe, the Middle East and Asia-Pacific, handling high-value, complex, multi-party and multi-jurisdictional disputes, including fraud and asset recovery, insolvency, class actions, and enforcement actions.

Our expert lawyers frequently litigate on behalf of clients in courts around the world.

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