

Global Dispute Resolution: The Future of Virtual Legal Proceedings Is Shaped by Soaring Travel Costs

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While we may have passed through the worst of the global pandemic, it has unquestionably left a deep and lasting impact on our personal and professional lives. Restrictions that left everyone housebound for months on end resulted in adaptations to daily behaviors and how we do business—some of which are here to stay.

Progress in the Form of Virtual Proceedings

During the pandemic, keeping businesses afloat was challenging across the board in all industries. Videoconferencing was often the only option to connect with colleagues or to participate in a meeting of any kind, and the use of platforms like Zoom skyrocketed. Like most other businesses and professional organizations, legal forums around the world were closed for a time. When they began to reopen, they discovered a new (virtual) operational environment that arose out of necessity.

International arbitration centers and courts across the globe followed suit, reopening with a mandate to conduct business remotely. While they had already developed protocols for using technology to increase accessibility and efficiency before 2020, the use of videoconferencing in international arbitration centers and courtrooms took off rapidly and pervasively once the pandemic hit. The ramped-up schedule of online proceedings continues in international arbitration centers and courts now that they are increasingly comfortable with the virtual format, and protocols have been developed and vetted.

| Person Traveling | Number | Originating City | Airfare | Travel Time | Hotel | Food | Ground | Total |
|--|--------|---------------------|---------|----------------|-------|------|--------|-------|
| Pe rson Attendanc e | | | | | | | | |

Notes: Airfares based on Delta business class in November 2022. Travel time based on Chicago to London 9hr. x 2(RT) @\$325/hr.; Paris to London 3hr. x 2(RT) @\$325/hr.; NY to London 8hr. x 2(RT) @\$150/hr.; LA to London 11hr. x 2(RT) @\$150/hr.; Dallas to London 10hr. x 2(RT) @\$150/hr.

As demonstrated in the chart above, the cost of travel time can be as much or more than the cost of flights to attend an international arbitration or other legal hearing. Spending many hours traveling to and returning from the various steps of an international proceeding is not only an expense for a client, but productivity is also lost for the legal professionals involved.

If time is money, there could not be a more direct equivalency than the legal industry's billable hour, and often lawyers apply the same hourly rate for travel hours as for work hours. When complex matters demand a legal team, these costs are multiplied. Then there is the issue of witnesses who would need to travel and perhaps wait around to testify, not to mention the time commitment and expenses related to other on-site billers and support staff. Add in the unpredictability of airline delays, and costs will continue to mount.

VIRTUAL HEARINGS SAVE MONEY (AND THEY'RE HERE TO STAY)

With the cost of international air travel rising sharply, remote hearings are a practical alternative to in-person proceedings. International travel is expensive, and the virtual option means that it is no longer necessary to count travel as a “cost of doing business” when pursuing an international dispute. The widespread use of technology in global dispute resolution proceedings gives attorneys and their clients the option to participate remotely, which is a compelling cost saver for all parties.

Industry news reports tell the story:

Technology has become ubiquitous in international arbitration.⁵ Japan expedites court proceedings with Microsoft Teams.⁶ Beijing’s “Internet Court” enables people to file lawsuits online.⁷ In India, 19.2 million cases have been heard virtually in the High Court and district courts.⁸

Such reports are convincing evidence of the commitment to the continuation of virtual proceedings in legal forums around the globe. Remote and hybrid proceedings in the international legal setting appear to have a very secure future.

Put Your Best Foot Forward in Virtual Legal Proceedings

Technology in the courtroom is not particularly a new concept, and international arbitration centers were working in the direction of modernizing when they had to fast-track guidelines to convert to primarily virtual hearings.⁹ The wholesale adoption of online proceedings may have caught some firms unprepared from a technical production standpoint.

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