## **Commercial Court User Group Meeting**

## **December 2024 Meeting Minutes**

**Remote Meeting via Microsoft Teams Wednesday 11 December 2024 at 16:45**

Mr Justice Henshaw welcomed all attendees to the December 2024 User Group Meeting and began by paying tribute to his predecessor, Mr Justice Foxton, who led the Commercial Court with inimitable style and charm over the last 2 years.

1. **Bright J: Foreign Process Section (FPS)**

Mr Justice Bright noted that there is a marked reduction in processing times at the FPS and the court is hopeful that this will continue to be the case and continue to improve. There may be more concrete updates after the next meeting of the Foreign Process Working Group. In the mean time, the Commercial Court User Group should be reassured that improvement of the FPS is receiving judicial interest at the highest levels.

1. **Henshaw J: Introduction, statistical updates**

This been another busy term and another busy year. A number of longer trials are running, including SKAT and the Russian aircraft claims brought by owners and lessors against insurers/reinsurers. In Spring 2025, Jacobs J will be hearing The Public Institution for Social Security v Al-Rajaan and others and His Honour Judge Pelling KC will be hearing Palmali Shipping SA v Litasko SA.

|  |
| --- |
|  |
|  |

There have been a high number of paper applications, urgent applications and applications for anti-suit injunctions. There has been no notable change in the mix of work. The court has seen a few cases conducted using the Shorter and Flexible Trial Schemes. These could be more frequently used in appropriate cases, and have benefits including streamlined disclosure processes.

The following statistics were relayed to the User Group:

1. Year on Year Comparison of Commercial and Admiralty Court Business (excluding LCCC save as indicated):

|  |  |  |
| --- | --- | --- |
|  | **October 2022 to September 2023** | **October 2023 to September 2024** |
| **Commercial Claims issued:**  | 992 | 835 |
| Trials listed | 123 | 95 |
| Trials heard | 37 | 41 |
| Trials settlement rate | 70% | 57% |
| Hearings listed | 1,179 | 1,251 |
| Hearings effective | 839 | 884 |
| Hearings settlement rate | 29% | 29% |
| Urgent applications | 74 across Hilary, Easter, Trinity and Long Vacation 2024 |
| Paper applications (including LCCC and Financial List)  | 5,377 | 4,906 |
| **Arbitration applications:** |  |  |
| Section 44 injunctions | 15 | 49 |
| Section 67 jurisdiction challenge | 8 | 25 |
| Section 68 procedural irregularity challenge | 28 | 36 |
| Section 69 appeal on a point of law | 46 | 54 |

1. Lead times as of 9 December 2025:

|  |  |
| --- | --- |
| Application hearings up to and including half a day | Fridays from 21 February 2025 |
| Application hearing of 1 day or more | From 7 April 2025 |
| Trials up to 1 week | From the week of 3 November 2025 then from January 2026 |
| Trials of 2-4 weeks | From January 2026 |
| Trials over 4 weeks | From 23 February 2026 |

Mr Justice Henshaw extended his thanks to Francesca Girardot (Commercial Court lawyer), the Listing Officers and clerks for their work.

1. **Waksman J: Early Neutral Evaluation**

Mr Justice Waksman confirmed that the Court is trying to find alternatives to fully blown trials (with the costs implications that these entail) in situations where mediation may not work. Early Neutral Evaluation of a case could be useful and could be done very swiftly if commercial clients are interested in this.

1. **Michael Tame: The View from the Listing Office**
2. Mr Tame thanked all court users for their support over the last 6 months, which has seen the successful implementation of the Commercial Court On-notice Paper Applications Checklist. He expressed his personal thanks to Richard Williams and Melissa Jones from Lexis Nexis for their support and guidance in preparing the checklist.
3. The Commercial Court continues to be busy. Losing a member of staff to jury service had an impact on email turnaround. There has been a further change of staff where Daniel Hull has moved to the Chancery Listing Team.
4. When filing an arbitration bundle with the court, court users are now asked to provide a time estimate to assist in allocating the bundle to the next available Judge. An increase in arbitration challenges and appeals has led to a slight backlog but we are now back to where we were in July 2024.
5. The User Group was reminded that there will be no Judges available during the Christmas Vacation. Between now and the end of term, there will come a saturation point where there will be no further judicial availability to consider expedition requests or conduct urgent hearings.
6. **Henshaw J: Time for judgment corrections and consequentials**

Mr Justice Henshaw reported that the Judges aim to minimise the time between corrections and hand down and to deal with consequentials as soon as possible after judgment, while matters are still fresh in the parties’ minds. Judges will aim to warn parties where a long judgment is anticipated. This is not prescriptive and there may be a time where a longer time is needed for judgment corrections or before consequentials can be dealt with. The User Group members are invited to get in touch (via the Listing Office) if they have comments about this.

1. **Alex Gunning KC: COMBAR Junior Advocacy Survey**

Alex Gunning KC confirmed that the survey shows signs of progress being made to facilitate junior advocacy opportunities during key parts of the trial. Mr Justice Henshaw noted that in a trial before him during the summer, juniors were given important roles in oral opening submissions, examination of witnesses of fact and experts, as well as closing submissions. COMBAR is taking responses up until Friday 13 December 2024 when the survey is closed for comments.

1. **Robin Knowles J: Update from the Standing Forum of Commercial Courts (SIFoCC)**

Mr Justice Robin Knowles confirmed that SIFoCC is pleased to host a secretariat in 58 jurisdictions. This has been another busy 12 months as SIFoCC moved into its 8th year. Gatherings have mostly been in person with regular smaller and more focused activities.

This year, SIFoCC worked with Sri Lanka and South Africa and next year it will work with Ukraine and the Gambia. SIFoCC’s Multilateral Memorandum on Enforcement of Commercial Judgments for Money has been revised once again and the 3rd edition has been published with a revised commentary.

On 15 January 2025, the Report from 5th Full SIFoCC meeting will be published. This meeting took place in Doha, Qatar and Robin Knowles J hopes that the Group will find it useful and interesting reading. Topic under discussion included:

1. The relationship between the Commercial Court/arbitration/mediation;
2. Third party litigation funding;
3. Case management;
4. AI, not just within the context of dispute resolution system but also engaging in disputes where AI is in place;
5. Corporate legal responsibility at board level where issues include climate change and global development; and
6. Cross border co-operation.

User Group members are encouraged to keep up to date with further news at [www.siffoc.org](http://www.siffoc.org), which SIFoCC hopes will be welcomed and of use.

1. **AoB**

There was no further business and the meeting ended at 17:14.