

DISPUTE RESOLUTION IN THE DIGITAL ECONOMY

30 March 2021 : ON LINE:

Moderated by Ms. Athita Komindr (Head, UNCITRAL RCAP)

PANEL 4: IMPACT OF THE COVID-19 PANDEMIC

Review of the Global Impact of the Covid-19 Pandemic on Commercial Dispute Resolution and relevant legislation – 23 Jurisdictions (Key Findings)

***Ms Kim M Rooney
Arbitrator & Hong Kong Barrister***

1. THE REVIEW OF THE GLOBAL IMPACT OF THE PANDEMIC ON COMMERCIAL DISPUTE RESOLUTION

- **DISPUTE RESOLUTION INTERNATIONAL**
 - IBA's Journal for Contentious Committees
- **TWO ARTICLES ON THE GLOBAL IMPACT OF THE PANDEMIC ON COMMERCIAL DISPUTE RESOLUTION**
 - October 2020
 - <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=bd404ce3-3886-48a8-98f6-38eaaccd5f53>
 - May 2021
- **46 CONTRIBUTORS FROM 23 JURISDICTIONS**
- **REVIEWED IMPACT LITIGATION, ARBITRATION & ADR**
 - Varying impact

1. THE REVIEW OF THE GLOBAL IMPACT OF THE PANDEMIC ON COMMERCIAL DISPUTE RESOLUTION (CONT'D)

- **23 JURISDICTIONS**
 - ***Africa***: Kenya & Nigeria
 - ***Asia/Pacific***: Australia, China, Hong Kong SAR, India, Indonesia, Japan, Philippines, Singapore, South Korea
 - ***Europe/UK***: England & Wales, France, Germany, Russia, Sweden
 - ***MENAT***: Egypt, Saudia Arabia, Turkey & United Arab Emirates (“**UAE**”)
 - ***North America*** : USA
 - ***South America***: Argentina & Brazil

2. THE TRENDS

- **DEVELOPMENT AND ACCELERATED USE OF ONLINE PLATFORMS** eg
 - Filing of Cases, Submissions & Exchange and Storage of Evidence
 - For Hearings
 - In Person/Hybrid/On-line (Remote/Virtual)
 - Decisions
- **ADAPTABILITY OF MEDIATION**

2. THE TRENDS (CONT'D)

- **PRACTICE NOTES AND GUIDELINES**

- Practice and Procedure

- Fairness

- Efficiency

- Logistics

- Other

- Cyber Security

- Costs

2. THE TRENDS (CONT'D)

- **INNOVATION**

- ***Technology eg***

- Block Chain – Case Management
- Auto-transcription
- Document management and automated docketing
- Cloud storage
- Inferential artificial intelligence (AI)
- Natural language processing and visual perception tools

- ***Flexible Scheduling***

- ***Costs***

3. ISSUES

- **OPENNESS TO INNOVATION AND RAPID CHANGE**
- **ACCESS OF THIRD PARTIES**
- **UNEQUAL ACCESS TO RESOURCES**
- **INCONSISTENT LEGAL FRAMEWORKS & PRACTICES**
- **COSTS**
- **PARADIGM SHIFT**
- **THE FUTURE?**