

IN-DEPTH

Dispute Resolution

EDITOR'S PREFACE



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Dispute Resolution

EDITION 16

Contributing Editor

Damian Taylor

Slaughter and May

In-Depth: Dispute Resolution (formerly The Dispute Resolution Review) provides an indispensable overview of the civil court systems in major jurisdictions worldwide. It examines the key aspects of each jurisdiction's dispute resolution rules and practice, and developments over the past 12 months. It is also forward-looking, with astute analysis of likely future trends and developments.

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Editor's Preface

Damian Taylor

Slaughter and May

In-Depth: Dispute Resolution provides an indispensable overview of the civil court systems of 28 jurisdictions. The following chapters aim to equip the curious practitioner with an up-to-date and concise introduction to the framework for dispute resolution in each jurisdiction. Each chapter outlines the most significant legal and procedural developments of the past 12 months and the authors' views as to the big themes predicted for the year ahead. The publication will be useful to anyone facing disputes that cross international boundaries, which is ever more likely in a world that seems to be more interconnected with every passing year.

In compiling the 16th edition of *In-Depth: Dispute Resolution*, I am reminded that despite the variety of legal systems captured in the publication, there is a clear common denominator. All systems are organised and operate to ensure that parties have a means of resolving disputes that they cannot resolve themselves. I am reassured that, despite cultural, traditional and legal differences, the jurisdictions represented here are united by this common thread. It reflects an innate, international commitment to the rule of law and the rights of individuals. This edition will be a success if it assists parties to navigate different legal systems to achieve fair and efficient outcomes for whatever dispute they are facing.

Reflecting on the past year, the commercial world continues to deal with the huge humanitarian, political and economic consequences from Russia's invasion of Ukraine, with further conflict in the Middle East making matters more, not less, unstable this year. These conflicts illustrate the fragility of peace and the rule of law and the terrible human suffering that follows in their absence, as well as the reliance of the commercial world on cooperation and free passage between nations. The courts in all jurisdictions this year have seen disputes arising out of broken or damaged supply chains and more general inflationary and other economic pressures.

Another theme this year has been the increasing focus on climate change and protecting the planet through political, legislative and court processes. Of interest to litigation practitioners will have been ClientEarth's attempt in England to bring a derivative claim on behalf of Shell alleging breach of various duties by Shell's directors in formulating its climate change strategy. This attempt was dismissed by the courts, but other routes to enforcement and litigation remain. For example, there have been a number of challenges, and legislation enacted, to combat companies that present themselves as 'green' when the reality might be different ('greenwashing').

This 16th edition follows the pattern of previous editions, where leading practitioners in each jurisdiction set out an easily accessible guide to the key aspects of each jurisdiction's dispute resolution rules and practice and developments over the past 12 months. *In-Depth: Dispute Resolution* is also forward-looking, and the contributors offer their views on the likely future developments in each jurisdiction. Collectively, the chapters illustrate a continually evolving legal landscape that is responsive to both global and local developments.

As always, I would like to express my gratitude to all of the contributors from all of the jurisdictions represented in In-Depth: Dispute Resolution. Their biographies can be found in Appendix 1 and highlight the wealth of experience and learning from which we are fortunate to benefit. I would also like to thank the whole team at Law Business Research, who have excelled in managing a project of this size and scope, in getting it delivered on time and in adding a professional look and finish to the contributions.

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