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

  o Filing of Cases, Submissions & Exchange and Storage of Evidence
  o For Hearings
  o In Person/Hybrid/On-line (Remote/Virtual)
  o Decisions

• Adaptability of Mediation
2. THE TRENDS (CONT’D)

• PRACTICE NOTES AND GUIDELINES
  o Practice and Procedure
    ➢ Fairness
    ➢ Efficiency
    ➢ Logistics
    ➢ Other
  o Cyber Security
  o 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?