

## **Report on the London International Disputes Week 2023 (“LIDW 2023”)**

1. London International Disputes Week (“LIDW”) first took place in 2019. As a forward-thinking forum for discussion on the future of international dispute resolution, this year’s event is a hybrid one and gathers the dispute resolution community, including solicitors, barristers, arbitrators, mediators, expert witnesses and litigation funders, to discuss trending topics on dispute resolution in the post-covid era.
2. Francis Chung and Hannah Tang are delegates of the Standing Committee on Young Barristers to attend LIDW 2023 and to meet representatives from the dispute resolution community in London and also young barristers of England and Wales (“E&W”) to reconnect Hong Kong Bar to the established international network after the pandemic. This experience is also believed to be highly conducive to any international conference expected to be held in Hong Kong.

### **A. Overview**

3. The theme of LIDW 2023 is “Adapting to a Changing World”. Trending topics were explored amongst the London dispute resolution community. LIDW 2023 lasts 5 days, from 15-19 May 2023.
4. LIDW 2023 consists of three parts. In addition to the International Arbitration Day (on 15 May) and the Main Conference (on 16 May), the remaining three days of the week consist of various seminars/panel discussions hosted by members of LIDW (such as law firms and barristers’ chambers etc). The success of LIDW 2023 is attributable to the good choice of trending topics and smooth logistics of the whole event.

## **B. The conference and reflections**

5. Francis and Hannah have attended the Main Conference and more than 10 seminars in total during the week covering a wide range of fascinating topics in dispute resolution including artificial intelligence, ESG and cryptocurrency etc. Hannah has also attended the International Arbitration Day. The following set out the key takeaways from some of the seminars that we have attended.

### *B.1. The Main Conference*

6. The Main Conference was held on 16 May 2023. The Main Conference started with the keynote speech by the Rt. Hon. Lord Neuberger of Abbotsbury. In his powerful speech, he talked about technological advancement in the legal field such as the use of artificial intelligence in the assessment of quantum. He also shared his belief that the way disputes are handled will continue to change rapidly. The following seminars of the day echoed with his observations and covered a wide range of topics, such as the evolving role of in-house disputes lawyer, the future of collective redress in the UK and EU, and how metaverse and AI change (and will change) the legal practice. The lists of panel included judges, in-house lawyers, junior or senior counsel as well as law firm partners such that all stakeholders in the international legal community were engaged.
7. Logistically, the whole day conference was held within the same building (a hotel) at Northumberland Avenue. The Main Conference was held at the grand hall with catering services provided. Around 40 minutes were allocated for each session and each panel managed to keep the discussion succinct and also informative. Participants could fully utilise the coffee breaks to network and to refresh for the next sessions. The overall impression of the conference rundown was smooth.

## *B.2. International Arbitration Day*

8. A day before the Main Conference was the very eventful International Arbitration Day. One of the sessions Hannah attended was the seminar on challenging arbitral awards. The panel, which was led by Ms. Paula Hodges KC from Herbert Smith Freehills, addressed the factors to be considered before challenging the arbitral awards:-
  - 8.1 First, the jurisdiction of the forum. Potential matters for determining which jurisdiction to commence action include the place of enforcement and the domicile of the opponent.
  - 8.2 Second, the question of liability in terms of the applicable law. The place of residence of the arbitrator/ institution and the relevant applicable law could be relevant. Even the tribunal rules could have some indication of which law to apply, such as the ICC rules article 43 provides that the Paris/ French law should apply for administrative misfeasance of the arbitrator.
9. The panel also viewed the matter from another pragmatic angle and analysed how challenging arbitral awards through the backdoor could potentially discourage arbitrators from taking part in arbitrations. The discussion concluded on a consensual recognition that the finality of the arbitral award ought to be upheld.
10. Logistically, the events of the International Arbitration Day were hosted across three firms within a very short walk of one another so that delegates were free to register and attend the sessions covering the jurisdictions and regions relevant to their practice. The International Arbitration Day commenced with a networking breakfast at Mayer Brown and participants could then proceed to one of the three law firms for their registered sessions. Networking lunch was held at HSF and a networking drink was held at Allen & Overy.

*B.3. “Justice in many courts: litigating parallel arbitral, civil and criminal proceedings”*

11. Another equally intriguing seminar was “Justice in many courts: litigating parallel arbitral, civil and criminal proceedings” held on 19 May 2023 on the last day of the LIDW 2023. Led by Sir Christopher Clarke, the panel consisted of legal heavyweights including KCs and seasoned corporate lawyers (advising on multi-jurisdictional white-collar crimes). They offered very insightful sharing on practical considerations for running parallel proceedings in various courts over the globe:-

11.1 Progress management is the key. But as there are always conflicting laws between jurisdictions, the progress is always out of control. This might have an impact on the cost consequences and client’s expectations should be managed. The benefit is however to pressurise settlement.

11.2 Disclosure of documents eventually boils down to a question of what constitutes “use” of documents.

11.3 The tribunal is not bound by criminal proceedings but will surely take into account the fact that there is a criminal case on-going/ there are some findings of fact from the parallel criminal proceedings. The potential impact could be such as to discredit a key witness who was being successfully convicted.

11.4 As to the tribunal’s view on parallel proceedings, it is always the tribunal assumption that the parties should have intended genuinely to litigate in one jurisdiction, and there could be a very fine line between use and abuse of process. Private prosecution will not impress the court nor help with the civil litigations.

12. As a side note, the meeting was held at the Ivy Club in a form of a breakfast meeting. Original pieces of western/ British arts were also displayed throughout the club.

Overseas participants could all enjoy the local culinary delights in the renowned local private members' club.

#### *B.4. "Technical Experts – Why Bother"*

13. This seminar explored the importance of appointing technical experts and the way to work well with technical experts. The panel consisted of a practising barrister and three technical experts. Certain topics were discussed, such as the personal experience of lawyers in appointing experts and working with experts, and how the experts get their appointments and provide value to their clients. One key takeaway is that, in many cases with heavy technical aspects, lawyers should engage expert and place sufficient reliance on them to fill in the gaps they spot.

#### *B.5. "LIDW 23 Drinks"*

14. Francis and Hannah attended the "LIDW 23 Drinks for the Young and Young at Heart" on 18 May 2023, one of the key social activities during the week. The event was held at Vineyard Yard, an outdoor dining place of an eclectic mix of drinks, food, flea market, and art. Attendees were invited to put on casual wears and to enjoy the fun night. Some ancillary service providers from non-legal background were very excited to reveal the social side of lawyers when the team of lawyers was performing rock music.

15. It is observed that Thursday would be a great time for this casual social activity. Professional relationships built over the week was proved to be further fortified by a timely casual social event before the LIDW 2023 officially ended.

### **C. Exchanges with E&W Young Bar**

16. Francis and Hannah also met Mr. Michael Harwood (current Chair of E&W Young Barristers' Committee) and Miss Amrit Kaur Dhanoa (current Vice-Chair of E&W

Young Barristers' Committee) in the afternoon on 19 May 2023. Both of them are members of 4-5 Gray's Inn Square.

17. Over the coffee chat, representatives from both sides have reaffirmed that the Bar plays an important role in the administration of justice in both jurisdictions. A number of issues concerning the interest and welfare of Young Bar were discussed. The E&W Bar Council have made a LinkedIn post for the fruitful visit of Hong Kong Young Bar after the meeting.

#### **D. Conclusion**

18. The participation of LIDW gives Francis and Hannah some insights in organising a conference for the Hong Kong Bar.
19. First, it is highly recommended that all overseas speakers, delegates and conference helpers stay in the same hotel where the conference is hosted to minimize the inconvenience of commuting to and from the conference. It is believed that this would also encourage cohesions between participants within the neighbourhood. Logistically, it would also be easier for the hosts/ helpers to gather the participants.
20. Second, the duration of each seminar should in optimal be within an hour, with sufficient coffee breaks and networking time in between. The audience's attention span can be limited, especially when a conference is usually packed with many back-to-back events. Having shorter but more sessions would also maximise the coverages of the conference as a whole, and allow ample opportunities for participants to network and socialise.
21. Third, in respect of choice of speakers, even though LIDW 2023 is a territory-specific conference, speakers come from different background representing different stakeholders in the dispute resolution community. Bearing in mind the

importance of diversity, it is desirable to have a good combination of speakers from different genders, nationalities, education background and practice areas.

22. Lastly, Francis and Hannah wish to thank the Hong Kong Bar Association for their generosity in subsidising the conference expenses.



Opening ceremony of LIDW 2023

A very powerful speech by Ms. Deborah Enix-Ross, President of the American Bar Association about justice in international arbitration.

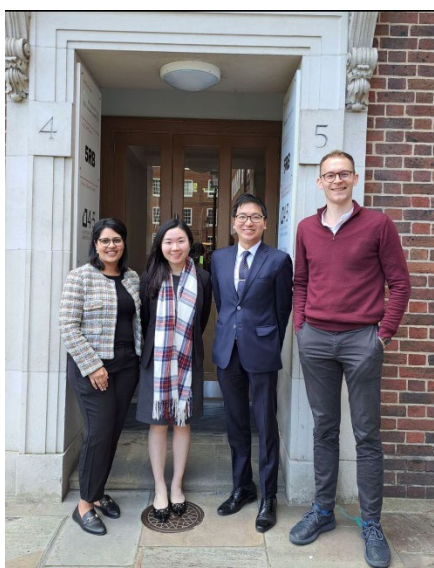


Photo with Michael Harwood and Amrit Kaur Dhanoa after the legal interflow.

Dated this the 31<sup>st</sup> day of July 2023

**Francis Chung**

**Hannah Tang**

Standing Committee on Young Barristers