



JUDICIARY OF
ENGLAND AND WALES

Business and Property Courts
The Commercial Court
Report 2019-2020
(Including the Admiralty Court Report)

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The Commercial Court
Report 2019-2020
(Including the Admiralty Court Report)



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Published by Judicial Office
11th floor Thomas More Building
Royal Courts of Justice
Strand
London
WC2A 2LL

www.judiciary.uk

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1. Introduction

The Annual Report on the Commercial and Admiralty Courts generally aims to provide an introduction to those who may not be familiar with the Court, and to provide some more detailed information and statistics for more regular users of the Court. In this remarkable year, it also offers both an insight into the changes which the Court has effected in response to the Covid-19 pandemic, and how the Court has continued to work – and an update on the Court’s 125th Anniversary.

The report covers the work of both the Commercial Court and the Admiralty Court, which share judges, procedures and administration. Reference to ‘the Court’ in this report is to both the Commercial Court and the Admiralty Court. This year’s report also sets out details of the business of the London Circuit Commercial Court, which works in tandem with the Commercial Court, dealing with cases of a commercial nature that by reason of limited size or complexity do not require to be within the Commercial Court itself.

On one level nothing has changed for the Court - it continues to attract complex legal disputes from many countries around the world. The international reach of the Court makes the work of a judge in the Court both interesting and challenging. Yet this year has had two stand-out features.

We had anticipated that this year’s major news story for the Court would be the fact that the Court celebrated the 125th anniversary of the founding of the Commercial List in London, and the 50th anniversary of the formation of the Commercial and Admiralty Court. As explained later in the report, a series of planned events had just started with a launch event on 2 March 2020 when the world changed. Instead, as with so much else, the Court’s celebrations have largely gone virtual. On 7 September 2020 the Court presented a virtual seminar entitled “*Year 126 and onwards: planning for the future of London’s Commercial Court*”. The seminar was chaired by Lord Justice Flaux, the Supervising Lord Justice for the Commercial Court, and included panel discussions on virtual and hybrid hearings, the disclosure pilot and witness statements. Other virtual events, including a series of academic seminars, have been held in autumn 2020 and it is hoped that a few of the original events will still take place in 2021.

But of course, in reality the big news story has been Covid. The Court has experienced particular challenges this year following the outbreak of the pandemic. Notwithstanding this, it has been very much “business as usual” and the Court has been able to continue to work at full speed, handling an even greater workload than last year. There have been only four Covid-related adjournments, each involving specific party-related causes. By the end of 2020 all of them had been heard. At the same time Covid has brought with it the need to expedite some important cases – including the Covid business interruption test case of *FCA v Arch* and a major dispute about the effect of the pandemic in the context of a Material Adverse Change clause.

Maintaining our full workload during the pandemic has involved some dramatic changes in how the Court operates and more creative and innovative ways of working. An example is the shift from 'in person' hearings to holding the vast majority of hearings remotely since March 2020. This is discussed in more detail later in the report, and we expect it to lead to permanent future changes to some aspects of the Court's operation. One interesting outcome of the "Year 126" seminar was the enthusiasm of court users for future remote working – in a greater range of cases than might have been anticipated.

The Court has been assisted in its ability to proceed on a "business as usual" basis by its users, who were ready to rise to the challenge of changing their ways of working at next to no notice, and who have helped to provide exciting solutions to the technological challenges of continuing with a number of the Court's complex cases and who have worked together to deal with innumerable practical issues.

All of the Court's judges would like to thank the Court staff for their constant dedication and hard work. In these times of pressure and difficult circumstances, staff have continued to work diligently and without complaint. The Court can never operate effectively without them – but in this year their contribution has been even more critical than in normal times. The judges have been delighted that Users have so often recognised, during the course of the Covid crisis, the exceptional efforts put in by the Listing and Clerking Teams. A recent message from one group of users conveys perfectly the tone of the many messages which we have received:

"We would like to record our heartfelt thanks and admiration for how the Commercial Court office has coped. More than coped. The service has been stunning. The circumstances have been appalling and unprecedented in our experience. Yet, the personnel in your department have worked tirelessly, with unfailing courtesy in very difficult circumstances. Furthermore, we have had a large number of urgent hearings this year and the Court has apparently accommodated us every single time without fail"

Turning to this report, we are extremely grateful to the Commercial Court Listing Office, particularly Michael Tame, for the provision of the up-to-date statistics that are crucial for the Annual Report.

We are also very grateful for the support and insights offered by Court users. The Court has, throughout its life, worked closely with the solicitors and barristers who appear regularly in the Court, and with its regular business users. Their input is vital in ensuring that Court operates efficiently and continues to innovate its procedures to reflect the changing demands imposed by modern litigation.

Finally, it will not go unnoticed that this Report is far more detailed than the reports of previous years. That is down to a huge amount of work by Mr Justice Henshaw and his clerk Angela Fraser. I am sure that Users will be as grateful to them as I am.

Mrs Justice Cockerill, Judge in Charge of the Commercial Court.

2. The Courts

2.1 Judges of the Court

At full strength the Commercial Court has 14 nominated judges. As at the start of October 2020, there were 12 High Court judges nominated to sit in the Commercial and Admiralty Courts and they can be found at <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judges-clerks/>. As judges of the Queen's Bench Division, they will often be taken away from the Court on other judicial business such as sitting on criminal trials on circuit, sitting in the general Queen's Bench list, the Administrative Court and the Court of Appeal Criminal Division. Some also sit on occasion in the Technology and Construction Court.

The Court aims to have about eight judges sitting at any time. However, as all Divisions of the High Court are currently operating below strength, it has rarely been possible to maintain this figure in recent years.

The Court continues to handle a varied case load, with the balance of work including both traditional subject matters (such as international trade, shipping, insurance and reinsurance) and newer growth areas including commercial fraud, actions arising out of commercial and business acquisition agreements and claims relating to banking, financial services and securities transactions. The Court now handles many more banking and financial disputes than previous years, as well as disputes (based in contract or tort) between high net worth individuals from around the world.

2.2 Judiciary Changes

During 2019-20 there were several changes in judicial personnel, with three new judges being appointed:

- Mr Justice Henshaw on 2 December 2019;
- Mr Justice Foxton on 13 January 2020;
- Mr Justice Calver on 1 October 2020.

We are also delighted to report on the promotions of the following Judges who moved to the Court of Appeal during 2019-2020:

- Mrs Justice Carr;
- Mr Justice Phillips;
- Mr Justice Popplewell.

The Court also sadly had to say goodbye to Mr Justice Teare, who retired on 1 October 2020 after a distinguished career as a High Court judge since 2006, having been the Admiralty Judge since 2011, and Judge in Charge of the Commercial Court between 2017 and 2019. We would like to wish him well and express our appreciation for his hard work and service during his time as Judge in Charge.

Following his departure, the following appointments were made, which took effect from 1 August 2020:

- Mrs Justice Cockerill became Judge in Charge of the Commercial Court; and
- Mr Justice Andrew Baker was appointed as the Admiralty Judge.

3. The Work of the Commercial Court

The Commercial Court covers a wide jurisdiction, extending to any claim that arises out of the transaction of trade and commerce.

The Commercial Court deals with both international and domestic business disputes, including claims relating to:

- Commercial agreements;
- Import and export of goods;
- Carriage of goods by sea, land and air;
- Banking and financial services;
- Insurance and reinsurance;
- Markets and exchanges;
- Commodities, oil, gas and natural resources;
- The construction of ships;
- Agency;
- Arbitration and competition matters.

The value of claims in the Court is generally above £5 million. Many of the cases in the Court are worth considerably more than this, with a number of cases worth over £1 billion being commenced every year.

The complex and often heavily documented nature of commercial cases requires judges to pre-read a large amount of material from a “pre-reading list” supplied by advocates. The judges rely heavily on the provision by the parties’ advocates of realistic reading lists, accurate estimates of pre-reading time and on the parties updating the Listing Office if the estimate changes as trial approaches.

The Judge in Charge (together with the Judge in Charge of the London Circuit Commercial Court) issued guidance on these points on 28 September 2020 following an increasing incidence of inaccurate time estimates for hearings and pre-reading. The Guidance can be found at: <https://www.judiciary.uk/announcements/time-estimates-for-pre-reading-and-hearings/>

Due to the expensive nature of all court hearings, time spent dealing with evidence from witnesses and oral submissions in court is kept to a minimum. As a result, Commercial judges spend much time out of Court either preparing for a hearing or writing a judgment after a hearing. Judgment writing time has to be built into the Court timetable to assist this.

Judges also deal with a large number of applications on paper: see further section 12.2 below. The Judge in Charge of the Commercial Court also deals with applications to transfer in and out of the Court, as well as matters concerning listing and expedition.

Following the trend of previous years, the Court has experienced a very busy year in terms of volume and complexity of cases as detailed later in this report.

The numerous highlights of 2019/2020 have included:-

- *Avonwick Holdings Ltd v Azitio Holdings Ltd & Ors* [2020] EWHC 1844 (Comm), a 7-week trial of claims in excess of US\$1 billion made between Ukrainian businessmen, described by the judge as “a trial which, but a few years ago, would have taken at least twice as long as it did, so involved (there were some 500 electronic trial bundles) and multitudinous were the issues which it entailed”
- *Financial Conduct Authority v Arch & Ors* [2020] EWHC 2448 (Comm), the test case on business interruption insurance policy coverage relating to the Covid-19 pandemic
- *National Bank Trust v Ilya Yurov & Ors* [2020] EWHC 100 (Comm), post-trial written submission and judgment in a long-running fraud claim for sums totalling in excess of US\$1 billion against three shareholders and board members of a Russian bank
- *PCP Capital Partners LLP v Barclays Bank Plc*, a high-profile trial of claims by a private equity firm (representing a consortium of Abu Dhabi investors) relating to a £3.25 billion investment in the defendant bank during the financial crisis of 2008
- The *M/T Prestige* Decisions [2020] EWHC 1582 (Comm) / [2020] EWHC 1920 (Comm), two significant decisions on State immunity in the context of complex litigation arising from a major oil spill of the coast of Spain in 2002 leading to a US\$1 billion judgment in Spain against insurers in 2019
- *Travelport Ltd and others v WEX Inc* [2020] EWHC 2670 (Comm), a highly expedited trial of preliminary issues about a material adverse effect clause, in a dispute caused by the Covid-19 pandemic concerning a US\$1 billion deal for the purchase by US-based payment-processing group WEX of two travel-payments businesses

3.1 Arbitration

Matters arising from arbitration still make up a significant proportion of the claims issued in the Court (around 25%), reflecting London’s continued status as an important centre for international arbitration.

These matters include a range of applications made in support of the arbitral process, including applications for injunctions in connection with arbitrations, as well as for the enforcement of arbitration awards and other matters (such as applications to the court for the appointment of an arbitrator).

The bulk of the arbitration claims issued are: challenges to awards on grounds of jurisdiction under section 67 of the Arbitration Act 1996, appeals on a point of law (section 69 applications) and challenges alleging irregularity (section 68 applications).

3.1.1 Section 44 applications (injunctions)

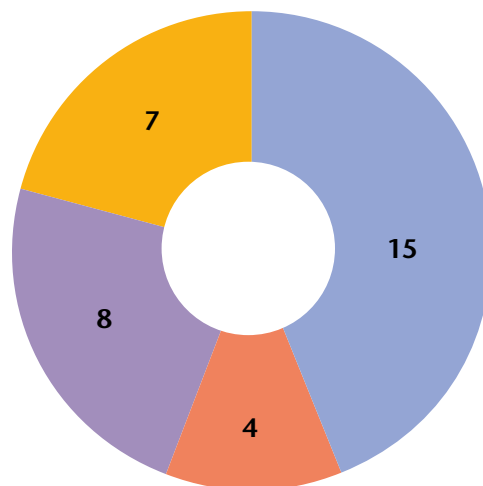
During 2019-2020, there were 24 applications for injunctions under section 44 of the Act, compared with 32 such applications the previous year; so these have reduced by 25%.

3.1.2 Section 69 applications (appeal on point of law)

The number of section 69 applications¹ received in the year was 34. Of these (as at the start of the 2020-2021 legal year):

- 7 were granted permission to appeal and a final decision is pending
- 15 had permission refused
- 4 were discontinued
- 8 are awaiting a permission decision

Section 69 – 2019-2020



● Permission Refused - 15

● Pending (Permission Decision) - 8

● Discontinued - 4

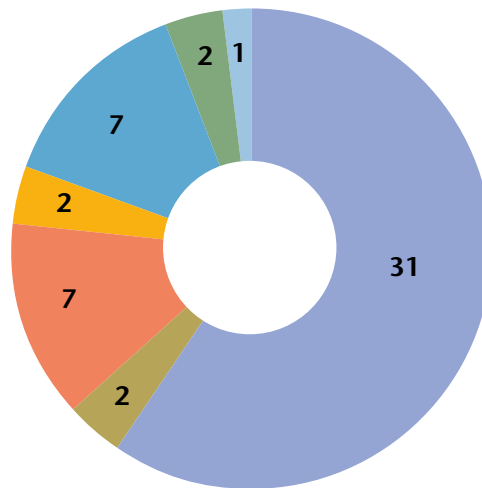
● Pending (Final Decision) - 7

¹ Arbitration statistics in previous Annual Reports have been calculated using data for the calendar year. This is the first time they have been reported using the judicial year period (Oct-Sep), in line with how other data is captured and reported.

The number of applications has fallen by 34% from the 2018-2019, when there were 52 applications, of which:

- 12 were granted permission to appeal, of which 2 appeals were successful, 7 were unsuccessful, 2 were stayed and 1 is awaiting a final decision
- 31 had permission refused
- 7 were discontinued
- 2 were transferred out

Section 69 – 2018-2019



- Permission Refused - 31
- Appeal Successful - 2
- Appeal Unsuccessful - 7
- Transferred Out - 2

- Discontinued - 7
- Stayed - 2
- Pending (Final Decision) - 1

3.1.3 Section 69 applications – Completion Times

These types of applications can take up to a year to finalise from the date when an application is filed to through the stage of permission to appeal outcome (granted or refused) and then date of final decision.

The Court has analysed data during the year and established that during this year it has taken on average 99 days for a decision to grant or refuse permission to appeal. This covers the time required for service of the respondent, for the respondent to file its response, for any reply by the applicant, and the provision of a bundle for the judge.

For applications filed in 2018-2019:

- The average number of days where permission was granted or refused was 124
- The average completion for final decisions, where permission had been granted was 231 days (number of days between the claim being received and being completed).

3.1.4 Section 68 applications (irregularity)

During the year the court received 28 section 68 applications, of which:

- 7 were dismissed, including 5 dismissed without a hearing (on the papers)
- 3 were discontinued
- 1 settled
- 1 was stayed

The remaining 16 were awaiting decision.

In comparison, during 2018-2019, 26 applications were received, of which:

- 1 challenge succeeded
- 15 were dismissed, including 8 dismissed without a hearing (on the papers)
- 4 were discontinued
- 1 was stayed
- 1 was transferred out
- The remaining 4 remained pending

3.1.5 Section 67 applications (jurisdiction)

In the year, there were 19 jurisdiction applications made under section 67 of the Act, and one hearing has been listed.

In comparison there were 20 processed during 2018-2019, so applications received are comparable.

3.2 The Circuit Commercial Court

The Circuit Commercial Court, formerly known as the Mercantile Court, handles commercial transactions and commercial/business disputes, to both companies and citizens alike.

Cases include:

- Disputes over contracts and business documents;
- Insurance and reinsurance;
- Sale of goods;
- Import, export and transport ('carriage') of goods;
- Professional negligence in commercial circumstances (such as solicitors and accountants);
- Issues relating to arbitration awards;
- Restraint of trade;
- Share sale agreements;
- Confidential information.

Cases are normally heard by specialist senior circuit judges who are authorised to sit as High Court judges and by specialist Deputy High Court judges. Some cases may be heard by Commercial Court judges.

His Honour Judge Pelling QC is Judge in Charge of the London Circuit Commercial Court. He also sits as a judge of the Commercial Court.

4. The Work of the Admiralty Court

The Admiralty Court has exclusive jurisdiction over certain maritime claims. Cases heard by the Court include:

- Collisions between ships;
- Disputes over the transport of cargo;
- Salvage of a ship, cargo or crew;
- Disputes over goods supplied to a ship;
- Disputes over mortgages and other security over ships;
- Claims by passengers or crew for injuries suffered;
- Claims by the crew of a ship for unpaid wages;
- Claims by shipowners to limit liability for loss or damage.

The Court hears claims brought against the owner of a ship ('in personam' claims) and claims brought against the ship itself ('in rem' claims). The distinctive feature of the 'in rem' jurisdiction is the ability of the court to arrest and sell ships.

The Court comprises the Admiralty Judge, all other judges of the Commercial Court and the Admiralty Registrar.

The Admiralty Registrar allocates cases either to the Admiralty Judge or to the Admiralty Registrar (usually those under £1 million). Where damages are to be assessed in a collision action (or any other action) they will, save in exceptional cases, be referred to the Registrar.

As a result of the County Court no longer having Admiralty jurisdiction all smaller value claims raising an issue of navigation or ship management are case managed by the Registrar and, when they do not settle, are tried by him.

The importance of the work of the Registrar is underlined by the fact that during 2019-2020 there were 12 trials listed, of which seven were allocated to the Registrar and five to the Judge.

Eventually only five were contested: the Registrar heard two, the Judge heard three, and the remaining settled.

Warrants of arrest are executed by the Admiralty Marshall, Paul Farren.

The Court and the Marshal acknowledge the role played by solicitors in giving early notification of a Claimant's intention to arrest, which notice then enables the Marshal to act without delay when a warrant of arrest is issued.

During the year there were 14 warrants for arrest issued and one vessel sold by the court.

The fairly small number of arrests is not unusual. It is in part a function of the practice whereby notice of an intended arrest usually leads to the provision of a letter of undertaking by a P&I Club.

4.1 Update from the Admiralty Judge

Mr Justice Andrew Baker reports that the most significant Admiralty cases in 2020 concerned limitation and collision.

As regards limitation, there was a focus on who can limit: *Stema Barge II* [2020] EWHC 1294 (Admlty) – barge operator; *Holyhead Marina Ltd v Farrer et al.* [2020] EWHC 1750 (Admlty) – lessee of floating pontoon ‘marina’ area.

As regards collision, there were two procedural firsts:

- in *Sakizaya Kalon, Panamax Alexander & Osios David* [2020] EWHC 2604 (Admlty), Teare J conducted a collision trial sitting remotely, with the three ship’s masters being cross-examined whilst abroad, one ashore in Greece, one onboard ship alongside in Chile, and one onboard ship in the middle of the South Atlantic; and
- in *Alexandra I & Ever Smart (Nautical Challenge Ltd v Evergreen Marine (UK) Ltd)*, the Supreme Court sat with nautical assessors for the first time when hearing the appeal in that case in early October (judgment awaited).

As well as featuring technical innovation to keep the work of the Admiralty Court going during the Covid-19 pandemic, *Sakizaya Kalon* is also a rare example of an Admiralty Judge not accepting all of the advice given by the Elder Brethren.

The economic consequences of the Covid-19 pandemic have led to the arrest and sale of a number of cruise ships (rarely arrested in happier times) and a significant number of maritime claims against those vessels or their proceeds of sale.²

More notable for the Admiralty Court than any particular case that came before it in 2020 was that this year saw the loss to retirement of both Master Jervis Kay QC as Admiralty Registrar and Teare J as Admiralty Judge.

They have been succeeded by Master Richard Davison and Andrew Baker J respectively.

It is fitting that Teare J’s last judgment as a full-time judge was as Admiralty Judge, determining the collision liabilities in *Sakizaya Kalon*, although Sir Nigel has been authorised to sit in the Admiralty Court in retirement, so the Court will continue to benefit on occasion from his expertise, wisdom and experience.

² Details of which will appear in the Annual Report 2020-2021, as although commenced during 2019-2020, date claims were issued, and vessels sold were completed in that reporting period

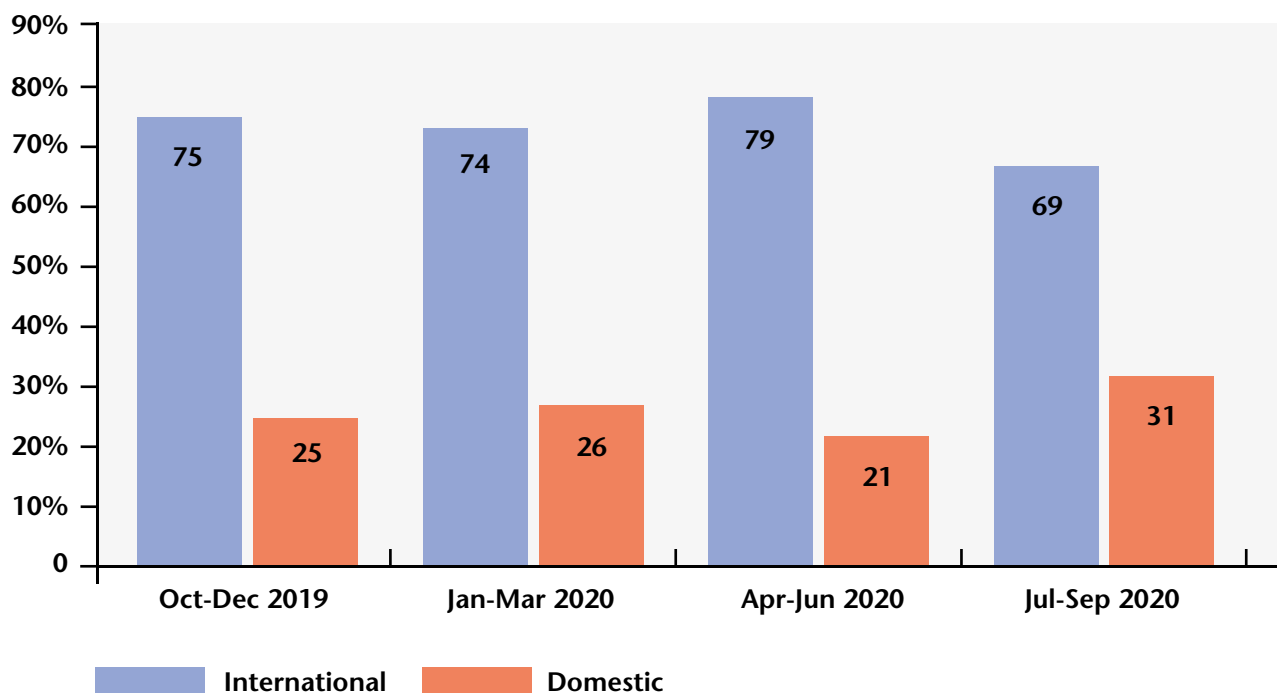
5. Sources of the Court's Work

Throughout the years, the Commercial Court has always handled an international caseload.

Often, cases will arise because parties contract on standard forms in use in a particular trade which have a specific provision for English law and/or for the English courts to resolve any disputes that arise. There are also many cases based on bespoke contracts where the parties have chosen the jurisdiction of the English Court.

Below is a breakdown of the cases issued during 2019-2020, showing the proportion of international to domestic work.

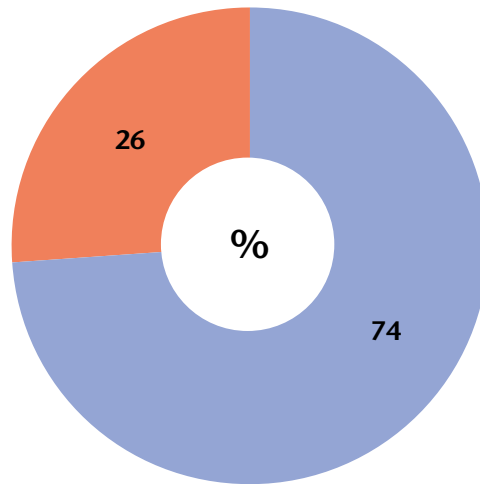
Cases – International – Domestic



A domestic case is one where (a) the subject matter of the dispute between the parties is related to property or events situated within the United Kingdom, and (b) the parties are based in the United Kingdom relative to the dispute (in other words, that the part of the business relevant to the dispute is carried on in the UK, regardless of whether the business is incorporated, resident or registered overseas). All other cases are classified as “international”.

Regardless of how many cases are issued within each quarter, the international proportion of the Court's business month on month has ranged from 69 to 79%. Over the year as a whole, it remains stable compared to last year at around 75%. This is also the proportion which has been noted for a number of years.

International v Domestic



● International Cases

● Domestic Cases

The statistics above reflect the continued dominance of international business in the Commercial Court.

6. Volumes and Business of the Court

This section contains a more detailed analysis of volumes and breakdowns of the business within the three sub-divisions of the Court; Commercial, Admiralty and London Circuit Commercial.

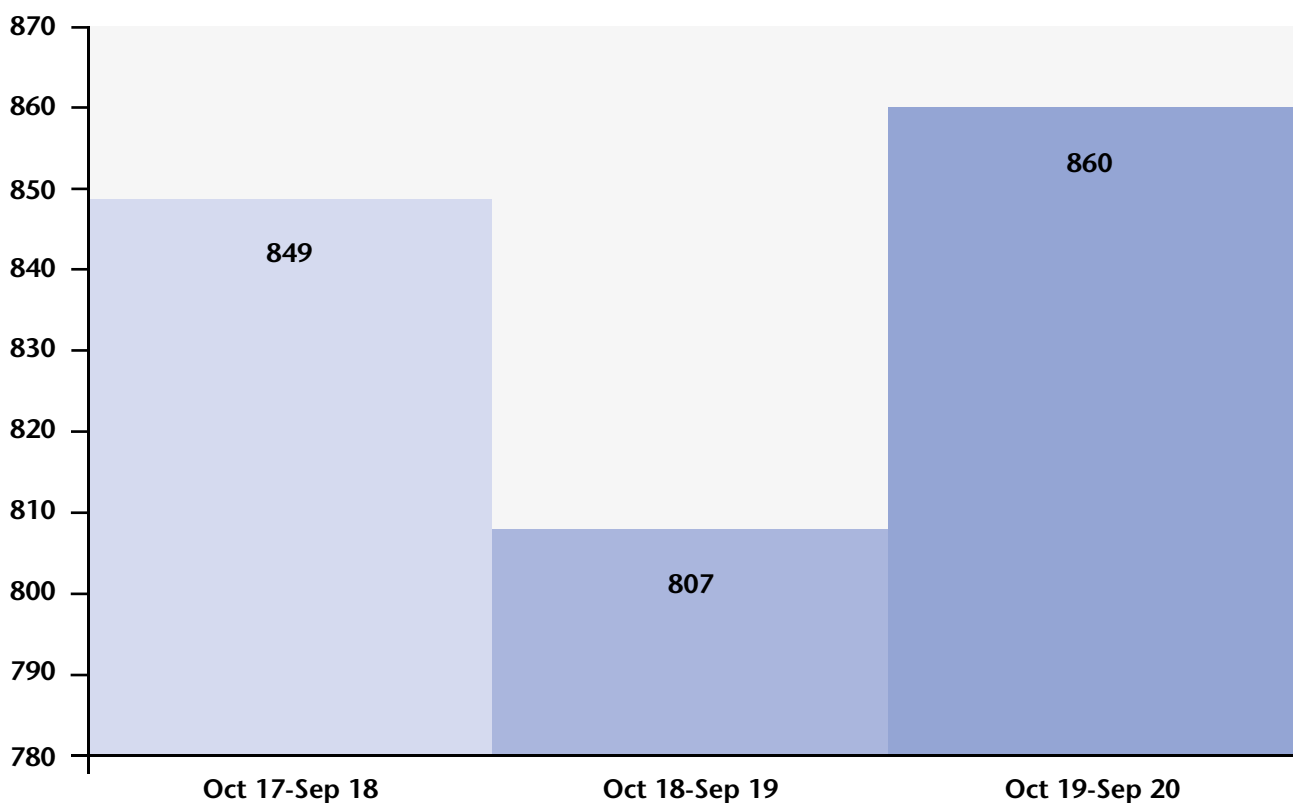
6.1 The Commercial Court

6.1.1 Number of new claims

During the year there were 860 new Commercial Court claims issued, compared with 807³ issued the previous year. This represents a 6.6% increase.

The graph below shows claims issued from October 2017 to September 2020 and illustrates yearly comparisons.

Commercial Court Claims



³ The Annual Report 2018-2019 has a figure of 830. This would read 807 if calculated on the same statistical basis as this year's figure.

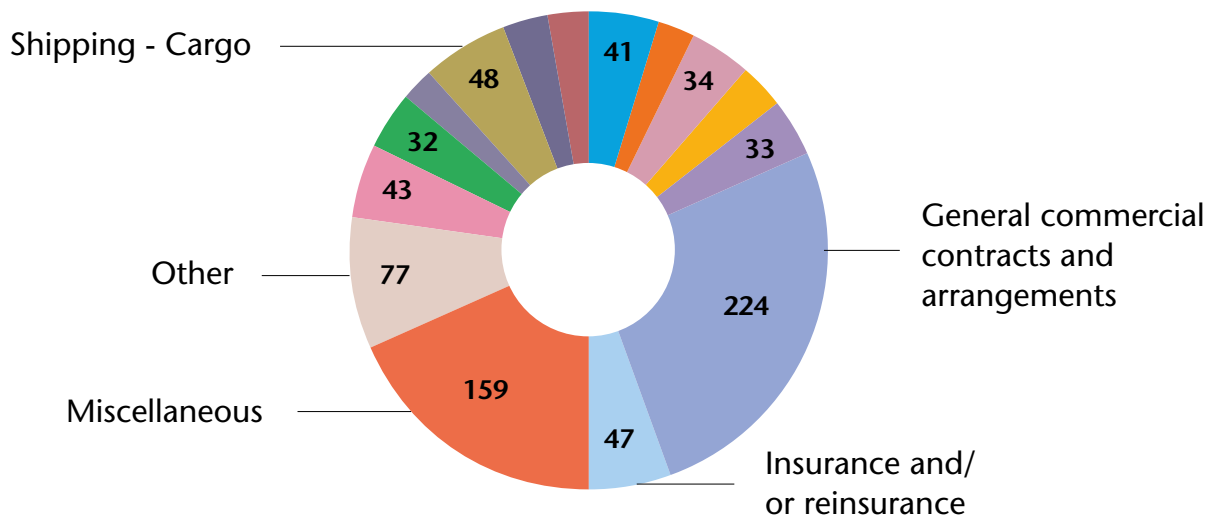
6.1.2 Types of new claims

A breakdown of new claims by type is provided below.

It indicates that the largest single category was contractual claims (224), representing 26% of the new claims. Leaving aside 77 new claims categorised as ‘other’ (as their subject-matter was not specified), the top ten categories by number had the following classifications:

In the pie chart below, the “Miscellaneous” category includes claims relating to commodity exchanges, ship finance, commodity trading, financial matters, securities, banking and Norwich Pharmacal applications.

Commercial – Breakdown by Type



- Arbitration enforcement applications under s. 66 and s.101- 41
- Arbitration s.69 of the Arbitration Act 1996 - 23
- Aviation - 34
- Carriage of goods by land, air or pipeline - 28
- Commercial fraud - 33
- General commercial contracts and arrangements - 224
- Insurance and/or reinsurance - 47
- Miscellaneous - 159
- Other - 77
- Other arbitration appeal/application - 43
- Pre-action Injunction - 32
- Professional negligence claims - 21
- Shipping - Cargo - 48
- Shipping - charter party dispute - 27
- Unallocated - 23

6.1.3 Hearings

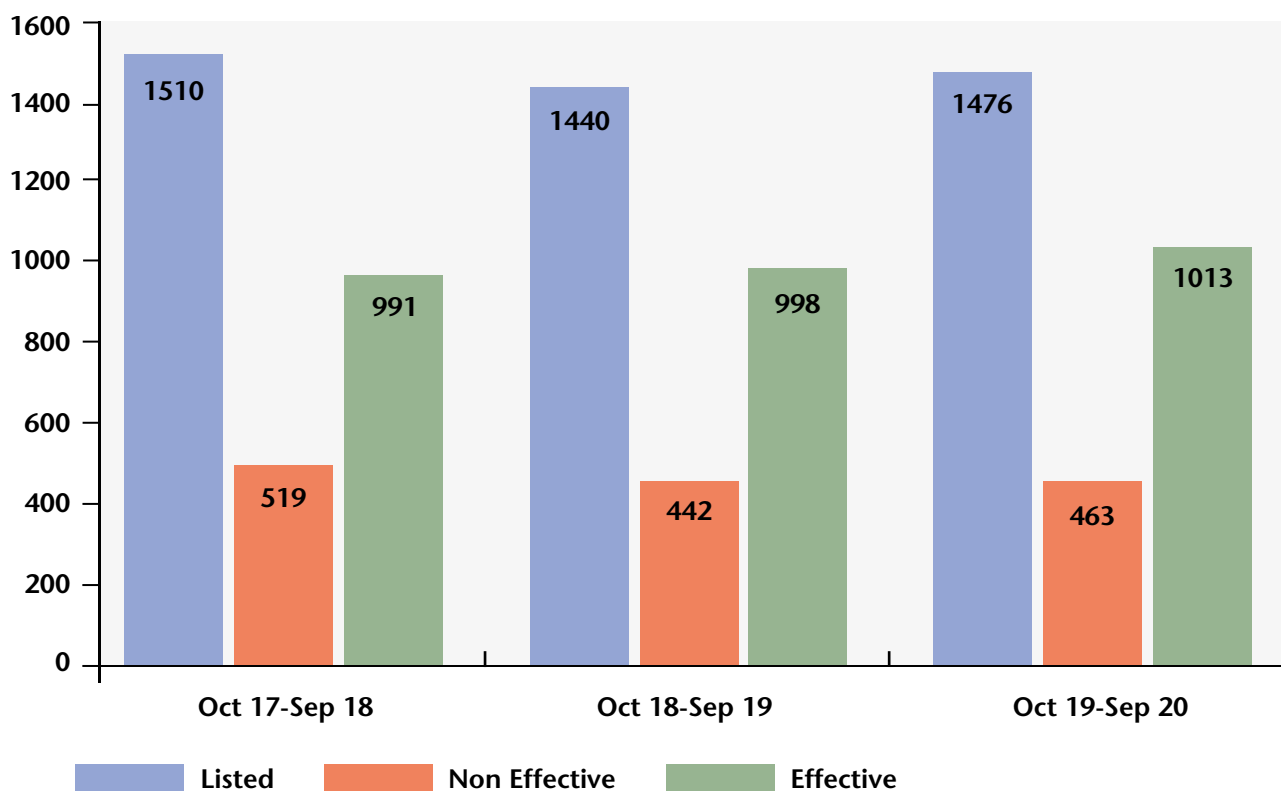
The number of hearings listed in the Commercial Court during the year has also seen a slight increase (up 2.5%), to 1,476 compared to 1,440 listed the year before.

Of the 1,476 listed, 463 were not effective for a variety of reasons, such as hearings vacated, stood out, adjourned, or settled on the day and/or in advance of the hearing. That is proportionally comparable with the 442 ineffective hearings the previous year.

The number of effective hearings overall is similar: i.e. 1,013 this year compared to 998 during 2018-2019.

The graph below illustrates these variances:

Commercial Court Hearings



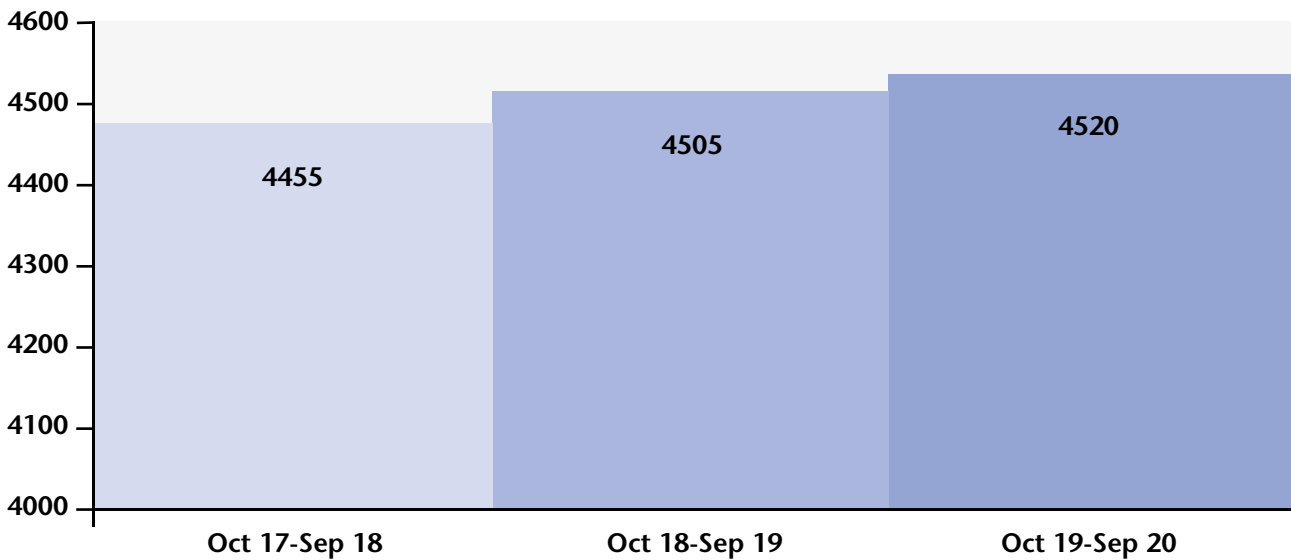
6.1.4 Paper Applications

In addition to oral hearings, the Commercial Court dealt with 4,520 matters on the papers in the course of the year, using the CE-File electronic filing system referred to in section 12.2 below.

In 2018-2019, there were 4,505 such applications processed and 4,455 in 2017-2018, indicating slight yearly increases in workload.

Of the 4,520 paper applications processed this year, 2,064 (46%) were for consent orders.

Commercial Court Applications



6.1.5 Trials

A continuing feature, as reported previously, is that many cases listed for trial are settled shortly, or very shortly, before the trial date.

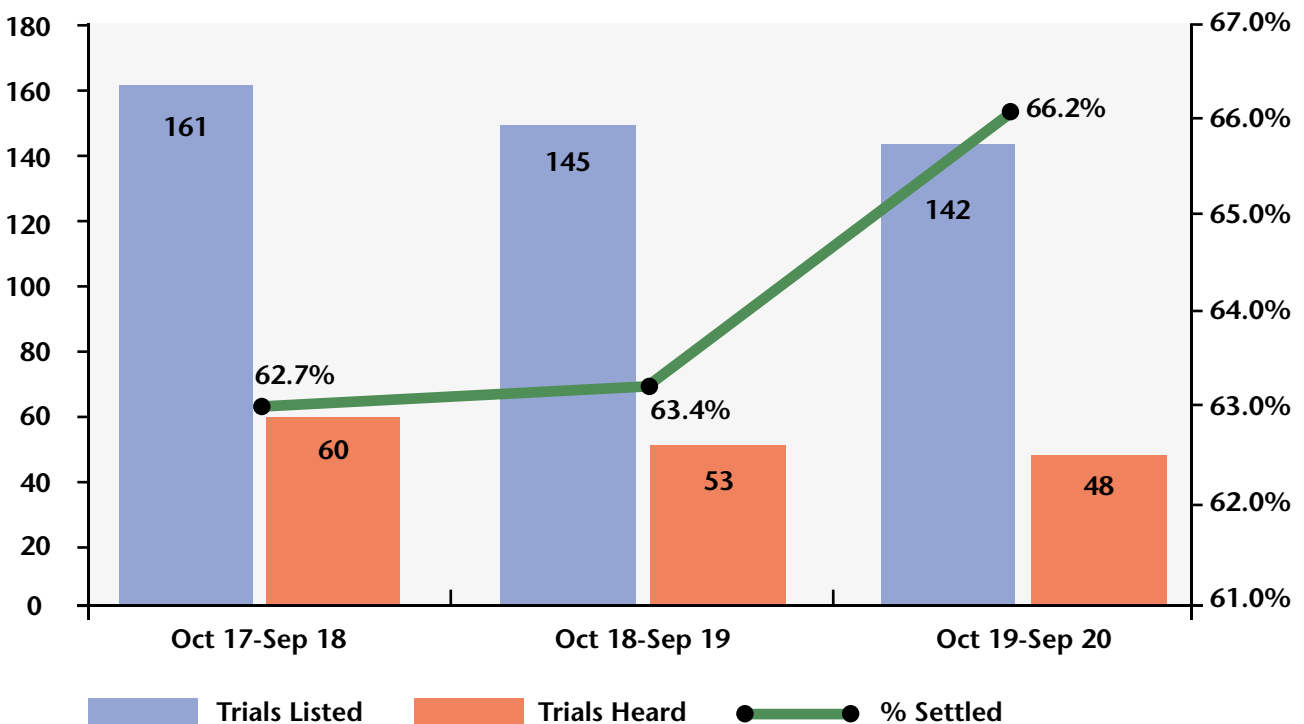
Out of 142 full Commercial Court trials listed this year, 48 were heard indicating a settlement rate of 66%.⁴

This represents a moderate increase from previous years:

- 63.4% settled during 2018-2019
- 62.7 % in 2017-2018,

as illustrated below . This may reflect an upward trend, but may also be reflective of the special conditions of this year: see section 14.1.2 below.

Commercial Court Trials



⁴ Where reference is made to settlement rate in this report, this relates to where a matter listed for hearing has been settled in advance of the hearing date, settled on the day of the hearing (including on any day of a hearing lasting more than one day), withdrawn or (with the judge’s approval) relisted to a later date.

As many readers will be aware, the Court process encourages and promotes settlement by requiring the parties to define the issues at an early stage (before the first Case Management Conference), then evaluating the parties’ positions following disclosure and exchange of witness statements and expert reports.

Trial dates are then fixed with very reasonable lead times, which constantly focuses parties and lawyers on whether the impending trial should be fought.

Alternative Dispute Resolution (ADR) is often built into the process to facilitate settlement.

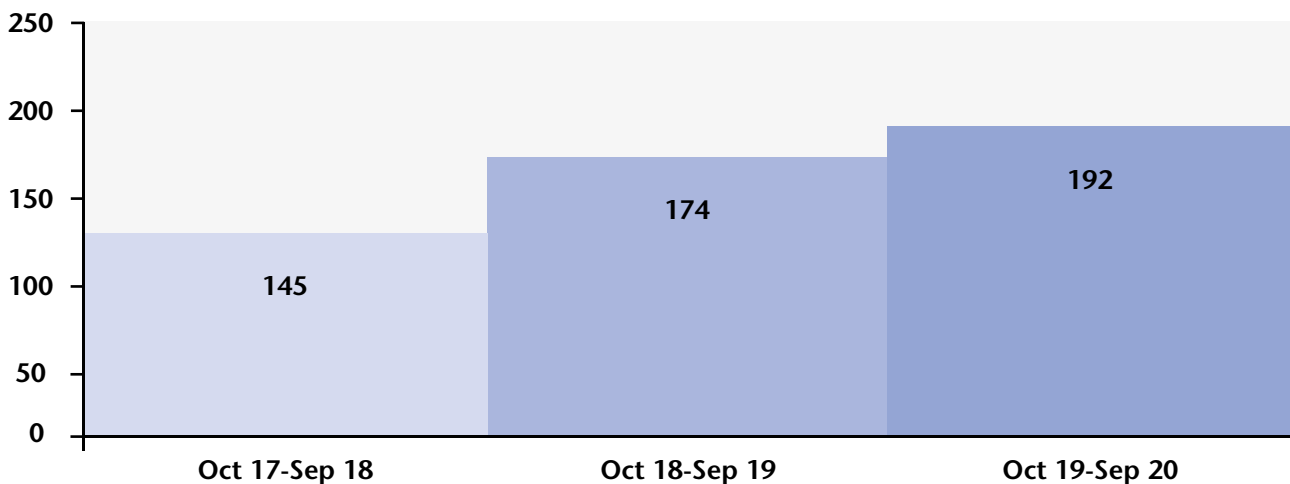
6.2 The Admiralty Court

6.2.1 Number of new claims

During October 2019 to September 2020, 192 claims were issued in the Admiralty Court, compared to 174⁵ issued in the same period 2018 to 2019. This represents an increase of 10%.

The graph below shows the number of new claims issued in the Admiralty Court from October 2017 to September 2020:

Admiralty Court Claims



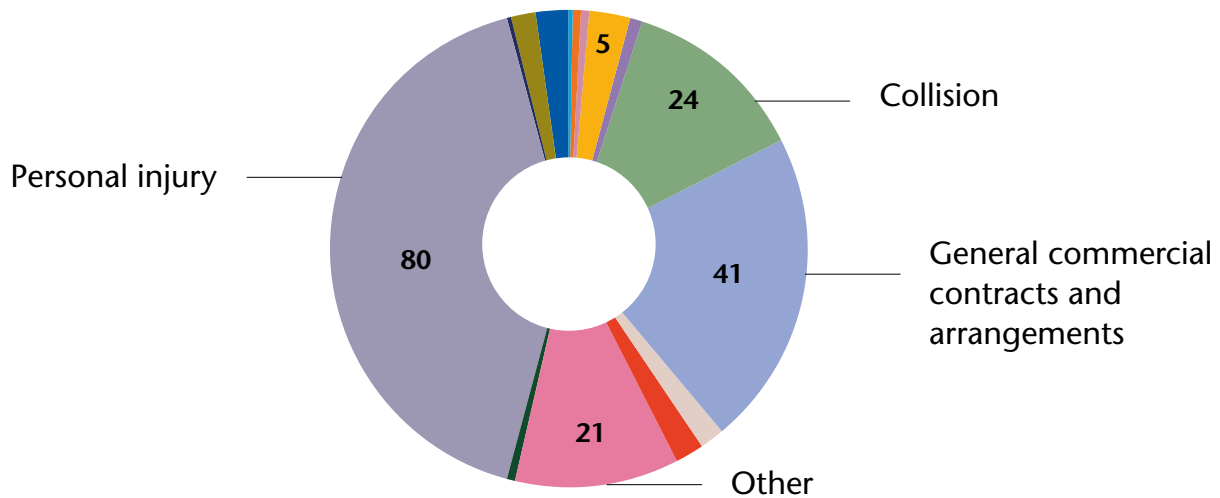
⁵ The Annual Report 2018-2019 has a figure of 150. This should read 174 if calculated on the same statistical basis as this year’s figure.

6.2.2 Types of new claims

Below is a breakdown of the types of claims issued at the Admiralty Court in 2019-2020.

It indicates that 41.6% of the claims were classified as relating to personal injury (80) (the County Court no longer having Admiralty jurisdiction), followed by contractual claims (41), collision (24) and other agency-related claims (21).

Admiralty Court – Breakdown by Type



- Application to Transfer In - 1
- Arbitration enforcement ss.66 101 - 1
- Arbitration s.68 of the Arbitration Act 1996 - 1
- Cargo claims - 5
- Charter party dispute - 2
- Collision - 24
- General commercial contracts and arrangements - 41
- Limitation of liability - 3
- Miscellaneous - 4
- Other - 21
- Other arbitration appeal/application - 1
- Personal injury - 80
- Pre-action Disclosure - 1
- Salvage - 3
- Ship mortgage - 4

At CMCs in those collision actions where electronic data have been exchanged, the parties typically engage with the new fast track procedure introduced by the Court. No such action reached trial in 2019 and only one in 2020, no doubt because the exchange of electronic track data enabled the parties to agree what had happened and settle the claims without the need for a trial. In *Sakizaya Kalon*, the collision claim that came to trial in July 2020, the procedure adopted included elements of the fast track procedure under paragraph 4.7 of the Practice Direction to CPR Part 61, though the court did not dispense with oral evidence. In his judgment, Teare J observed that the effect of the exchange of electronic track data was that there was “*now, typically, no need for a trial to establish the navigation of each vessel leading up to the collision. What remains to be decided at trial are questions of fault*”: see [2020] EWHC 2604 (Admlty) at [6].

The numbers of interlocutory hearings before the Admiralty Judge (or a Commercial Court judge authorised to sit in Admiralty), and the Admiralty Registrar were as follows:

| Hearing | Judge | Registrar |
|--------------|-------|-----------|
| Applications | 15 | 19 |
| CMC | 5 | 29 |

This illustrates the importance of the work undertaken by the Registrar.

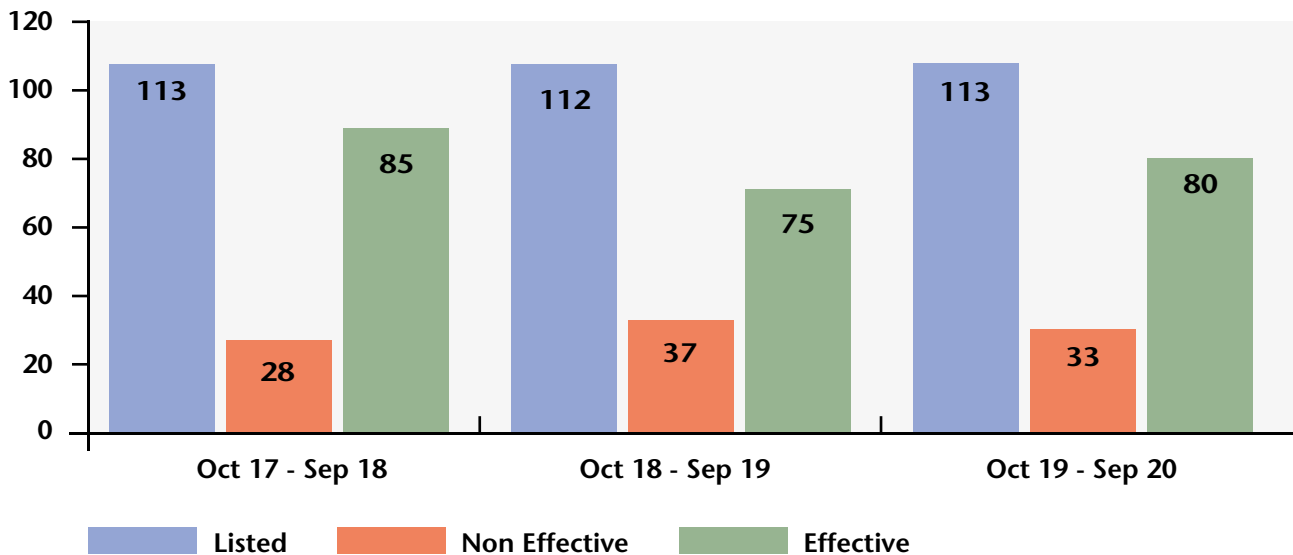
6.2.3 Hearings

The number of hearings listed in the Admiralty Court has been consistent year on year. There were 113 cases listed last year, compared to 112 during 2018-2019.

Out of the 113 listed, 33 were not effective for the usual reasons, i.e. hearing vacated, stood out, adjourned, or settled on the day and/or in advance of the hearing. This is comparable to the previous year.

The number of effective hearings last year was 80 and has remained fairly consistent over the last three years, as shown below:

Admiralty Court Hearings

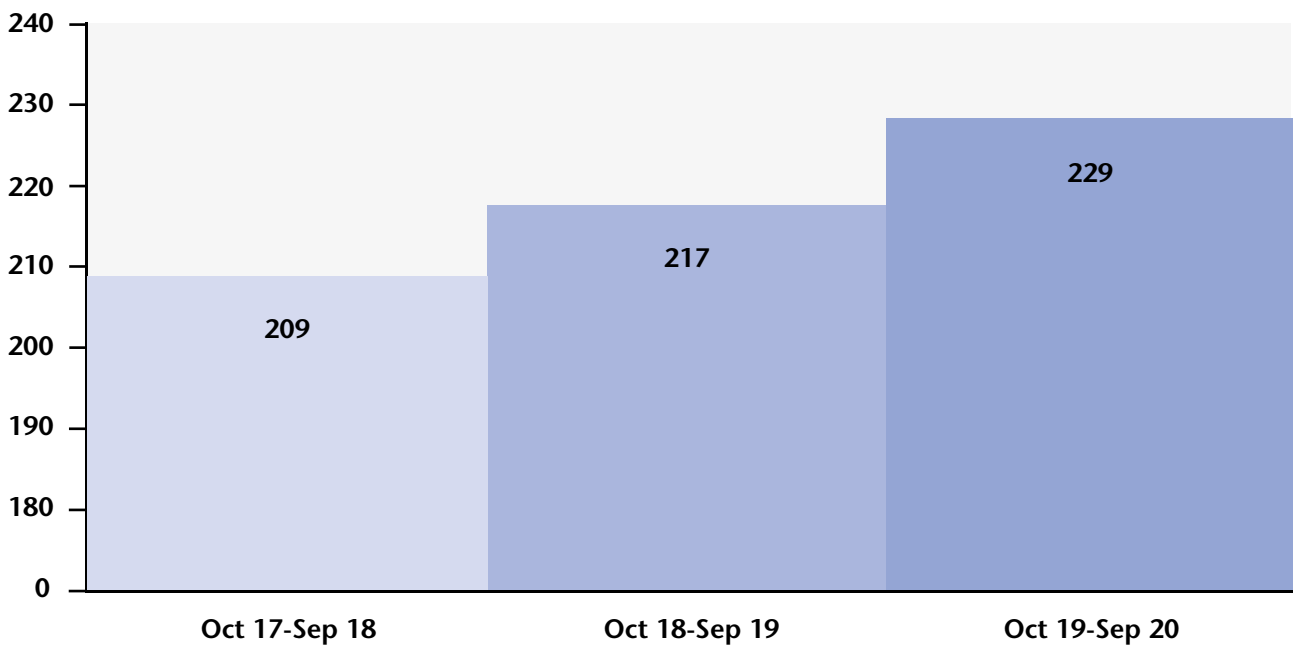


6.2.4 Paper Applications

During the year there were 229 paper applications processed in the Admiralty Court, of which 92 (40%) were consent orders.

In 2018-2019 there were 217 paper applications processed, and 209 in 2017-2018. This year's figure thus reflects a 9.5% increase since 2017.

Admiralty Court Applications

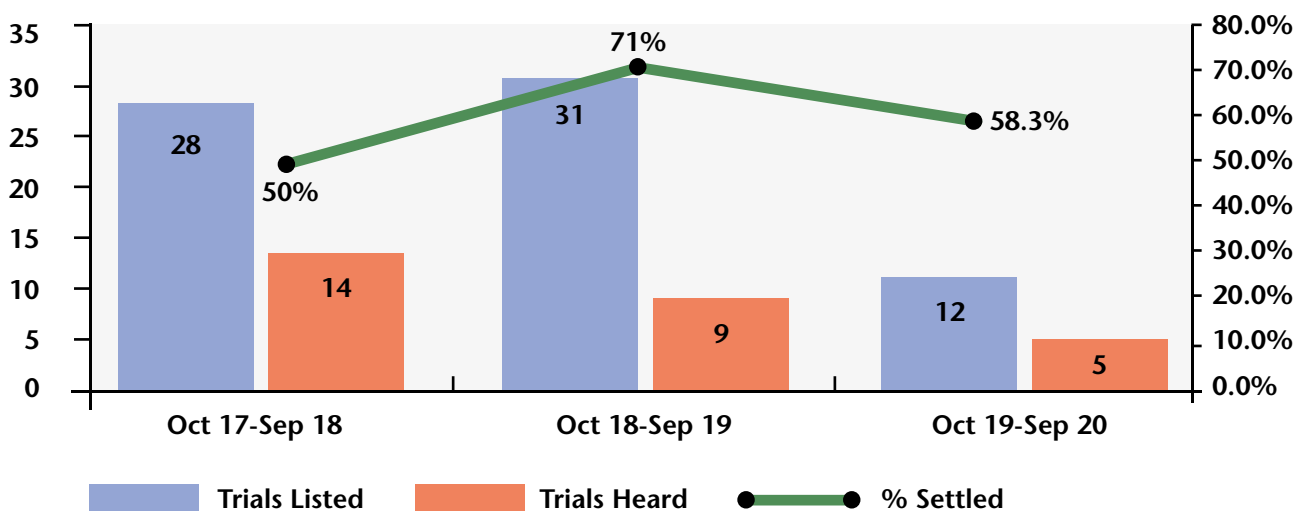


6.2.5 Trials

During the year there were 12 trials listed before the Admiralty Court, of which five were eventually contested.

This represents 58% of cases being settled before judgment. That figure is significantly down on the previous year, when 71% were settled, as illustrated below:

Admiralty Court Trials



6.3 The London Circuit Commercial Court

6.3.1 Introduction from HHJ Pelling QC (Judge in Charge)

The London Circuit Commercial Court is part of the Commercial Court. It can offer earlier trial dates than the Commercial Court. Cases with a value of up to about £5 million are routinely issued in or transferred to the LCCC and cases of significantly higher value are regularly started there. Cases involving issues of general importance will usually be transferred to the Commercial Court at the first CCMC. The current practice of the LCCC is to hear applications of 1 hour or less between 0930 and 1030 on Monday to Thursdays; all other applications on Fridays and trials on Mondays to Thursdays between 1030 and 1630. Currently all applications and most trials are being heard remotely.

Recent experience has shown the Shorter Trials Scheme to be a particularly cost effective means of managing cases in the LCCC.

All parties with low value cross frontier cargo claims are encouraged to issue proceedings in the LCCC.

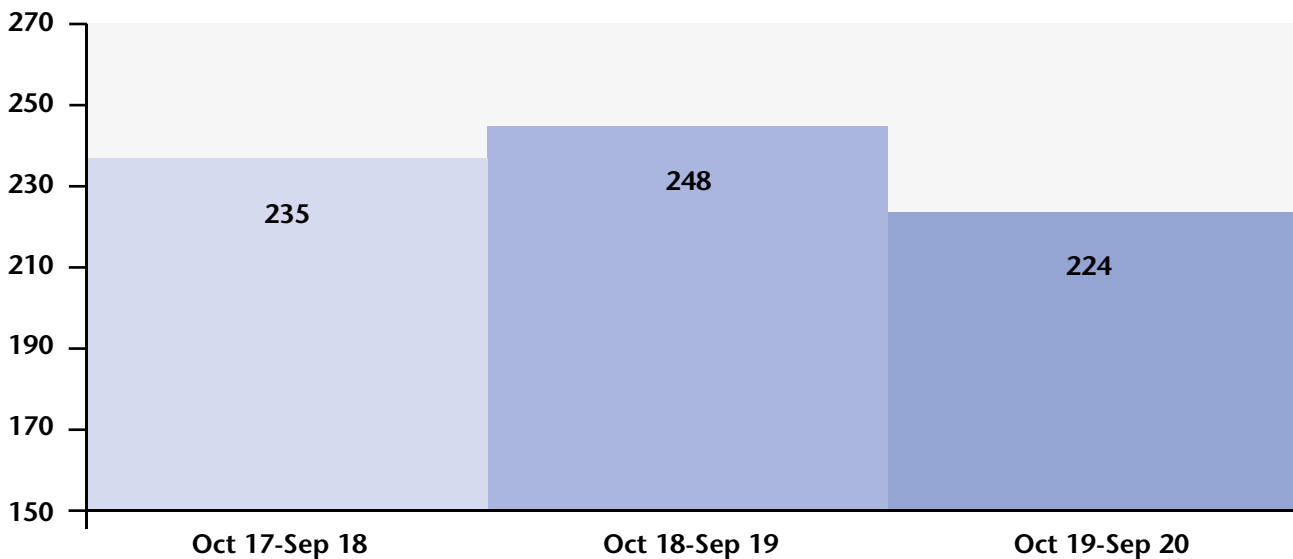
The practice of issuing cases in the LCCC that are not fit for the High Court and do not require the expertise of a Circuit Commercial judge to resolve is discouraged and such cases will usually be transferred to another more appropriate court on issue or at the first CCMC.

6.3.2 Number of new claims

During October 2019 to September 2020 there were 224 new claims brought to the London Circuit Commercial Court. This represents a 9.7 % decrease from the previous year, when 248 new claims were registered. The reason for this decrease is not fully known. In part this reduction in issues may reflect a more rigorous approach in cases satisfying the criteria for issue/transfer to the London Circuit Commercial Court.

The graph below shows a year on year comparison over the three years between October 2017 to September 2020:

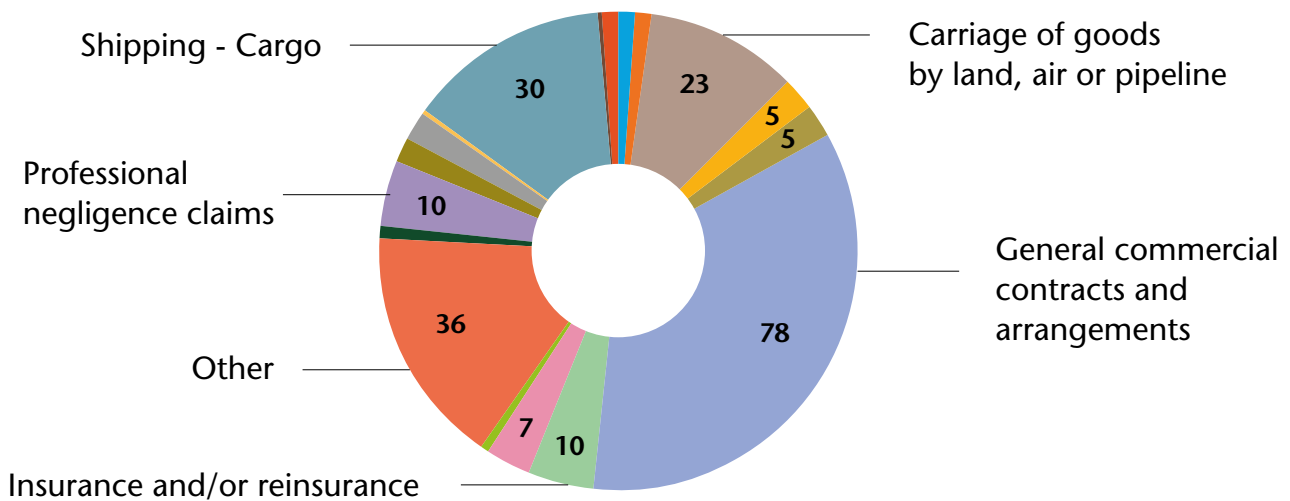
London Circuit Commercial Claims



6.3.3 Types of new claims

The majority of the 224 new claims were contractual claims (78), representing 34.8% of the new claims. This was followed by 36 claims categorised as ‘other’, then 30 for shipping cargo.

London Circuit Commercial – Breakdown by Type



- Arbitration application to appoint an arbitrator Section 18 - 3
- Arbitration enforcement applications under s. 66 and s.101 - 2
- Carriage of goods by land, air or pipeline - 23
- Commercial fraud - 5
- Corporate or business acquisition agreements - 5
- General commercial contracts and arrangements - 78
- Insurance and/or reinsurance - 10
- Miscellaneous - 7
- Norwich Pharmacal - 1
- Other - 36
- Pre-action Injunction - 2
- Professional negligence claims - 10
- Provision of financial services - 4
- Sale of goods - 4
- Service out of the Jurisdiction - 1
- Shipping - Cargo - 30
- Shipping - charter party dispute - 1
- Unallocated - 2

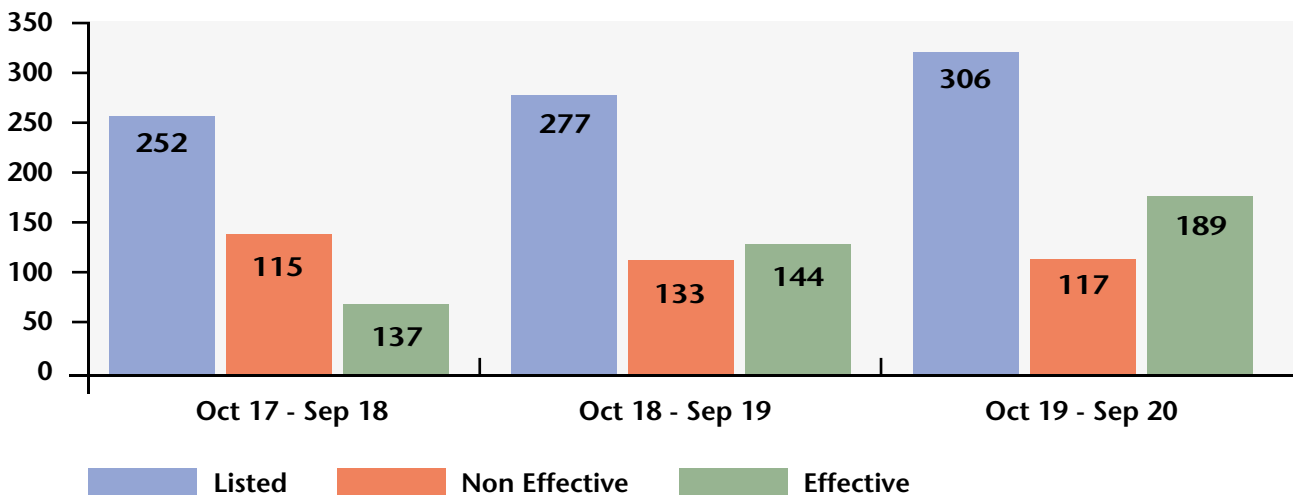
6.3.4 Hearings

The number of hearings listed in the London Circuit Commercial Court has seen a steady increase over the last three years. There were 306 listed this year, compared to 277 in 2018-2019. This is interesting when considering the reduction in new claims issued from 2018-2019, and suggests an increase in interlocutory hearings

Out of the 306 listed hearings, 117 were not effective for the usual reasons, i.e. hearing vacated, stood out, adjourned, or settled on the day and/or in advance of the hearing. This compares to 133 the previous year.

The number of effective hearings this year has also significantly increased to 189 compared to 144 during the same period in 2018-2019, as illustrated below:

London Circuit Commercial – Hearings



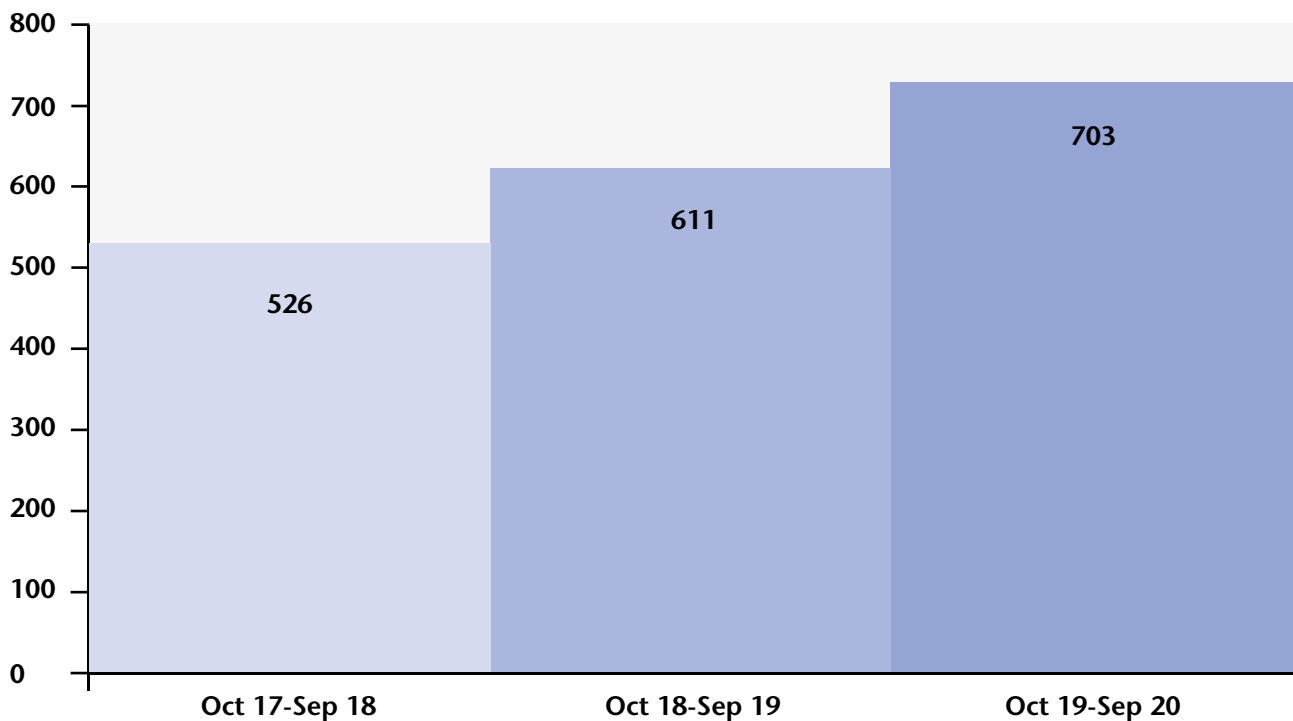
6.3.5 Paper Applications

During the year there were 703 paper applications processed in the London Circuit Commercial Court.

In 2018-2019, there were 611 paper applications processed and 526 in 2017-2018, so the last figures reflect a 34% increase 2017-2018.

Of the 703 paper applications processed this year, 305 (43%) were for consent orders.

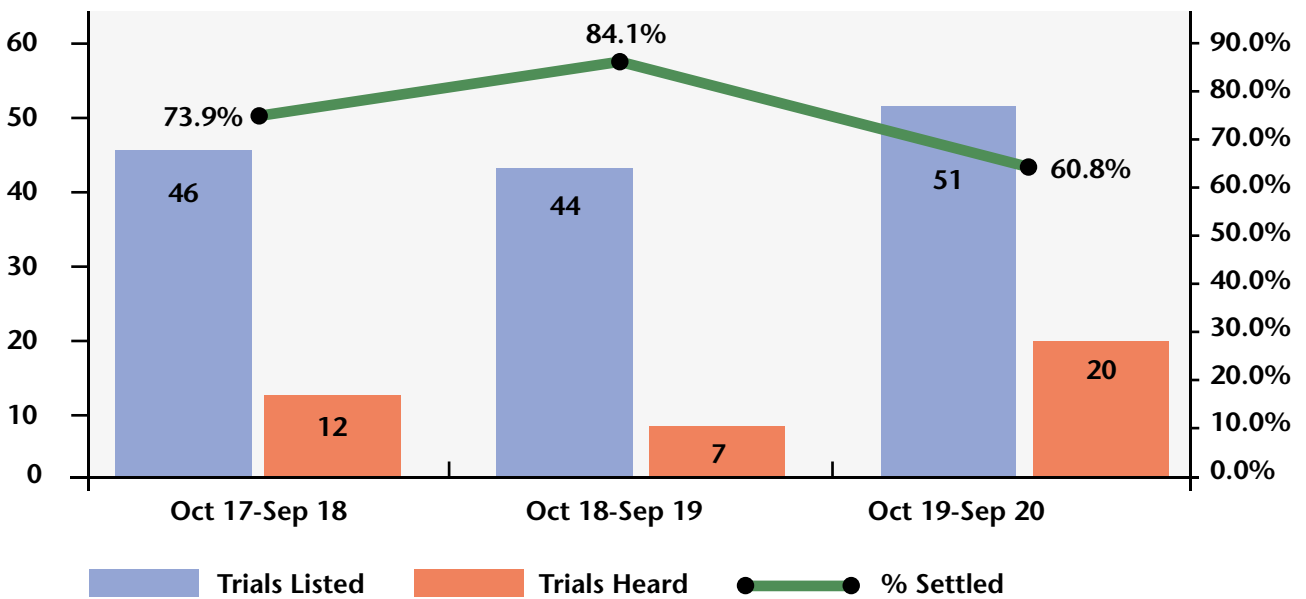
London Circuit Commercial



6.3.6 Trials

During the year there were 51 trials listed before the London Circuit Commercial Court, of which 20 were eventually contested, indicating that 60.8% of cases were settled before judgment. The number of cases settled is notably down on the previous year, when 84% were settled, as depicted below.

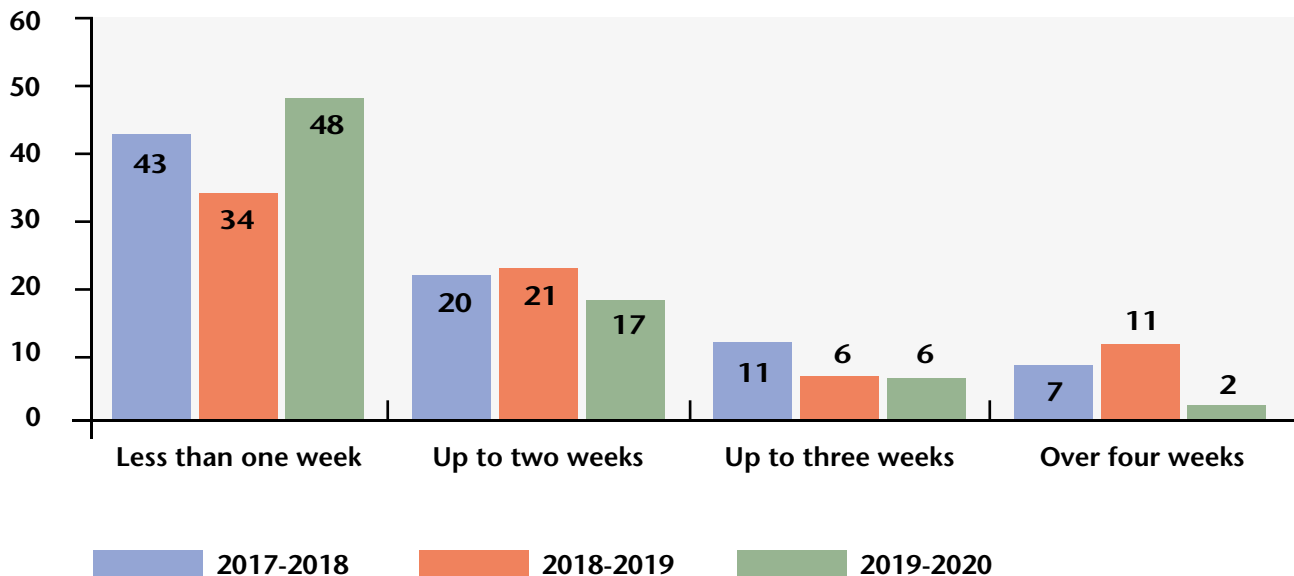
London Circuit Commercial – Trials



6.4 Length of Trials

Below is data⁶ showing the length of trials conducted by the Court over the past three years.

Lengths of Trials (All Jurisdictions)

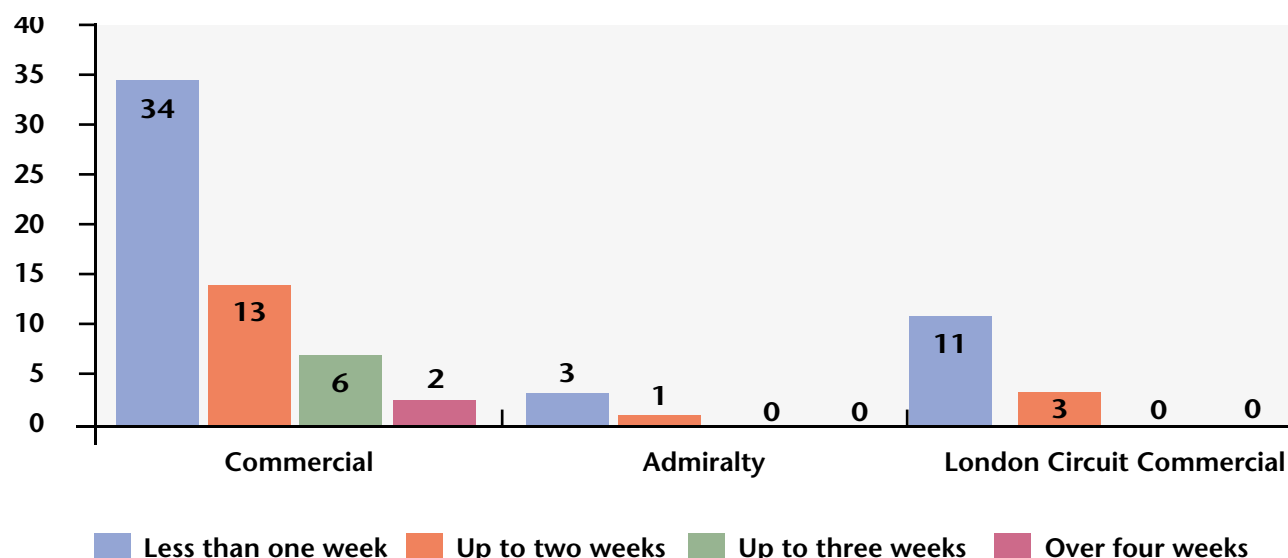


As can be seen, the majority of contested trials (48 out of 73, or 66%), during 2019-2020 were dealt with within four days. In comparison, only 47% were completed within one week the previous year. This may indicate that the aim of shorter trials under the “Shorter Trial Scheme” is starting to be achieved.

Several of the ‘longer trials’ have settled this year, which has no doubt also impacted on these figures. Set out below are the lengths of trials reported by division:

⁶ Combined figures, for all jurisdictions (Commercial, Admiralty and London Circuit Commercial)

Lengths of Trials – Breakdown by Division 2019-2020



This shows that a high proportion, for all jurisdictions, are dealt with in less than one week. In fact, both the Admiralty and London Circuit Commercial Courts had no trials lasting longer than two weeks.

6.4.1 Average Length of Trials

The statistics show that average lengths of trial this year, by jurisdiction, were:

| Jurisdiction | Year 2019-2020 | Year 2018-2019 |
|---------------------------|----------------|----------------|
| Commercial | 6 days | 9 days |
| Admiralty | 3 days | 6 days |
| London Circuit Commercial | 3 days | 4 days |

The shorter average trial length is a move back towards figures before 2018-2019; last year's report noted the increased average length of trials.

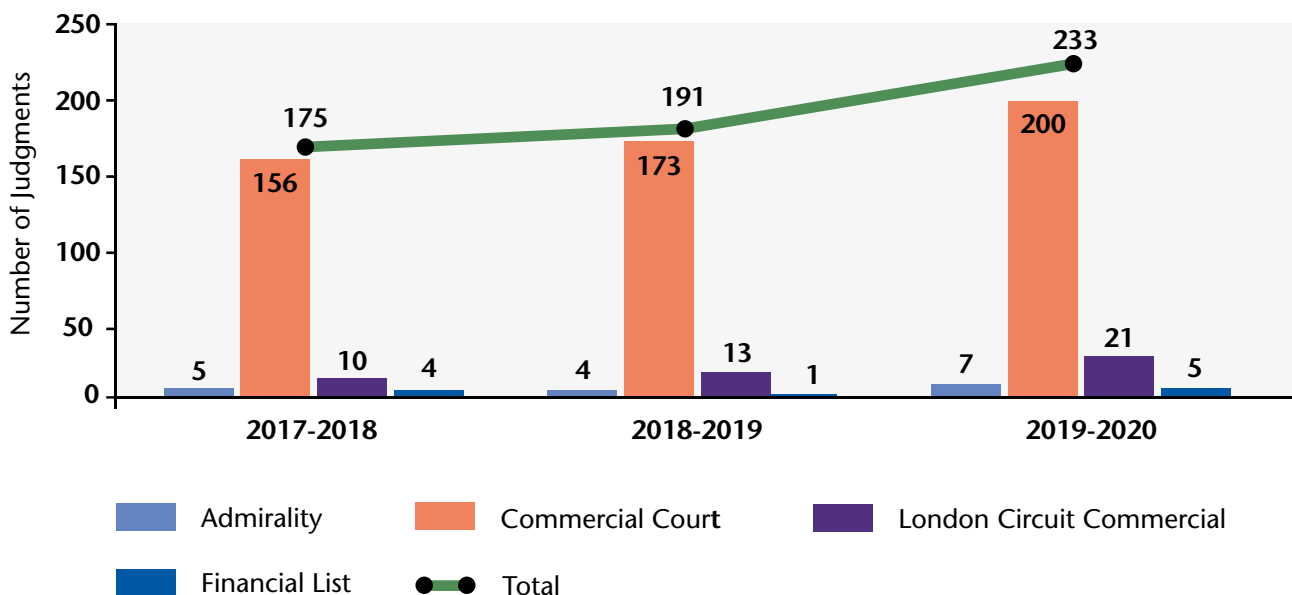
- The average figures for 2017-2018 were as follows:
 - o Commercial – six days
 - o Admiralty - three days
 - o London Circuit Commercial – five days
- The longest trial in the Commercial Court was 40 days, compared with 52 days the previous year. These figures do not include reading days.

- For the Admiralty Court, this was five days, in comparison to seven days the year before.
- In the London Circuit Commercial Court, the longest trial was six days this year, compared to 10 days in 2018-2019.

6.5 Judgments

There has been an upward trend in the number of Judgments⁷ produced by the judges of the Court, year on year, as can be seen below.

Number of Judgements



This also illustrates the increases in all parts of the Court from the year before.

The combined number of judgments written last year rose from 191 to 233 which represents an overall increase of 22%.

⁷ A judgment for these purposes relates to those matters which have been listed on the Cause List only. Ex tempore rulings are therefore not included.

7. The Financial List

The Financial List is a specialist list for financial claims exceeding £50 million, or cases that raise issues concerning the domestic and international finance markets. It was announced by the then Lord Chief Justice in his Mansion House Speech on 8th July 2015 as part of an active and forward-looking strategy for the United Kingdom regarding commercial dispute resolution, which is designed to respond to users. The List is a joint initiative of the Queen's Bench Division and the Chancery Division, where judges from both jurisdictions have been nominated to sit as "Financial List Judges". It ensures that cases which would benefit from being managed and heard by a judge with specific expertise in the law relating to the financial markets, or which raise issues of general importance to the financial markets, are dealt with by judges with suitable expertise and experience.

The nominated judges of the Financial List from the Commercial Court are:

- Cockerill J (Judge in Charge of the Commercial Court);
- Andrew Baker J;
- Bryan J;
- Butcher J;
- Foxtton J;
- Knowles J;
- Picken J.

The nominated judges from the Chancery Division are:

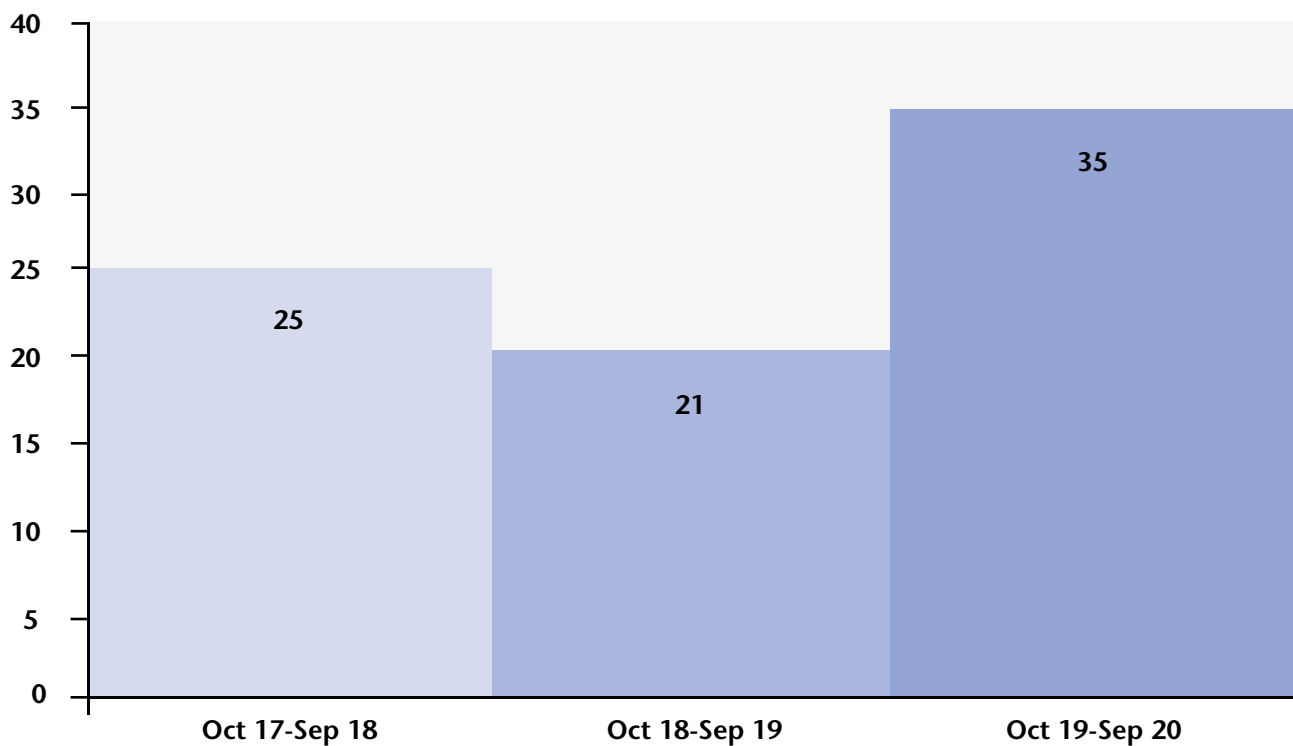
- Sir Geoffrey Vos (the Chancellor of the High Court);
- Birss J;
- Hildyard J;
- Mann J;
- Marcus Smith J;
- Miles J;
- Snowden J;
- Zacaroli J.

7.1 Number of new claims

There were 35 claims issued in the Financial List over the past year compared to 21 issued in the same period 2019-2020. This represents a significant increase in claims, by 66%.

The graph below shows the number of new claims issued in the Financial list from October 2017 to September 2020 for comparison purposes:

Financial List – Claims

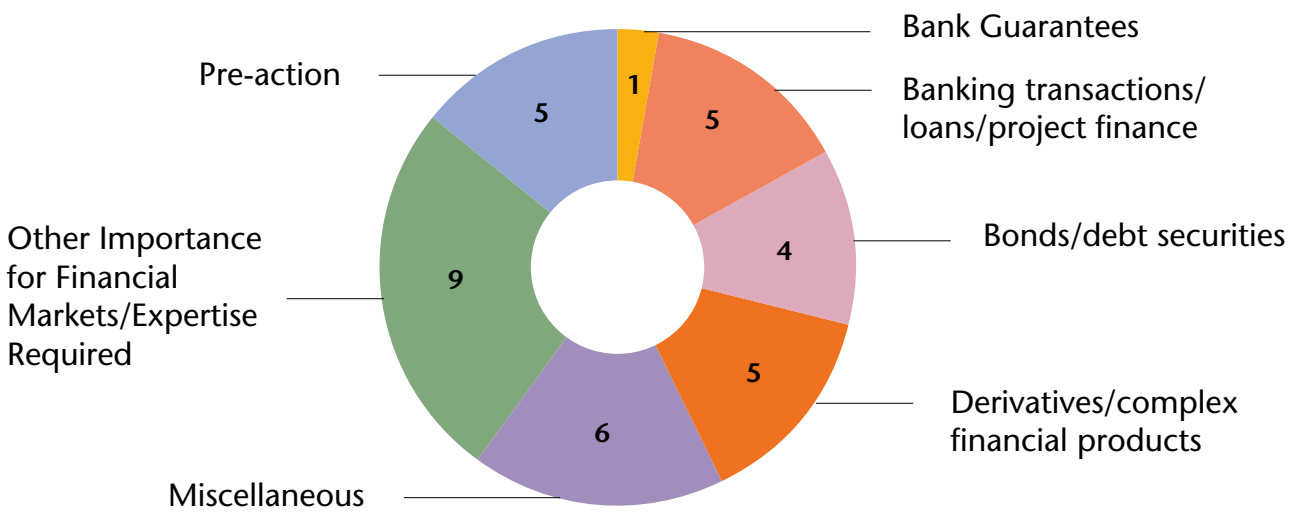


7.2 Type of new claims

Below is a breakdown of the types of claims issued in the Financial List during 2019-2020.

As indicated in the chart below, 26% of these claims related to “other important issues with financial markets/ expertise required” (9), 14% concerned “banking transactions/ loans project finance” (5), 14% “bonds/debt securities” (5), 14% “derivatives/complex financial products” (5) and 14% pre-action injunctions (5).

Financial List – Breakdown by Type



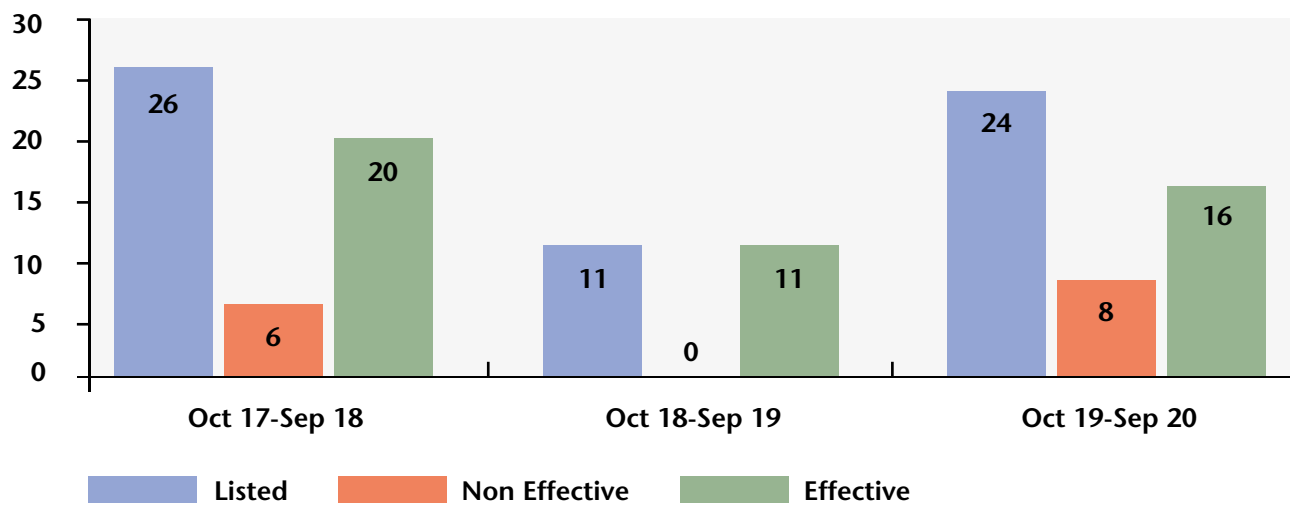
- Bank guarantees - 1
 - Banking transactions/loans/project finance - 5
 - Bonds/debt securities - 4
- Miscellaneous - 6
 - Other Importance for Financial Markets/Expertise Required - 9
 - Pre-action - 5

7.3 Hearings

The Financial List had 24 hearings listed over the past year, of which 16 proceeded, with the balance settling or not proceeding for agreed or other specific reasons.

Year on year figures have been variable, as can be seen below.

Financial List – Hearings



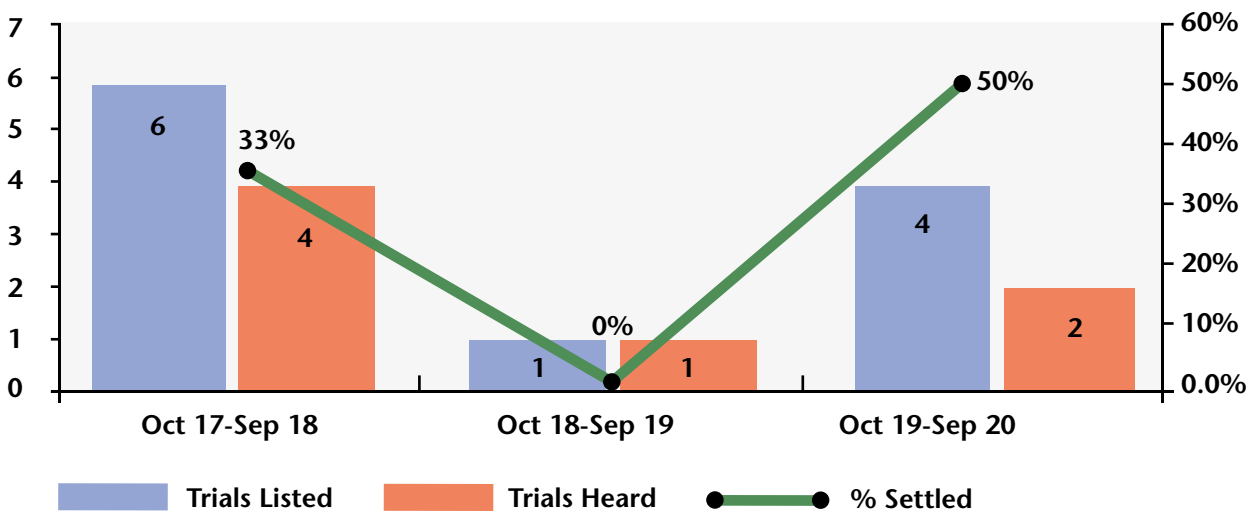
7.4 Trials

During the year there were four trials listed in the Financial List, of which two were eventually contested. This represents 50% of cases being settled.

One of the cases heard was *Financial Conduct Authority v Arch*, the test case on business interruption insurance mentioned earlier. The other was *National Bank of Kazakhstan v. The Bank Of New York Mellon* [2020] EWHC 916 (Comm).

During the previous year, there was only one trial listed, which was heard.

Financial List – Trials



8. Case Management

Case management has been a key feature of litigation in the Commercial Court since its inception.

All cases will feature at least one Case Management Conference (“CMC”) conducted by a judge, where all parties should be ready to deal with all aspects of case management and issues so that the judge can oversee and ensure the case is managed effectively.

The Court will usually set a timetable down to trial at the first Case Management Conference, except in very large or complex cases where this might not be possible. The Court generally aims to set a detailed timetable covering as much of the pre-trial period as possible, as well as fixing future CMCs when necessary to ensure the Court carefully monitors progress of cases. It is therefore important that by the CMC the parties have considered the issues for trial carefully and that these are reflected in the Case Memorandum and List of Issues.

While it is important (and required by the Commercial Court Guide) that each party is represented at the CMC by an advocate instructed for trial CMCs often deal with issues (such as costs budgeting, Disclosure Review Documents and electronic disclosure search parameters) which are very suitable to be dealt with by the junior advocates instructed.

The Court allows parties to agree directions at a CMC in straightforward cases so that costly oral hearings are dispensed with. This has been the process for over 15 years. However, concerns have been raised that sometimes directions are agreed without full consideration being given to the issues, therefore impacting negatively on the efficient conduct of the trial. As a result, the Court requires that the proposed directions, parties’ information sheets, Case Memorandum and List of Issues, draft order and a statement from Counsel certifying the case is appropriate for consideration on paper are submitted in very good time, and it is then for the Court to decide whether the draft Order is approved.

If the timetable for submission of a proposed draft Order is not complied with, it is unlikely that the judge will vacate the CMC. Even if a draft Order is submitted in good time the judge may nonetheless require the parties to attend if he or she is concerned or has queries about any aspect of the proposed directions.

Over the past year, the following percentage of listed CMCs were heard:

- 63% of the 226 listed in the Commercial Court;
- 65% of the 49 listed in Admiralty Court;
- 58% of the 72 listed in the London Circuit Commercial Court

The Court encourages parties to engage in Alternative Dispute Resolution (“ADR”), which is a way of resolving disputes outside of Court via mediation or a binding adjudicative process (e.g. an expert determination). Parties must consider ADR in advance of the CMC, inform the Court at the CMC what consideration has been given to the issue, and keep the Court updated with the process.

Parties may be agreeable to submitting a shortlist of potential mediators in an ADR Order to the judge conducting the CMC, with an understanding that the parties will work with the judge’s choice of mediator from the agreed shortlist. On occasion the Court will perform “Early Neutral Evaluation”. There has been one such hearing in 2018-2019.

When parties attend a CMC, a “progress monitoring date” will be set, which is the date by which parties must report to the Court their compliance with the pre-trial timetable and preparation for the trial. These reports will then be reviewed and, if necessary, steps taken to ensure the case will be ready for trial on the fixed date.

In the interim, any changes to the timetable set out at the CMC are kept under review by the judges of the Court, with any amendments to the timetable to trial having to be approved by order of the judge (usually on documents). If the judge reviewing the amendments to the timetable is not happy with the progress towards trial they will call the case in for a review. This is designed to ensure that there is no need to vacate hearings close to trial owing to lack of preparedness.

In larger cases a Pre-Trial Review will be scheduled for a few weeks before the trial date. Wherever possible this is heard by the trial judge. A pre-trial review enables the parties to deal with any late applications before trial, and to settle the trial timetable, including the timetable for calling witnesses, and the length and format of closing submissions. Not infrequently cases in fact do not require a PTR, and it is disposed of on the documents. In the past year 49% of PTRs were heard.

9. Shorter and Flexible Trials and Expedition

The Court has continued to see a number of cases brought under the Shorter Trials Scheme, although the Flexible Trials Scheme continues to be under-utilised by parties.

The Shorter Trials Scheme is designed for cases which can be heard in no more than 4 court days and provides for a timetable which enables determination of a dispute within a year of the claim being issued, together with a streamlined process for the assessment of the costs of the trial.

The Flexible Trials Scheme was designed to allow parties to adapt trial procedure to suit their specific case, particularly with regard to disclosure and witness evidence. Lord Hamblen remarked on this in his COMBAR lecture in honour of the Court's 125th Anniversary:⁸

"...parties should give more thought to the use of the flexible trial procedure. Proper use of that procedure would enable parties to take advantage of many of the initiatives set out in the 1895 Notice and pioneered by Mathew J, such as trials with limited pleadings and evidence or, as in arbitration fast track procedures, trials conducted largely or indeed wholly in writing. Whilst the flexible trial procedure requires agreement, it provides sensible commercial parties with the ability to adopt a procedure suited to their particular case and can achieve huge costs savings."

The Court is also able to order expedition of suitable cases outside of these schemes. Applications to expedite hearings are referred to a judge, usually the Judge in Charge, for decision on the documents. The conditions for ordering expedition, which are considered when dealing with such applications are helpfully set out in *Apache Beryl I Limited v Marathon Oil UK LCC and others* [2017] EWHC 2258 (Comm) by Males J :

"... there are four factors which need to be taken into account. First, there is a threshold question whether objectively there is urgency. Second, the court should have regard to the state of its list. Third, the procedural history including delay by the applicant is a factor. Fourth arises the question of whether there will be any irremediable prejudice to the respondent to the application. The authorities also show that so far as the respondent's position is concerned it is the last of these, the question of prejudice, which is important with other matters being comparatively unimportant, although they are matters about which the applicant will need to satisfy the court."

8 "The Commercial Court: Past, Present and Future"

10. Disclosure

The Disclosure Pilot Scheme in the Commercial Court was launched on 1st January 2019. It applies to all proceedings (new and ongoing) from that date. This scheme was a response to feedback (initially largely from the FTSE GC100, then the wider profession) which indicated a concern amongst court users that the existing disclosure process did not sufficiently engage parties, may not use technology as efficiently as possible, and can distract from the principal issues in a case.

The Pilot Scheme aims not to abolish the existing disclosure regime, but to create duties (a) not to dump large volumes of material on other parties, (b) to co-operate with other parties in the lead-up to a CMC, and (c) to use appropriate technology in the disclosure process. The new regime is set down in Practice Direction 51U, which replaces the rules and guidance governing disclosure in CPR Part 31 and the accompanying Practice Directions A and B.

The disclosure duties that the parties and their lawyers owe to the Court are now expressly set out. Under this process any failure to comply with the duties may result in sanction. Sanctions can include the adjournment of hearings and adverse costs orders. Document preservation is taken extremely seriously under the Scheme.

One striking change is that parties are normally required to provide disclosure ('Initial Disclosure') with their statements of case. This must consist of the key documents that are relied upon by the party and the key documents that are necessary for the other parties to understand the party's case. Initial Disclosure may be dispensed with if the parties agree, or the Court orders it is not required, or it would involve the production of more than 200 documents or 1,000 pages in material, or where a party is to be served out of the jurisdiction.

If either party wishes more by way of disclosure, they must apply for Extended Disclosure. The Court will grant Extended Disclosure only where it is reasonable and proportionate to do so, having regard to the overriding objective of the CPR, namely to deal with cases justly and at a proportionate cost. There are a number of models of Extended Disclosure, and parties can agree a single model or choose different models for different issues in the case.

In *McParland v Whitehead* [2020] EWHC 298 (Ch) Sir Geoffrey Vos, Chancellor of the High Court, set out a number of important points in relation to the pilot, including that:

- The Pilot is intended to operate proportionately for all kinds of case in the Business and Property Courts from the smallest to the largest.
- It is critical, however, that in every case, the type of Extended Disclosure is fair, proportionate and reasonable. The Disclosure Pilot should not become a disproportionately costly exercise.

- The identification of Issues for Disclosure is a quite different exercise from the creation of a list of issues for determination at trial. The Issues for Disclosure are those which require Extended Disclosure of documents (i.e. further disclosure beyond what has been provided on initial disclosure) to enable them to be fairly and proportionately tried. The parties need to start by considering what categories of documents likely to be in the parties' possession are relevant to the contested issues before the court.
- The parties need to think cooperatively and constructively about their dispute and what documents will require to be produced for it to be fairly resolved.
- Unduly granular or complex lists of Issues for Disclosure should be avoided (especially, though not only, in smaller value disputes). Likewise, the models chosen should simplify the process rather than complicate it.
- Cooperation between legal advisers is imperative. The Disclosure Pilot must not be used as an opportunity for litigation advantage. If that is attempted, the parties responsible will face serious adverse costs consequences.

The Pilot Scheme was originally due to run for two years but has been extended to the end of 2021 in order to give a greater opportunity to see how it is working and whether it achieves its aims, including the saving of costs. It is intended to be a 'living pilot', whereby feedback and comments received from those involved in it are carefully taken into account in shaping the course of the pilot itself and its ultimate outcome.

Professor Rachael Mulheron (Professor of Tort Law and Civil Justice at the Department of Law Queen Mary University of London) took on the task of reviewing the pilot, for which the Court is extremely grateful. Her Third Interim Report dated 25 February 2020 analysed responses to a questionnaire that practitioners were asked to complete, and can be found at: [https://www.qmul.ac.uk/law/media/law/docs/research/Third-Interim-Report-\(RM,-25-Feb-2020\).pdf](https://www.qmul.ac.uk/law/media/law/docs/research/Third-Interim-Report-(RM,-25-Feb-2020).pdf).

A large number of responses (71) were received, totalling more than 750 pages of feedback and submissions from those who are directly involved in the pilot's operation.

The full Disclosure Working Group considered the Report, and a sub-group of the Working Group has carefully considered the drafting points that arise from feedback both in the Third Report and elsewhere.

The sub-group has prepared draft revised versions of PD51U and the form of Disclosure Review Document (DRD) for consideration by the Civil Procedure Rules Committee. The proposed amendments to PD51U and to the form include:

- Clarifying when the default obligation to disclose known adverse documents arises;
- Modifying the obligation to serve document preservation notices on current and former employees;
- Modifying the requirements of and exemptions to Initial Disclosure;
- Conforming the DRD with the PD in relation to Model C disclosure;

- Clarify issues relating to the use of Disclosure Guidance Hearings;
- Confining the obligation to complete the DRD to only those cases where the parties agree that search-based Extended Disclosure Models are required (i.e. Models C, D and/or E);
- Removing the obligation to produce a List of Issues for Disclosure and the DRD if both parties have agreed that Extended Disclosure is to be restricted to non-search based models A and/or B.

Proposed changes to the form of DRD include

- Further guidance on when and how the DRD should be completed;
- Confirmation that the DRD may be modified and/or shortened by the parties for more or less complex cases;
- Clarification that parties are not required to answer all of the questions in Section 2 of the DRD, but only those that are relevant/applicable to their particular case;
- Guidance on when and how best to use Model C Disclosure requests;
- Refinement and consolidation of the questions in Section 2 of the DRD to eliminate duplication and to make the form shorter and more user-friendly to complete;
- Clarification that information on parties' data sources only needs to be provided in relation to the data sources which the parties propose to search;
- Updating the questions regarding the use of computer / technology assisted review tools;
- Finally, the DRD guidance notes are now contained in a separate document from Sections 1A, 1B and 2 that are to be submitted to the Court.

Unless and until any of these proposals are approved, they have no formal status.

The experience of operation of the pilot over 2020 and 2021 will be critical, and practitioners and court users are invited to continue to provide feedback to Professor Mulheron, as official monitor of the pilot, at: **r.p.mulheron@qmul.ac.uk**

11. Witness Statements

The Commercial Court Report of 2017-2018 drew attention to the growing concern of the judges of the Commercial Court surrounding factual witness evidence at trials, from the length, style and content of witness statements to the difficulty of formal evidence in chief referencing an 'aspirational' view of what a witness may be able to recall, resulting in unfairness to the witness and obstruction of the trial process.

In March 2018, presented with that concern, the Commercial Court Users' Committee established a Working Group to consider the issues and whether there was room for reform of rules or practice, with Popplewell J referring to *"a fairly widespread feeling that in this area the tools we have at the moment are not doing the trick, and not even saving costs, let alone getting 'best evidence'"*.

A survey commissioned by the Working Group ran for the Michaelmas Term 2018 and attracted participation from 932 respondents.

Only 6% felt the current system for witness evidence fully achieved the aim of producing best evidence at trial, although 48% of respondents felt the system substantially achieved that aim. On the other hand, 45% felt it did so only partly or not at all. 75% of respondents identified reasons why witness statements did not fulfil their purpose, of whom (e.g.) 73% complained about witness statements straying into legal argument, 68% stated they were too long and 68% found witness statements often contained irrelevant matters. In addition, 63% of all respondents felt that existing rules were not being followed, and 80% said they would support their more rigorous enforcement.

Participation was then extended to other Rolls Building jurisdictions.

The Working Group explored ideas for reform and for improved enforcement through two separate focus groups, before preparing a final report on its work which was completed in July 2019. That report can be found at: <https://www.judiciary.uk/publications/report-of-the-witness-evidence-working-group/>. The report was considered by the Business and Property Courts Board at the end of November 2019, which endorsed in principle the Working Group's main recommendations.

Its key recommendations were that:

- An authoritative statement of the best practice regarding the preparation of witness statements should be formulated, based on the principles identified in the report.
- Witness statements should contain a more developed statement of truth, whereby the witness confirms that they have had explained to them and understand the objective of a witness statement and the appropriate practices in relation to its drafting.

- The solicitor in charge of drafting the witness statement should be required to sign a solicitor's certificate of compliance with the Rules and the relevant Court Guide. These make clear that a witness statement should contain the evidence which the witness would otherwise give in oral examination-in-chief.
- Examination-in-chief on specific issues/topics should be available as an option, to be considered at the CMC and ordered in appropriate cases. The issues/topics that are addressed by way of examination-in-chief should be covered in a witness statement or (at least) in a witness summary.
- An extension of the page limit for a witness statement should rarely be granted unless the judge has had the opportunity to scrutinise its contents. The general practice should be to consider such applications retrospectively at the PTR.
- The Court should more readily apply costs sanctions and express judicial criticism of non-compliance with the Rules, Practice Direction and Guides, both at the PTR and following the trial.
- There should be a harmonisation of the Guides of the Commercial Court, Chancery Division and TCC insofar as they address the general principles as to the content and drafting of witness statements.

Andrew Baker J took over as Chairman of the Working Group in November 2019 following Popplewell LJ's elevation to the Court of Appeal.

At its meeting on 22 October 2020, the Business & Property Courts Board received the Working Group's Implementation Report and endorsed the Working Group's recommendation that its draft for a new CPR Practice Direction 57AC and Appendix (Statement of Best Practice) be put before the Civil Procedure Rules Committee for consideration in December 2020.

The Working Group's Implementation Report, a short Addendum from Andrew Baker J, and the draft Practice Direction with Appendix, that were considered by the BPC Board, can be found at: <https://www.judiciary.uk/announcements/the-witness-evidence-working-group/>.

The CPRC met on 4 December 2020 and approved in principle the adoption of the proposed new Practice Direction, subject to specific drafting points. Andrew Baker J liaised with the CPRC in relation to those points, and on 22 January 2021 the CPRC considered and approved a definitive version of the Practice Direction. It will come into force in April 2021, meaning that it will apply to trial witness statements signed on or after 6 April 2021.

If the new Practice Direction has the desired effect of returning trial witness statements to what they should be, i.e. a disclosure for trial of the witness testimony parties realistically could and would adduce from their witnesses if they examined them in chief, then the Commercial Court 30-page limit, which has always been a somewhat blunt instrument, should no longer be required. It remains for the time being, and the practice recommended by the Working Group has been implemented, namely that permission for longer statements will generally not be granted in advance: see <https://www.judiciary.uk/wp-content/uploads/2020/03/Witness-Evidence-Length-Trial-Statements-1.pdf>.

12. Managing the Courts' Business

12.1 Lead Times

"Lead times" are the time between the date a hearing is fixed and the date on which the hearing will take place.

The Court aims to keep the lead times within certain targets, which plays a vital role for the financial, trading and business community by providing rapid and efficient dispute resolution procedures.

12.1.1 Commercial Court

The position as at 7 December 2020 was as follows:

Application Hearings:

| Length of Hearing | Hearing dates available after |
|-----------------------|-------------------------------|
| 30 mins to half a day | January 2021 |
| One day | May 2021 |

Trials

| Length of Trial | Trial dates available not before |
|------------------------|----------------------------------|
| One day to three weeks | May 2021 |
| Four weeks or more | January 2022 |

12.1.2 London Circuit Commercial Court

The position as at 7 December 2020 was as follows:

Application Hearings:

| Length of Hearing | Hearing dates available after |
|-----------------------|-------------------------------|
| 30 mins to half a day | December 2020 |
| Half a day | January 2021 |
| One day | February 2021 |

Trials

| Length of Trial | Trial dates available not before |
|-----------------|----------------------------------|
| All lengths | February 2021 |

Up-to-date information can be found here: <https://www.gov.uk/guidance/commercial-court-hearing-and-trial-dates>

As section F.3 of the Commercial Court Guide notes, the court will expedite the hearing of applications (including applications on notice) in cases of sufficient urgency and importance. Where a party wishes to make such an application, a request should be made to the Commercial Court Listing Office on notice to all other parties.

Parties should note that expedition is available only in cases of sufficient urgency. (Guidance as to what constitutes sufficient urgency can be found above under **Shorter and Flexible Trials and Expedition**)

12.2 CE-File

Since 2017, all documents in the Court are required to be filed electronically via the CE-File system.

That system is also used extensively for applications on paper, ranging from consent orders, through applications for permission to serve out of the jurisdiction, and including on occasion contested applications where the parties are content to deal with the matter on the documents.

There are now many such applications. The number each year is in the region of 4,500. It will readily be understood that this takes up much judicial time, with two judges dealing with CE-File applications each week in addition to their ordinary workload.

It is important that applications made via CE File include all the relevant documents, and that those documents are appropriately labelled when uploaded to CE File. Non-compliant applications will be rejected, as was made clear by Popplewell J as Judge in Charge in 2018: <https://www.judiciary.uk/publications/electronic-filing-of-applications-to-be-dealt-with-without-a-hearing/>

The judges also deal with paper applications under the Arbitration Act, with one judge each week acting as the duty judge in charge of section 68 and 69 applications. This too is in addition to the judge's usual workload.

12.3 Listing Issues

Many listing Issues are raised in correspondence lodged on CE-File. Some of these require to be referred to the Judge in Charge for consideration/determination.

It is very important that those raising such issues do so by way of **concise** written submissions.

Unfortunately the bulk of such applications comprise lengthy letters, often referring to other correspondence. This makes the task of deciding the listing issue more time-consuming and can result in a delay in making the decision, because of the need to find sufficient time to deal with the lengthy submissions and referenced correspondence.

Parties are therefore reminded that any submissions on listing issues should be:

- (i) concise;
- (ii) self-contained;
- (iii) focussed on the issue which requires the judge's decision.

Submissions which are not concise and self-contained may be referred back to the parties for resubmission, or may result in the case being called in for an oral hearing in court before or after court hours.

12.4 Long Vacation Sitings

Judges of the Commercial Court sit regularly during the Long Vacation, which takes place from 31st July to 1st October.

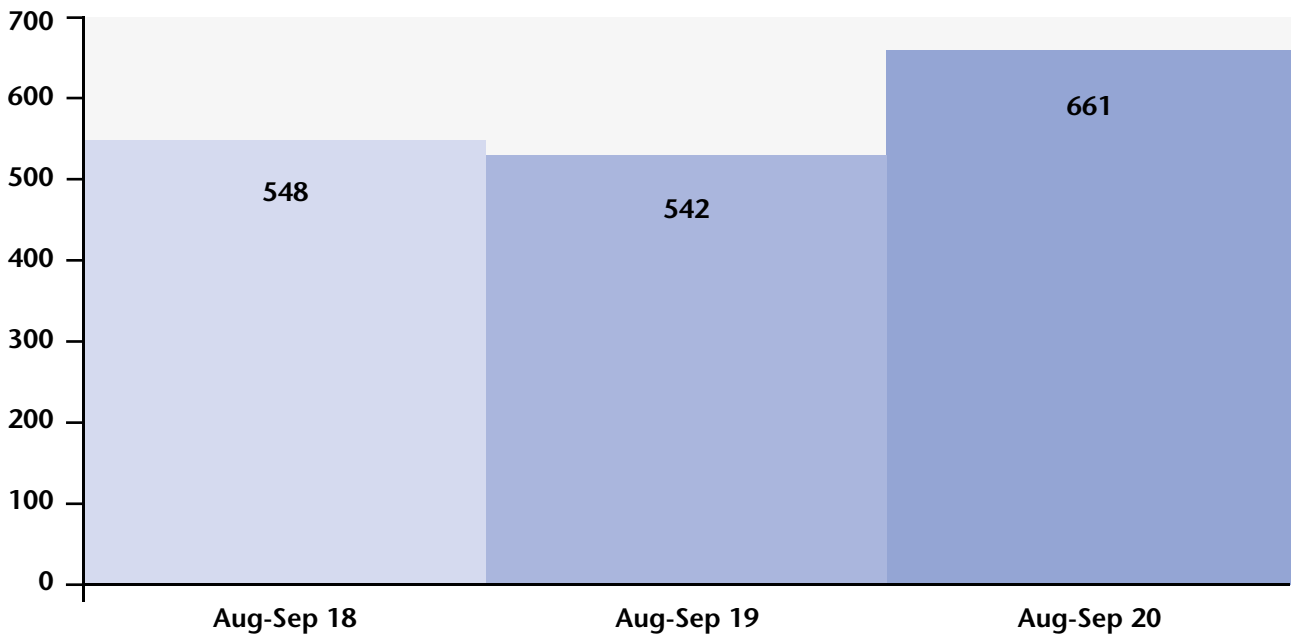
At least one judge sits in the Commercial Court at all times during this vacation period, to deal with both urgent business and regular business (such as applications). At least two judges sit in September.

12.4.1 Paper Applications

There has been a significant increase in the number of paper applications processed during long vacation this year compared to previous years.

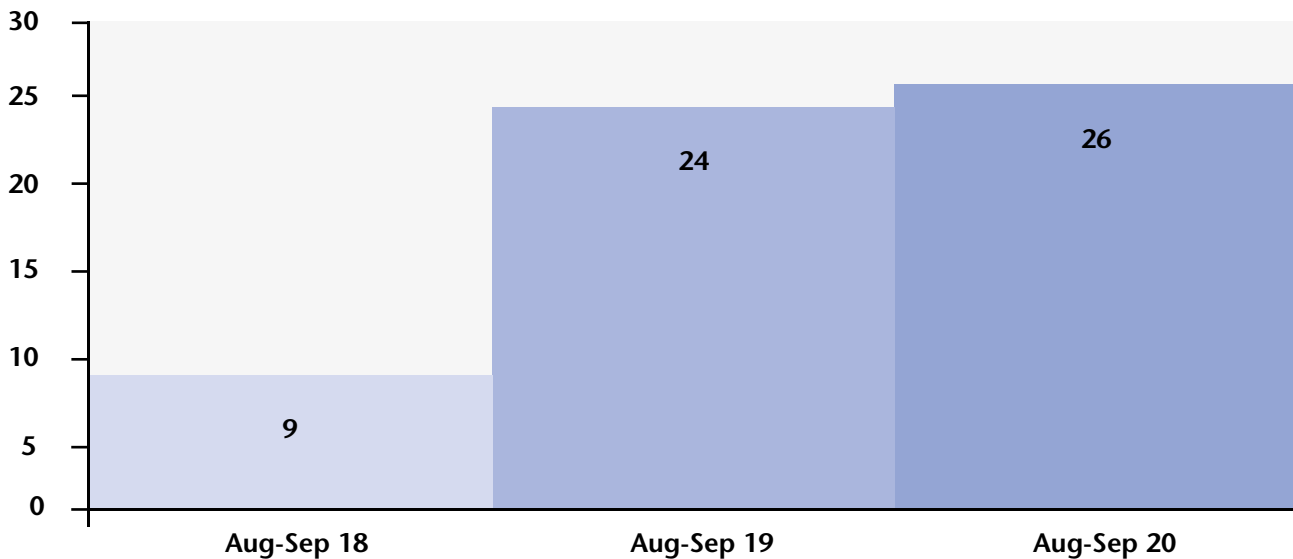
In the Commercial Court, there were 661 applications processed between 1 August to 30 September 2020, compared with 542 the year before, reflecting a 22% increase. This may be due at least in part to parties' greater willingness for matters to be dealt with on the papers during the Covid pandemic.

Commercial Court Applications on Long Vacation



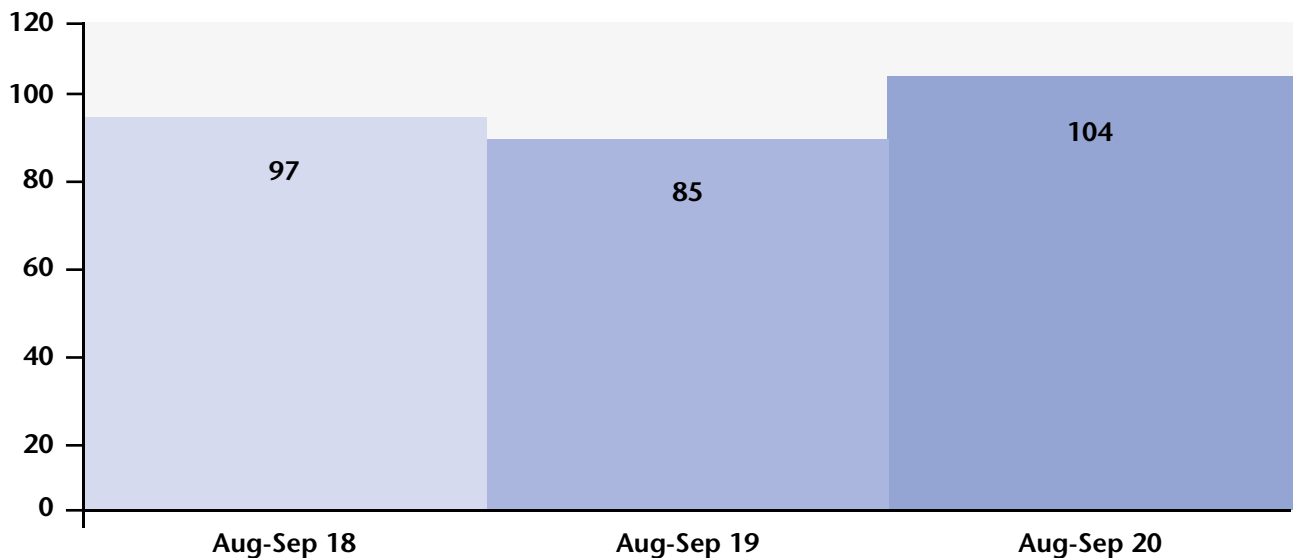
In the Admiralty Court the figures were more comparable: 26 received this year, compared to 24 in 2018-2019.

Admiralty Court Applications on Long Vacation



In the London Circuit Commercial Court, there was an identical 22% rise in the relative numbers of paper applications received and processed during long vacation, compared to be previous year, as occurred in the Commercial Court (104 applications this year compared to 85 in 2019).

London Circuit Applications on Long Vacation



13. The Commercial Court's 125th Anniversary

The 2019-2020 court year marked the 125th anniversary of the founding of the Commercial List in London and also the 50th anniversary of the formal creation of the Commercial and Admiralty Court.

The Court has planned to mark the whole anniversary year 1 March 2020-28 February 2021 under the title "Commercial Court 125".

As 1 March 2020 was the actual anniversary of the first day on which the Commercial Court sat, the Court launched its planned year of anniversary celebrations as close to that date as possible.

There was a dual launch event held at the Rolls Building on 2 March: a ceremony marking the anniversary, and the opening of an exhibition on the third floor dedicated to the history and heritage of the Commercial Court, featuring short speeches from the Lord Chief Justice, the President of the Law Society, Simon Davis and the Chair of COMBAR, Sonia Tolaney QC.

Coinciding with this, the Court was the subject of a "Law in Action" programme under the title "An Enterprising Court" on 4 March 2020 (available for download at: <https://www.bbc.co.uk/programmes/m000g3gr>)

A number of other events were planned but have had to be deferred or cancelled due to the Covid-19 pandemic, though Lord Hamblen's COMBAR lecture "The Commercial Court, Past Present and Future" went ahead as planned, albeit in a "hybrid" format. The text of the lecture, which provides an invaluable account of the Court's history, is available here: <https://www.supremecourt.uk/docs/speech-201013.pdf>

In response to the difficulties with many of the planned events, a replacement programme has been put in place.

In September 2020 the Commercial Court presented its first virtual seminar, in collaboration with London International Disputes Week, and technically supported by Opus 2. The seminar was entitled "Year 126 and onwards: planning for the future of London's Commercial Court", and was chaired by Lord Justice Flaux, Supervising Lord Justice for the Commercial Court. It reflected on key issues for the Court's future:

- The lessons from the recent use of remote hearings,
- New developments in both the Disclosure Pilot
- The approach to witness statements.

There were over 500 registrations for the seminar from 44 countries. As part of the first segment participants were polled on questions relating to the longer term use of remote hearings. The results were:

- 81% favoured remote CMCs up to half a day.
- 60% said that parties should be able to agree that a shorter hearing needs to be live, even if there is a default in favour of remote.
- 58% favoured more substantial interlocutories staying remote.
- 80% said non key witnesses should be default remote,
- 72% favoured taking some parts of trials remote even if other parts are live

Between October and December 2020, the Court has held a series of virtual seminars between linking the judges, practitioners and academics on a range of current topics in commercial law. These will be covered in the 2020-2021 Annual report.

14. Covid-19 Pandemic

14.1 Change to Virtual Hearings

Due to the Covid-19 pandemic, the Court, like other jurisdictions, had to adapt its ways of working very quickly in order to ensure its continued smooth running.

On Wednesday 18 March 2020, all hearings were proceeding in court as usual. By Friday 20 March 2020, every single hearing in the list was virtual. These were held via phone and video conferencing facilities.

Since then, the Court has held hundreds of virtual hearings, ranging from short case management conferences, through to lengthy witness actions with factual and expert witnesses appearing from multiple countries.

The Court has successfully overcome practical barriers to maintain a very much “business as usual” service to its users. This has been achieved due to the creativity, innovation and efforts of the court staff and the legal profession alike.

The court arranged four expedited Covid-related trials, which took place during the summer term and September.

Since June, some hearings have moved back to partly court based structures – with fully live and “hybrid” hearings in several shapes and forms. However, as indicated below, the majority of hearings continue to be conducted virtually, despite the availability of in-person hearings.

Remote hearings have had an open justice benefit in that they have several times been attended by more than 50 participants, more than would ordinarily have attended a physical hearing in court.

14.1.1 Number of Virtual Hearings Held During Lockdown

During lockdown the Court’s work has continued with no impact on the number of hearings, albeit that the majority were conducted as remote hearings.

By way of comparison, from 23 March to 30 September 2019, 690 hearings were listed in the Commercial Court, of which 487 were effective. During the same period this year, despite the pandemic, 696 hearings were listed of which 498 were effective (see further section 14.1.2 below).

There were only four Covid-related adjournments, all with a specific party-related (such as a witness having to self-isolate without access to effective Wi-Fi). All of those have now been heard.

The breakdown number of hearings heard between 23 March 2020 to end September 2020, were as follows:

| Jurisdiction | Remote Hearings | In Person | Hybrid |
|------------------|-----------------|-----------|--------|
| Admiralty | 34 | | |
| Commercial Court | 493 | 4 | 1 |
| London Circuit | 88 | 2 | |
| Financial List | 4 | | |

The low number of live hearings may seem surprising, but parties have often been electing for remote hearings even where a courtroom would be available. The total number of live days in court during the period from 23 March 2020 to 30 September 2020 is estimated to have been 49 days, 35 days of which related to one particular trial.

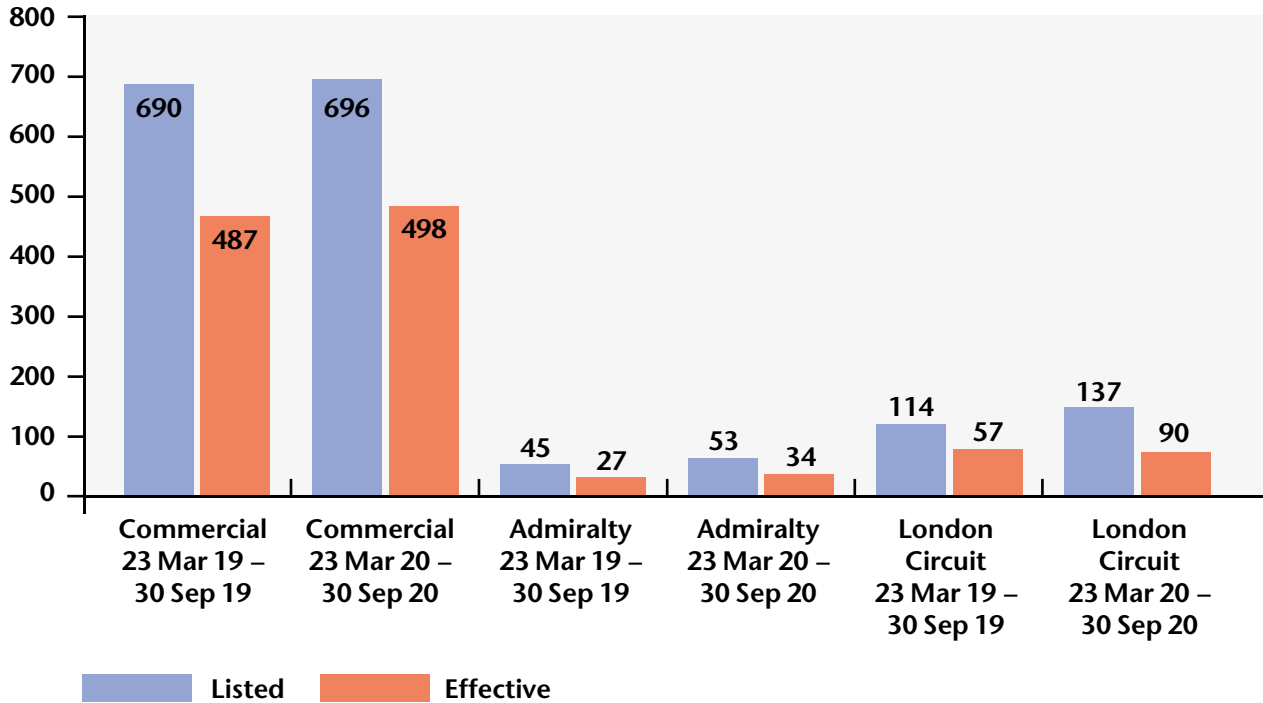
Since October there have been more court rooms available but, so far, only eight more in-person hearings were heard from October to December 2020 (seven in the Commercial Court and one in the London Circuit Commercial Court) – albeit that some of those were substantial, multi-day trials.

14.1.2 Comparisons to Corresponding Period in 2019

To further illustrate how successfully the Court has operated during the ‘lockdown’ period, set out below are details of the number of hearings listed/effective for each jurisdiction.

The selected period is between 23 March to 30 September 2020, compared to the same period the previous year.

Hearing Comparisons 2019 and 2020



- The Commercial Court thus had a higher number of listed and of effective hearing than in the same period last year, and the percentage of effective hearings slightly increased from 60% to 64%.
- The Admiralty Court listed slightly more cases, 53 during the ‘lockdown’ period compared with 45 during the corresponding period the year before. The number of effective hearings was constant at around 70%.
- The London Circuit Commercial Court listed significantly more cases between March to September 2020 (137) compared to the same period in 2019 (114), with far more effective hearings. In 2019, 50% were effective. This increased to 66% during the ‘lockdown’.

This indicates, in the round, that there was either no impact on, or an improvement in, the Court’s business.

14.2 Settlement Rate

As reported earlier, the trial settlement rate of 66% in the Commercial Court this year is slightly up from 2019 (63.4%). That may be accounted for, at least in part, by slightly increased settlements during the March to September 2020 affected by Covid-19, during which period 69% of the 48 listed trials settled.

The higher than usual number of settlements was also noted early in the year. A review conducted for the purposes of an interim Users' Group Meeting in June noted that there were more Tomlin Orders: there have been 13% more issued between January and end of May 2020 than there were in the full legal year 2018-2019. There were three times the number of Tomlin orders January to May than there were over the comparable period last year.

The settlement rate was not apparently triggered by lockdown in the UK. It appears to have increased as early as January 2020, potentially reflecting Covid-related uncertainty globally rather than merely reflecting the situation in the UK. That is perhaps unsurprising given that the Court's business is international.

14.3 Future Impact

The effect of Covid and the continuing use of remote hearings is obviously continuing into the 2020-2021 legal year, and will be considered in next year's report.

15. Use of Deputy Judges

A number of retired Commercial Court judges and Queen's Counsel who practice regularly in the Commercial Court are authorised to sit as Deputy High Court Judges in the Commercial Court.

Here is a list of retired Judges who have sat in the Court during 2019-2020, listed in order of the number of days sat:

- Sir Michael Burton GBE
- Sir Ross Cranston
- Sir William Blair
- Sir Andrew Smith
- Sir Richard Field
- Sir Jeremy Cooke

Queen's Counsel who sat as Deputy High Court Judges over the past year include:

- Adrian Beltrami QC
- Andrew Burrows QC
- Robin Dicker QC
- David Edwards QC
- Christopher Hancock QC
- Stephen Hofmeyr QC
- Ali Malek QC
- Peter McDonald Eggers QC
- Lionel Persey QC
- Laurence Rabinowitz QC
- David Railton QC
- Simon Rainey QC
- Patricia Robertson QC
- Richard Salter QC
- Sonia Tolaney QC
- Daniel Toledano QC
- Nicholas Vineall QC

Deputy judges are used for applications and trials to ensure that the targets for lead times can be maintained.

Deputies will only be used either when the parties agree that the matter may be dealt with by a deputy, or when the Judge in Charge of the Commercial Court considers it suitable for the matter to be dealt with by a deputy.

16. Retirements During the Year

During the year Mr Justice Teare, Admiralty Judge, and Judge in Charge of the Commercial Court from 2011 until August 2020, retired on 1st October 2020.

Additionally, Master Jervis Kay QC, who was the Admiralty Registrar from 2009, until February this year retired on 25 February 2020.

We wish them both well in their retirement.

17. Judicial Assistants

The great success of both the 2017 and 2018 Judicial Assistant Pilot Schemes was key to the decision during the year to establish a new Ministry of Justice funded Judicial Assistant Scheme.

This was put in place from October 2019 across all the three divisions of the High Court. It continues to be the case that the scheme offers placements specifically to the Commercial Court where the applicant specifies a preference to sit in the Court and is selected for that role.

The role of JA offers those in the early years of their professional practice a ringside view of the trial process and first instance decision-making from the perspective of the judge, for the most complex, high value and often high-profile cases.

They assist the judges(s) to whom they are allocated, for example by carrying out research, summarising documents and providing general support for the judge(s) in the organisation of their work and hearings.

Aimed primarily at qualified barristers and solicitors in the early stages of their legal career, but open to all with suitable qualifications and skills, applications are invited from those able to demonstrate an outstanding intellectual ability, excellent organisational skills and the ability to manage large and complicated workloads, as well as a high level of professional integrity.

Following a paper application and interviews, placements are organised, lasting between three and five months.

During the year, the Court has had 9 JAs sitting with judges, both in court and at virtual hearings – this equates to 3 JAs at any one time.

18. The Registry and the Listing Office

The Court depends on the very close and beneficial relationship it enjoys with the Listing Office, which is led by Michael Tame. A list of current staff is at here at: **APPENDIX 2 – The Staff of the Court as at 1 October 2020**

The Listing Office provides essential assistance to the Court with incoming applications and correspondence between parties, solicitors and Counsel.

The Listing team deal with all documents filed by CE File. They have a daily meeting to address issues, mainly CE File pending alerts, but also outstanding work etc. That ensures that all CE File filings are dealt with promptly.

The team field on average about 200 email enquiries a day and answers in the region of 40 calls a day.

The Office will check whether parties have complied with the timetable set by the Court at the CMC, ensuring that cases are prepared and ready for hearing/trial. The Listing Office also administers applications under the Arbitration Act 1996.

The work of the Listing Office is invaluable to the smooth operation of the Court, and the efficient disposal of the Court's work. All the Judges and users of the Court are grateful to them.

19. Sources of Information about the Court

19.1 Reports of cases

Reports of material decisions of the Commercial and Admiralty Courts are published online on the following sites:

- BAILII (the British and Irish Legal Information Institute) – <https://www.bailii.org/>
- This site contains unreported cases and is free to access.
- Published summaries of cases heard in the previous term can be found here: <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judgments/>

19.2 The Commercial Court Guide

The latest edition of the Commercial Court Guide was published in September 2017 and is therefore currently in its 10th edition. It sets out detailed information on the practice of the Court within the context of the full Civil Procedure Rules and should be referred to by parties when involved in commercial claims.

The guide is regularly updated to reflect rule changes and suggestions for improvements, which are welcomed and can be emailed to the Commercial Court Listing Office on comct.listing@Justice.gov.uk.

The Guide can be found online here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672422/The_Commercial_Court_Guide_new_10th_Edition_07.09.17.pdf

19.3 The Commercial Court Users' Group

The Commercial Court Users' Group has continued to provide an invaluable forum to discuss ideas relating to the work of the Court throughout the years.

During the year, Users' Group meetings were held on 20th November 2019 and 15th June 2020. As is usual, the invitees included counsel and solicitor representatives, representatives from bodies such as the LMAA (London Maritime Arbitrators' Association), the judges of the Commercial Court and the Supervising Lord Justice (Flaux LJ).

The November meeting included discussion of the Disclosure Pilot, the work of SIFoCC (see section 21 below) and the London Circuit Commercial Court's Pro Bono pilot scheme, as well as more regular items such as the court's workload, manpower and lead times. The key topic of discussion at the June meeting was the Court's and Users' response to

the Covid-19 pandemic, including the transition from physical to remote hearings, the use of the platforms Skype, Zoom and CVP (Common Video Platform), effect on levels of business, hybrid hearings and managing the return of live hearings. Updates were also given on the Disclosure Pilot and the Witness Statements Working Group. The June meeting itself took place as a virtual meeting using Microsoft Teams, as did the Group's more recent meeting on 25 November 2020.

The minutes of these meetings can be found here: <https://www.judiciary.uk/announcement-court/commercial-court/>

19.4 The London Circuit Commercial Court Users' Committee

The London Circuit Commercial Court Users' Committee meets at least three times a year, or once a term, its most recent meetings having been 21st January, 18th May and 23rd November 2020.

HHJ Pelling QC, Judge in charge of the London Circuit Commercial Court, has issued guidance on draft orders in the London Circuit Commercial Court. The message can be found here: <https://www.combar.com/news/message-from-the-london-circuit-commercial-court/>

19.5 The Admiralty Court Users' Committee

The Admiralty Court Users' Committee continues to be quietly active.

At its prompting, the Civil Procedure Rules Committee has recently approved a change to CPR 61.9(1) to bring it into line with CPR 12.3(1), following an amendment to the latter that came into effect in April 2020 making explicitly clear that a late acknowledgement of service or defence precludes the grant of judgment in default.

The Users Committee is also looking at: proposing the removal of the current restriction in CPR 24.3(2)(b), which prevents an application for summary judgment in a claim in rem; whether the new CPR PD57AC proposed by the Business and Property Courts' Witness Evidence Working Group in relation to trial witness statements, if it is adopted by the CPRC, should be extended to Admiralty Claims; whether to improve on what is said in CPR PD61 about the early case management of Admiralty Claims more fully to reflect current practice; whether to retain the strict rule that ship sales pendente lite may not be ordered by the Admiralty Registrar; and whether there is room to improve Admiralty Form ADM14 (appraisal and sale) to prompt applicants always to address CPR 61.10(2).

20. Standing International Forum of Commercial Courts (SIFoCC)

The Standing International Forum of Commercial Courts (SIFoCC) is the global forum for the world's commercial courts.

SIFoCC was created in 2017 following an invitation from the former Lord Chief Justice of England and Wales, Lord Thomas, to his counterparts around the world to come together to create the Forum. There are now over 40 member jurisdictions in SIFoCC. Its Secretariat is based in London.

SIFoCC exists for three reasons: users (business and markets) will be better served if best practice is shared between the courts and courts work together to keep pace with rapid change; together courts can make a stronger contribution to the rule of law than they can separately; and as a means of supporting developing countries long encouraged by agencies to enhance their attractiveness to investors by offering effective means for resolving commercial disputes.

Full meetings have to date been held in London and New York. Planning is currently underway for the next full meeting of SIFoCC which will be hosted online by Singapore in March 2021. SIFoCC has also worked in partnership with the Commonwealth Magistrates and Judges Association, ROLE UK and others to deliver a number of round table events.

This year SIFoCC's first international working group produced a set of principles in relation to best practice in case management. The working group and panel of experts were made up of judges from The Gambia, Dubai, Singapore, Malaysia, the USA and other jurisdictions, and chaired by Sir Peter Gross and Chief Justice Allsop of Australia's Federal Court. <https://sifocc.org/2020/05/27/case-management-best-practice-working-presumptions-produced-by-first-sifocc-international-working-group/>

SIFoCC will shortly publish the second edition of its Multilateral Memorandum on Enforcement of Commercial Judgments for Money. A second SIFoCC international working group, chaired by Sir William Blair (former Judge in Charge of the Commercial Court) and Judge Francois Ancel (President of the Paris appellate commercial court), will distil common themes from this second edition of the Multilateral Memorandum.

In addition, and in response to the pandemic, the SIFoCC membership responded quickly to produce a paper on the way in which courts around the world have been responding to the restrictions caused by the pandemic. *Delivering justice during the covid 19 pandemic and the future use of technology* can be found here - <https://sifocc.org/2020/05/29/delivering-justice-during-the-covid-19-pandemic-and-the-future-use-of-technology/>

21. Visitors to the Commercial Court

Over the past year, up until the pandemic stopped international travel, the Court received a large number of international visitors from all over the world including:

- Sri Lanka
- China
- Hong Kong
- Peru
- Ethiopia
- South Korea and
- Japan.

The Commercial Court's international engagement has continued virtually in some instances, including bilateral engagements with the Commercial Court in Uganda and meetings with a number of other jurisdictions around the world to discuss the courts' response to the Covid crisis.

22. APPENDIX 1 – The Court as at 1 October 2020

22.1 Judges – Commercial Court

Listed by order of seniority:

- Mr Justice Robin Knowles;
- Mr Justice Picken;
- Mr Justice Andrew Baker (Admiralty Judge);
- Mrs Justice Moulder;
- Mr Justice Bryan;
- Mrs Justice Cockerill (Judge in Charge of the Commercial Court);
- Mr Justice Butcher;
- Mr Justice Jacobs;
- Mr Justice Waksman;
- Mr Justice Henshaw;
- Mr Justice Foxton;
- Mr Justice Calver;

22.2 London Circuit Commercial Court

His Honour Judge Pelling QC, (Judge in Charge of the London Circuit Commercial Court);

22.3 Admiralty Registrar

Master Richard Davison

23. APPENDIX 2 – The Staff of the Court as at 1 October 2020

| | |
|-------------------------------|------------------|
| Court Manager | Wilf Lusty |
| Senior Listing Officer | Michael Tame |
| Listing Officer | Daniel Hull |
| Listing Clerk | Mark Burman |
| Listing Clerk | Gina Hitchman |
| Listing Clerk | Shafia Chowdhury |
| Listing Clerk | Talvinder Sehmbi |
| Master Davison’s Clerk | Shirley Sweeney |
| Admiralty Marshal | Paul Farren |
| Registry Team Leader | Abdul Musa |

| | |
|---------------------------------|--|
| Clerk to Andrew Baker J | Mandana Khajehnouri |
| Clerk to Bryan J | Georgina Febery |
| Clerk to Butcher J | Sarah Herald |
| Clerk to Calver J | Angela Fraser (<i>temporary cover</i>) |
| Clerk to Cockerill J | Laura Hope |
| Clerk to Foxton J | Kaylei Smith |
| Clerk to Henshaw J | Angela Fraser |
| Clerk to Jacobs J | Hannah Cullen |
| Clerk to Robin Knowles J | Rachel Guy |
| Clerk to Moulder J | Andrew Leddy |
| Clerk to Picken J | Jay Howard |
| Clerk to Waksman J | Alicia Zahedi-deWolfe |
| Clerk to HHJ Pelling QC | Sarah Rabbitts |

Clerks' contact details can be found here at: <https://www.judiciary.uk/you-and-the-judiciary/going-to-court/high-court/queens-bench-division/courts-of-the-queens-bench-division/commercial-court/judges-clerks/>

