EP-JOURNALS

JOURNAL OF SOCIAL SCIENCE AND HUMAN RESEARCH STUDIES

Available on: https://jsshrs.ep-journals.org/ E-ISSN: 3051-3561, P-ISSN: 3051-3553

Journal of Social Science and Human Research Studies

Volume: 02 Issue: 04 April-2026

The Global Influence of English Law on Post-Brexit Economic Growth: A Critical Analysis of Legal Services as Soft Power and Economic Strategy

Gabriel Obrempong Nyanteh
Socio-Legal Researcher, London, United Kingdom

Published Date: April 08, 2026 **Article DOI: 10.65150/EP-jsshrs/V2E4/2026-03**

ABSTRACT: This research aims to assess the strategic application of English law as a tool of soft power and economic growth in the post-Brexit world. The research is guided by the UK's strategic objectives under Objective 2: "To promote the rule of law at home and abroad and world-leading legal services" and seeks to examine the relationship between law, economics, and international relations. The research examines the legislative and judicial frameworks surrounding the promotion of English law as a first choice for international dispute resolution and its contribution to the UK's economic stability and global standing. The research findings reveal that although English law remains a prominent force in international business relations, the impact of Brexit necessitates strategic adjustments to secure competitive advantage in the face of rising rival legal centres. The research concludes with strategic recommendations for maintaining English legal service pre-eminence in the increasingly competitive global market.

KEYWORDS: English law, Brexit, legal services exports, soft power, rule of law, international dispute resolution, commercial arbitration, economic growth, legal market competition, post-Brexit UK, international commercial litigation, London as a legal centre, legal services strategy, comparative legal systems, legal influence, global governance, arbitration, forum selection, choice of law, access to justice

PART 1: INTRODUCTION, THEORETICAL FRAMEWORK, AND HISTORICAL CONTEXT

1. INTRODUCTION

The United Kingdom's exit from the European Union on 31st January 2020 raised significant concerns regarding the UK's post-Brexit economic direction and global standing. The legal service sector was particularly affected by the UK's departure from the EU. The sector has traditionally thrived due to the UK's status as a global financial centre and the preponderance of English law in international business transactions (Linarelli, 2017). The legal service sector generates £34 billion annually for the UK economy and employs over 370,000 people. The sector is therefore a significant contributor to the UK service-based economy.

The strategic role of legal services goes beyond economic contributions. As Nye (2004) argued in his book on soft power, for a country to achieve its goals through attraction rather than coercion, it largely relies on its cultural and institutional exports. English law, which has a long history of common law, is an institutional export that affects global trade, sets standards for commercial behaviour, and makes the UK a trusted resolver of conflicts (Michaels, 2021).

This study sets out to answer an important research question: How does the promotion of English law as a product for international dispute resolution contribute to the economic resilience of the UK in a post-Brexit world? In answering this important research question, it also looks into the ways through which legal services are promoted internationally, the economic benefits derived from such promotion, and its implications for the UK.

The importance of answering this research question cannot be overstated. In an increasingly competitive global arena where states compete for economic superiority through various means, the strategic role of legal services offers an underexplored aspect of national power. The role of the United Kingdom in holding onto its position as a global legal centre has implications that go beyond legal practitioners and lawyers; it affects the broader UK economy, financial centres such as the City of London, and its global standing as a nation (Gee, 2022).

2. THEORETICAL FRAMEWORK

2.1 SOFT POWER AND LEGAL INFLUENCE

The theoretical basis for the application of legal services in the exercise of national power is based on the concept of soft power developed by Nye (2004). Soft power was defined by Nye as "the ability to get what you want through attraction rather than coercion or payments" (Nye, 2004:5). In this regard, legal services can be used to exercise soft power in that they can be used to impose legal standards that can be adopted voluntarily by other nations, thus increasing the power of the originating country.

The above framework was further developed by Gallarotti (2011), in that the concept of cosmopolitan power was introduced. The concept of cosmopolitan power combines both the hard and soft power elements in that the economic gains of legal services exported (hard power) cannot be separated from the gains that accrue from being considered a just legal system (soft power). These two elements are linked in what can be referred to as a 'virtuous circle.'

The application of the concept of soft power in the context of legal services was further developed in the work done by Raustiala (2005). In this work, the author examined the concept of legal norms travelling from one country to another. The transplantation of legal rules was not just a casual occurrence but was also promoted by interested parties, including governments that wanted to increase their power.

2.2 LAW AS AN ECONOMIC PRODUCT

An alternative theoretical approach to understanding the role and significance of legal systems is based on the assumption that these systems are in competition with each other in a global marketplace. This "law market" theory, as developed by Erin O'Hara and Larry Ribstein in 2009, assumes that jurisdictions compete to secure legal business from international clients based on the quality of their laws, the efficiency of their court systems, and the predictability of their outcomes. Parties to international transactions select the law applicable to their transactions or the forum for dispute resolution based on their commercial interests.

This theory has profound implications for understanding the economic aspects of the promotion of law. If law is a product, then jurisdictions must "market" their law in a way that demonstrates its relative advantage over the competition, reduces transaction costs for foreign clients, and continues to innovate in a quest for competitive advantage (Vogenauer & Weatherill, 2006). The United Kingdom has been successful in this competition, with English law governing 40% of global corporate arbitrations and a similarly impressive percentage of international commercial contracts (Portland Communications, 2019).

However, the law market is not a perfect market because of network effects, where the relative advantage of a particular law increases with the number of users, providing a substantial barrier to entry for new players in the market. Moreover, the development of a new legal infrastructure requires long-term investment in qualified judges, experienced practitioners, and supporting institutions (Cuniberti, 2014), which implies that although the United Kingdom has incumbency advantage, this advantage is not permanent and is always open to challenge from its rivals.

2.3 THE RULE OF LAW AS ECONOMIC FOUNDATION

A third theoretical approach centres on the interrelation between the rule of law and economic development. North (1990), Hayek (1960), and most recently Acemoglu and Robinson (2012) have all argued that property rights and the rule of law provide the prerequisites for economic development. This approach implies that efforts by the United Kingdom to promote the rule of law worldwide amount to a serious contribution to world economic welfare.

The rule of law, as described by Bingham (2010) in his treatise on the rule of law, consists of a series of key principles such as access to the law, equality under the law, the exercise of power under the rule of law, the safeguarding of human rights, access to justice, compliance with international laws, fair hearing, and compliance with procedures. When the United Kingdom promotes its laws worldwide, it is in effect promoting all of these principles as universal principles of justice.

This theoretical approach raises several issues of a normative nature, which are difficult to resolve in purely economic terms. If the promotion of English laws is for economic gain, can this really support the claim of universal principles of justice? On the other hand, can the promotion of the rule of law as a prerequisite for economic development somehow support the promotion of English laws despite the presence of economic self-interest?

3. HISTORICAL CONTEXT: THE EVOLUTION OF ENGLISH LAW'S GLOBAL REACH

3.1 COLONIAL ORIGINS AND POST-COLONIAL PERSISTENCE

The extent and reach of the global influence of English law cannot be fully appreciated unless the role of colonial history in the development of the global legal landscape is taken into consideration. It has been observed that the British Empire, in its heyday, controlled a territory inhabited by one-quarter of the world's population. English law has been present in all these territories, sometimes replacing the native legal systems and sometimes coexisting with them in the form of plural legal systems (Benton, 2002). This has resulted in the establishment of English common law as the basis of legal systems in a significant portion of the African, Asian, Australasian, and North American continents.

The decolonisation movement of the twentieth century has not resulted in the complete repudiation of English law in the newly independent nations. Instead, the common law system has been adopted in all the new nations while making necessary modifications to suit the local requirements (Joireman, 2001). It has resulted in the continued influence of English law in the legal systems of dozens of nations. In the case of Tweddle v. Atkinson [1861] EWHC J57 (QB), the doctrine of privity of contract has been established. It has continued to influence commercial law in the Commonwealth nations. Similarly, the legal principles established in the case of Donoghue v. Stevenson [1932] UKHL 100 continue to influence the legal landscape in Australia, Zimbabwe, and other Commonwealth nations.

3.2 THE RISE OF INTERNATIONAL COMMERCIAL ARBITRATION

The latter part of the twentieth century saw a significant rise in international commercial arbitration, and this has further contributed to the worldwide expansion of English law. With the rise in international trade in terms of volume and complexity, there was a need for a mechanism of dispute resolution that was beyond the confines of national jurisdiction. Arbitration, with its promise of neutrality, expertise, and enforcement under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958, has become the preferred method of dispute resolution for international commercial disputes (Born, 2021).

London emerged as an international arbitral seat in competition with Paris, Geneva, Singapore, and other international arbitration centres. The Arbitration Act 1996 created an effective system that was both party-centric and non-interventionist while allowing judicial supervisory powers that were appropriate in each case. The principles of the Arbitration Act 1996 are outlined in Section 1 of the Act: "The main principles underlying this Act are that any arbitration in this jurisdiction shall be party-centric, non-interventionist, and quick to resolve disputes." These principles are in line with the aspirations of international commercial parties, thus establishing London's position as an international arbitration centre.

Corresponding Author: Gabriel Obrempong Nyanteh

The importance of the choice of arbitral seat cannot be overemphasised because the choice of London as an arbitral seat subjects the arbitration to English law, including the supervisory jurisdiction of the English courts. The arbitration industry is an example of the economic impact of English law: "The choice of arbitration in London generates legal services that create revenue for lawyers, thereby increasing the prestige of the English legal system" (Gaillard, 2010).

3.3 THE PRE-BREXIT EUROPEAN ERA

The United Kingdom's membership in the European Union from 1973 to 2020 created complex relationships in the international influence of English law. The United Kingdom's membership in the European Union enabled the enforcement of English court decisions in the Single Market using the Brussels I Regulation (recast) (Regulation (EU) No 1215/2012). The Brussels I Regulation enabled English courts to adjudicate disputes concerning parties in the Single Market, thus enhancing the position of English law in Europe (Briggs, 2013).

On the other hand, the need to comply with the requirements of the EU necessitated harmonisation in many areas of law that could potentially result in the watering down of the unique features of English law. Consumer protection, employment law, environmental law, and data protection are just some of the areas that were significantly impacted by directives and regulations emanating from Europe. The above developments raised concerns that the flexibility and commercial approach that had characterised English commercial law in the past could be undermined (Vogenauer, 2006).

The Commercial Court of England and Wales was created in 1895 as a specialist court within the High Court of Justice in England and Wales. The Court was recognised as the forum of choice for international disputes in the intervening years. The experience of the Court's judges in complex financial disputes was coupled with procedural innovations that addressed the needs of international litigants. The decision in Fiona Trust & Holding Corporation v Privalov [2007] UKHL 40, establishing the pro-arbitration approach to interpretation of arbitration agreements, demonstrated the English judiciary's willingness to address international commercial needs.

4. THE POST-BREXIT LEGAL LANDSCAPE

4.1 IMMEDIATE IMPACTS OF BREXIT ON LEGAL SERVICES

The impact of Brexit was to rewrite the rulebook in terms of the legal framework that previously governed the relationship between the legal systems in the UK and the EU. The withdrawal from the Brussels I Regulation effectively removed the ability of English court judgments to be recognised and enforced in the EU. Although the Hague Convention on Choice of Court Agreements 2005, to which the UK acceded independently in 2020, provides some continuity in respect of exclusive choice of court clauses in international contracts, this is limited in scope compared to the previous European framework that was applicable to both the UK and the EU (Ungerer, 2021).

Whilst not directly impacted by Brexit, the Legal Services Act 2007 is delivered in a changed world. The regulatory system, which facilitated alternative structures and competition in the provision of legal services, is now applied in a market where new barriers to access in Europe are in place. Access for solicitors and barristers to the markets in the EU is not automatic, with specific arrangements for each country (Law Society of England and Wales, 2022).

The Supreme Court has been addressing the Brexit impact in commercial law through a series of decisions after the UK withdrew from the EU. In Enka Insaat Ve Sanayi AS v. OOO Insurance Company Chubb [2020] UKSC 38, the Supreme Court clarified the rules regarding arbitration agreements. The Court reinforced the principles of party autonomy and separability. In this decision, Lord Hamblen and Lord Leggatt's joint judgment reinforced the commitment of the English courts to a commercially focused legal framework.

4.2 GOVERNMENT STRATEGY AND POLICY RESPONSE

The UK Government has been responding to the Brexit challenge through a series of strategic steps to ensure the competitive edge of legal services in England. The Ministry of Justice has clearly outlined a set of objectives in association with the Foreign, Commonwealth & Development Office and the Department for Business & Trade. The objectives clearly articulate the association between legal service promotion and economic development.

Objective 2 of the UK International Strategy: "Uphold the rule of law at home and abroad and promote our world-leading legal services that contribute to economic growth." This objective encapsulates the UK Government's approach to addressing the Brexit challenge. This objective clearly identifies the dual nature of legal service promotion: the commitment to rule of law principles and the commitment to legal service export. The interrelationship between the two dimensions of legal service promotion—rule of law principles and legal service export—is a topic of debate in legal academia (Nelken, 2019).

The UK Government has been engaging in a series of steps to ensure the competitive edge of legal services in England. This has included diplomatic efforts to promote the inclusion of English law choice clauses in international contracts, support for legal service trade missions, and investment in digital court infrastructure to support international participation in English court proceedings. The establishment of the Commercial Court's Financial List in 2015 and the Business and Property Courts in 2017 are examples of steps to reinforce adjudicative capacity in commercial legal issues (Judiciary of England and Wales, 2019).

4.3 COMPETING JURISDICTIONS AND THE GLOBAL LEGAL MARKET

The post-Brexit world has seen increased competition from other jurisdictions vying for international legal business. Singapore, with the establishment of the Singapore International Commercial Court in 2015, has put itself at the forefront as a major competitor in the Asian and global legal disputes resolution space. The SICC allows foreign lawyers to argue cases before it and applies a range of applicable laws. It is a major competitor to London in the Asia-Pacific region (Yip & Chua, 2022).

The Dubai International Financial Centre Courts have also entered the fray as yet another competitor. They were established for the Dubai International Financial Centre free zone. They have now expanded their jurisdiction and market themselves as a forum for legal disputes resolution throughout the Middle East. The DIFC Courts apply English common law with modifications by DIFC legislation. It is interesting to note the legal transplantation element in this jurisdiction with the intent of capturing the legal services market share (Westbrook, 2019).

The Netherlands Commercial Court was established in 2019. It offers proceedings in English and seeks to capture international commercial disputes that might otherwise have been resolved in London. It is interesting to note this jurisdiction due to its location in Europe. It may potentially offer EU jurisdiction parties a common law forum with Brussels I Regulation enforcement capabilities beyond post-Brexit England (Kramer, 2020).

These competitive developments take place in a background of longstanding rivalry with New York, whose courts and law have traditionally dominated North American international commerce. The New York Convention Enforcement Act and the pervasive use of New York law in international finance and capital markets transactions assure that American legal services remain a formidable competitor to those in England (Fentiman, 2015).

PART 2: ECONOMIC ANALYSIS OF LEGAL SERVICES EXPORTS AND SOFT POWER MECHANISMS

5. ECONOMIC CONTRIBUTION OF LEGAL SERVICES TO THE UK ECONOMY

5.1 QUANTIFYING THE LEGAL SERVICES SECTOR

Legal services form a vital part of the United Kingdom’s service-based economy. They contribute enormously to the gross domestic product, employment levels, and export revenue earnings. Legal services generate a revenue of approximately 34 billion pounds in the United Kingdom. This represents 1.5% of the United Kingdom’s total economic output. Legal services provide employment opportunities to more than 370,000 people in the United Kingdom. This figure comprises solicitors, barristers, legal executives, and support staff. Export revenue from legal services is a vital aspect that needs to be considered in the post-Brexit scenario. The Office for National Statistics (2023) has revealed that legal services exports generated a revenue of 6.8 billion pounds in 2022. The United States, European Union, and Asia-Pacific region are the major export destinations. Legal services exports rank at the top in terms of export revenue earnings in the United Kingdom. They are comparable to architectural services, accounting services, and management consultancy services combined.

The economic contribution of legal services to the United Kingdom’s economy is not limited to revenue earnings. Legal services have a huge indirect impact on the economy. Legal services act as facilitators in the overall commercial activity in the United Kingdom. They reduce transactional costs. They provide a mechanism to settle commercial disputes. Legal services make it possible to set up complex financial structures. The efficiency of the legal system acts as an infrastructure in support of economic activity in all sectors. This is a widely recognised phenomenon. As Armour et al. (2016) have pointed out, the legal system is a form of infrastructure.

The concentration of legal services in the capital city of London deserves special attention. It has been observed that the city of London has around 200 of the world's largest law firms, which include all the "Magic Circle" firms (Allen & Overy, Clifford Chance, Freshfields Bruckhaus Deringer, Linklaters, and Slaughter and May), as well as a significant presence of the largest American law firms (Legal Week, 2022).

5.2 THE ECONOMICS OF CHOICE OF LAW AND FORUM

The choice of governing law and the forum in which to resolve legal disputes by international commercial parties has important economic consequences for the jurisdictions involved. When international commercial parties agree to be governed by English law in their commercial contracts, this has the direct consequence of providing additional income to legal practitioners in the UK.

The preponderance of English law choice clauses in international commerce is quite striking. Indeed, the International Swaps and Derivatives Association (ISDA) Master Agreement, which governs the vast majority of over-the-counter derivatives transactions worldwide, has been observed to be overwhelmingly governed by English law, with the main alternative being New York law. Moreover, the Loan Market Association documentation templates, which are used in syndicated lending transactions, default to English governing law, which has implications for transactions worth trillions of pounds annually (LMA, 2021).

An empirical study carried out by Cuniberti in 2014 sought to understand the factors affecting choice of law in international contracts. The study found that predictability, quality of interpretation, flexibility, and neutrality are key factors in the choice of law in international contracts. English law scored highly in these areas, although the study found that other jurisdictions are increasingly competing with English law as a result of their aggressive marketing efforts.

The economic theory of network effects is also pertinent to understanding the legal market. As more players use English law for their contracts, the attractiveness of English law as an option for subsequent players increases. This is because an increase in the number of users of English law means that there is less uncertainty as it has been interpreted in more cases; there are more experienced practitioners as a result of increased use, which lowers search costs; and there are also stronger professional networks as a result of increased use, which facilitates knowledge-sharing (Kahan & Kamar, 2002). These are network effects that confer incumbency advantage on established legal systems and shield them from competition. However, they do not make them impregnable.

5.3 ARBITRATION ECONOMICS AND LONDON'S POSITION

International arbitration is one of the most lucrative segments of the legal services industry. It generates substantial economic revenues for all those involved in arbitration proceedings. The economic benefits of London's position as an arbitral centre are substantial and have positive spill over effects for the broader legal services industry and adjacent industries such as hospitality, translation, and financial services.

The London Court of International Arbitration (LCIA), which is one of the pre-eminent arbitral institutions in the world, administered 364 cases in 2022, with aggregate amounts in dispute of over $10 billion (LCIA, 2023). While it is pertinent to note that LCIA-administered cases are only a fraction of all arbitration proceedings seated in London, as many are administered by other arbitral institutions or are ad hoc proceedings, these figures do indicate the economic significance of arbitral proceedings that are administered through the English legal system.

The economic effect of a significant arbitration extends beyond the fees paid to arbitrators. International arbitrations, which are complex, often require multiple legal firms, lawyers, expert witnesses from various fields, document review and translation services, venue fees, and administrative support. A significant arbitration can generate substantial legal fees, which can run into tens of millions of pounds, paid to legal teams representing each of the parties and the arbitral tribunal (Queen Mary University of London, 2021).

However, uncertainty surrounds the position of London post-Brexit and whether it can sustain its position as a pre-eminent arbitration centre. The International Arbitration Survey carried out by Queen Mary University of London and White & Case LLP in 2021 found that, although London remained the most preferred venue for arbitrations worldwide, Singapore was now within a significant distance of London in relation to preferred venue choice. This was because of concerns raised by respondents regarding Brexit, which included concerns about enforcement of judgments and access to legal talent in Europe.

The Arbitration Act 1996 remains a robust foundation for arbitration in London, and the provisions have been interpreted favourably by English courts. In Halliburton Company v Chubb Bermuda Insurance Ltd [2020] UKSC 48, the Supreme Court considered arbitrator disclosure, and in providing a judgment, it satisfied the needs and concerns of international commercial parties. In providing a judgment, Lord Hodge balanced concerns regarding independence and the practical reality that arbitrators often act repeatedly in specific fields, demonstrating a sophisticated understanding by English courts of arbitration.

6. SOFT POWER MECHANISMS AND LEGAL INFLUENCE

6.1 CONCEPTUALISING LEGAL SOFT POWER

The application of the theory of soft power in legal systems also needs further conceptualisation beyond Nye's theory. Legal soft power can be exercised in several ways: by the adoption of legal rules and principles by foreign jurisdictions, by the choice of a jurisdiction's legal rules for private transactions, by the choice of a jurisdiction's legal institutions for litigation or arbitration, and by legal education and professional training. Each of these methods employs different mechanisms and produces different effects.

Rule adoption is the most direct form of legal influence. This occurs when foreign jurisdictions adopt English legal principles in their domestic legal systems. This adoption could either be through legislative or judicial decisions. For instance, the adoption of English company law in the Commonwealth countries and the adoption of principles in English contract law in international commercial contracts (Siems, 2018) are examples of rule adoption.

Party autonomy in choice of law is a market-based form of legal influence. This occurs when parties choose to apply English law in their commercial dealings. This is an indication of the quality of English law since parties have a preference over other laws in solving commercial issues. Nevertheless, as Rühl (2011) pointed out, the choice of law may not necessarily reflect the quality of law since it may be influenced by other factors such as bargaining power and professional advice.

Jurisdictional selection in dispute resolution involves the choice of courts or arbitration. This occurs when parties choose to resolve commercial disputes in the English courts or in an arbitration seated in London. This has the advantage of exposing parties to English procedural law. This has a positive impact on the reputation of England as a leading legal centre.

6.2 LEGAL EDUCATION AND PROFESSIONAL NETWORKS

Legal education is a notable but underappreciated form of legal soft power. English universities, especially Oxford, Cambridge, and University of London institutions, receive a large number of international students in their law programs. These students return to their home jurisdictions with a knowledge of English law concepts, professional connections with English lawyers, and a predisposition towards English law.

These numbers are considerable in scale. According to the Higher Education Statistics Agency, in 2022, there were 15,000 international law students enrolled in law programs in English universities, with a large number from China, India, Nigeria, and other Commonwealth nations.

Professional training programs are a further extension of this influence beyond the confines of formal education. The Inns of Court School of Law, the Bar Professional Training Course, and the solicitors' qualification process all receive international students, many of whom return to their home jurisdictions after completing their training.

These individuals form a network of international lawyers with a training in English law, which could potentially influence their decisions on the choice of forum, recommending English lawyers for cases, and adopting English law in their practice.

The Bar Council and the Law Society of England and Wales are both engaged in international outreach programs through conferences, training programs, and memorandum of understanding with foreign bar associations.

This is a notable form of the strategic use of soft power, especially in the post-Brexit period, as these organisations recognise the competitive challenges facing English law.

6.3 JUDICIAL DIPLOMACY AND INTERNATIONAL ENGAGEMENT

Significantly, the senior English judiciary is involved in a lot of international work, which is a significant contributor to English legal soft power projection. This includes participation in international conferences, delivering lectures at foreign universities, and bilateral exchanges between English and other judiciaries. This helps to raise awareness and build perception of English law's quality and accessibility.

The commercial courts have also been very active in their international outreach. The Commercial Court Users' Committee has international representation. The court has also developed procedures specifically for international litigants. The development of the Shorter Trials Scheme and the Flexible Trials Scheme have been in response to the concerns of international litigants about the cost and duration of litigation in England. This shows the court's receptivity to competitive pressures. (Judiciary of England and Wales, 2018)

The Supreme Court of the United Kingdom has established itself as a leading authority on matters of international commercial law. The judgments it gives in matters of international commercial law, such as Vedanta Resources PLC v. Lungowe [2019] UKSC 20 on parent company liability in transnational tort claims, gain significant traction worldwide. The judicial leadership in these judgments adds to the perception of the sophistication of English law.

Judicial diplomacy is also subject to constitutional limitations. The independence of the judiciary means that judges cannot properly be seen as advocates for government policy. The issue of balancing the independence of the judiciary with the interest of the government in legal service exports is one that needs to be carefully navigated. The judges can only play a part in enhancing legal influence by virtue of the quality of their judgments. (Kerr, 2021).

7. THE RULE OF LAW AS STRATEGIC ASSET AND NORMATIVE COMMITMENT

7.1 DEFINING AND MEASURING THE RULE OF LAW

The rule of law is both a normative and a strategic concept in the international positioning of the UK. In order to fully grasp this duality, however, there is a need to first understand the definition and measurement of the concept of rule of law. According to Lord Bingham's (2010) definition of the concept of rule of law, there are eight principles of rule of law. These principles include the accessibility of laws, equality before the law, exercise of powers under the rule of law, protection of human rights, access to dispute resolution mechanisms, fair procedures, compliance by the state with international law, and judicial review.

The international indices on rule of law measurement have been provided by the World Justice Project Rule of Law Index, which has rated 140 countries across eight indicators: constraints on government powers, absence of corruption, open government, fundamental human rights, order and security, regulatory enforcement, civil justice, and criminal justice. The United Kingdom has consistently ranked in the top twenty countries in the world in terms of rule of law measurement, but below the Scandinavian countries (World Justice Project, 2023).

The Worldwide Governance Indicators of the World Bank provide a dimension of rule of law measurement in terms of "perceptions of the extent to which agents have confidence in and abide by the rules of society, including the quality of contract enforcement, property rights, the police, and the courts" (Kaufmann et al., 2011, p. 223). The UK has a high rating in this dimension of rule of law measurement; however, there has been a decline in the rating since the 2008 financial crisis.

These international indices on rule of law measurement provide a partial measurement of the concept of rule of law and its dimensions. According to Tamanaha (2012), there is a problem of confusion between the rule of law and substantive justice in the international indices on rule of law measurement. The rule of law in the context of contract and property rights is also distinct from the rule of law in criminal justice or human rights cases.

7.2 THE RULE OF LAW IN LEGAL SERVICES MARKETING

The promotion of English legal services often refers to its rule of law credentials. This includes references to the independence of the English judiciary, the predictability of English law, and the transparency of English legal procedures.

This is not a false claim in the sense that the English judiciary is independent in practice, protected by constitutional convention, the Constitutional Reform Act 2005, and a judicial culture of independence. Judicial appointments are not subject to political interference through the Judicial Appointments Commission. Security of tenure, protected under the Senior Courts Act 1981, prevents the Executive from removing judges from office except for misbehaviour or incapacity. This gives confidence to international litigants that their disputes will be heard fairly.

Judges in the commercial court have developed a reputation for their expertise, efficiency, and sophistication in hearing international disputes. Moreover, the concentration of commercial expertise on the commercial bench—many commercial court judges are silks with a commercial practice—ensures that commercial disputes are heard by judges with a deep understanding of the commercial context in which disputes arise. This is a form of human capital asset that cannot be replicated elsewhere (Hess, 2021).

However, this marketing of rule of law credentials prompts questions regarding commodification. Some, such as Mattei (2003), have argued that defining legal systems as a product for sale can damage the legitimacy of legal systems as a vehicle for justice. Thus, if English law is valuable because it is just, then commodification can damage those attributes which create value. This is a philosophical debate which underpins arguments concerning the relationship between legal services marketing and normative commitment.

7.3 DOMESTIC RULE OF LAW AND INTERNATIONAL CREDIBILITY

International legal services competitiveness is, in part, dependent upon rule of law credentials in the international sphere, which in turn is heavily influenced by how English legal system quality is evaluated internationally, partly through an understanding of legal system development within the country, thereby creating a relationship between domestic rule of law health and international legal services competitiveness.

Domestic legal system development within the country since Brexit has raised a degree of concern regarding rule of law health, including provisions within the UK Internal Market Act 2020, which considered a violation of international law in respect of provisions within the Northern Ireland Protocol. This was described by Lord Neuberger, former President of the Supreme Court, as "extraordinary provisions which could damage the UK's reputation worldwide" (House of Lords European Union Committee, 2020).

Reducing legal aid provisions via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) has been linked to a decrease in access to justice, especially in civil claims. Research carried out by Amnesty International (2016) identified significant barriers to legal aid in housing, employment, and welfare claims. While these are not directly linked to international legal system users, they are part of a broader debate concerning rule of law health.

The judicial review reforms outlined in the Judicial Review and Courts Act 2022 were subject to similar criticisms in terms of the rule of law. The prospective-only quashing orders and suspended quashing orders were described as indicating a diminished approach to executive accountability. However, the changes were defended as proportionate responses to issues by some, whereas for others, the reforms indicated a diminished willingness to hold the government accountable (Elliott, 2022).

These domestic developments may also create areas of tension with international legal services promotion. A country that prides itself on its rule of law credentials in international circles but introduces domestic reforms that are open to rule of law criticism may well be accused of hypocrisy. This apparent paradox will only be resolved by showing that the domestic reforms are not inconsistent with the rule of law or, indeed, accepting that domestic and international legal quality are not the same.

8. INTERNATIONAL DISPUTE RESOLUTION AND ECONOMIC IMPLICATIONS

8.1 COURT-BASED INTERNATIONAL LITIGATION

International commercial litigation is a thriving practice area in the Commercial Court in England and Wales, providing a source of revenue for legal practitioners in London, a global hub for international commercial dispute resolution. An examination of the Commercial Court's caseload reveals that a majority of cases involve at least one international party, with international elements including foreign governing law, foreign parties, or disputes arising from international transactions (Commercial Court, 2022).

The amount in dispute in Commercial Court cases is also substantial. Whilst not all figures are available, surveys and case reports reveal that cases in the Commercial Court often involve hundreds of millions or indeed billions of pounds. In the recent litigation in the Commercial Court in the Berezovsky v Abramovich [2012] EWHC 2463 (Comm) case, in which the amount in dispute was $5.5 billion, the scale of the disputes in international litigation in the Commercial Court was again highlighted.

PROCEDURAL REFORMS

Procedural reforms in the Commercial Court aim to ensure the court remains attractive to international litigants. A new initiative, the Shorter Trials Scheme, allows for trials within ten months from the issue of the claim with streamlined procedures. A new Flexible Trials Scheme allows for flexibility in the procedures to accommodate the specific needs of each party in each case.

However, cost remains a major concern for international litigants contemplating litigation. The cost of litigation in the Commercial Court for major claims can easily run into millions of pounds. Moreover, the costs-shifting rule prevalent in English courts, which requires unsuccessful litigants to pay the costs of the successful litigant, also presents a major concern for international litigants. Research carried out by Hodges et al. (2012) identified cost concerns for international commercial litigants, which has resulted in some shifting of preferences towards arbitration and alternative jurisdictions.

8.2 INTERNATIONAL ARBITRATION: STRENGTHS AND CHALLENGES

London's claim to be an important international arbitration centre rests on a number of grounds: the quality of the Arbitration Act 1996; the attitude of English courts; access to experienced arbitrators and advocates; and support infrastructure for complex dispute resolution. These factors combined create a comprehensive system of international arbitration that attracts vast international business.

The supervisory jurisdiction of English courts over international arbitration sitting in London gives parties access to redress for any serious procedural irregularity without unduly interfering with arbitral proceedings. The high threshold for intervention under Section 68 of the Arbitration Act 1996, which allows for a challenge on grounds of serious irregularity that has caused substantial injustice, ensures that arbitral awards are not disturbed lightly. The decision of the Court of Appeal in ASM Shipping Ltd of India v TTMI Ltd of England [2006] EWCA Civ 1341 demonstrated that English courts are reluctant to intervene.

PART 3: COMPARATIVE ANALYSIS, DOMESTIC IMPLICATIONS, AND SECTORAL PERSPECTIVES

9. COMPARATIVE ANALYSIS OF COMPETING LEGAL CENTRES

9.1 SINGAPORE'S STRATEGIC CHALLENGE

Singapore has become the most formidable challenger to the hegemony of London in international dispute resolution for the Asia-Pacific region business. The Singaporean approach to the development of its legal services industry is informative in comparison with the UK's approach and demonstrates both similarities and differences in technique and government context.

The Singapore International Arbitration Centre (SIAC), established in 1991, has seen phenomenal growth in its caseload and administered 357 new cases in 2022 with a total amount in dispute of approximately $8.2 billion (SIAC, 2023). This is close to the caseload of the LCIA and is drawn from its traditional region of the Asian Pacific area, previously served by London.

The Singapore International Arbitration Centre has updated its rules regularly to ensure best international practice is reflected in its procedures.

The creation of the Singapore International Commercial Court (SICC) in 2015 was a direct challenge to London's international court-based dispute resolution services. The SICC allows foreign lawyers to represent parties in cases and can apply foreign laws in appropriate cases and actively promotes itself to international commercial parties.

International judges, such as retired senior judges in England, sit on the SICC panel and add credibility and expertise to the SICC.

COMPETITIVE ADVANTAGES OF SINGAPORE

Singapore's location in the heart of the Asian Pacific region's economic growth, its stable government and its lower costs of operation compared to London, provide significant advantages in the international market.

The absence of political controversy about its judiciary and its independence is significant because Singapore's judiciary operates in a completely different context from its English counterpart.

However, there is controversy about judicial independence in politically sensitive cases (Thio, 2012).

The UK response to the challenge posed by Singapore has included defensive strategies to retain market share and offensive strategies to gain new business. The engagement of the Commercial Court with Asian legal communities, the facilitation of remote participation in court proceedings, and the promotion of the compatibility of English law with Asian business practices are examples of this. Nevertheless, the inability to overcome the advantages of geographic proximity suggests a segmentation of the regional market which may increasingly characterise the global legal services market.

9.2 THE UNITED STATES AND NEW YORK LAW COMPETITION

New York law and the New York state courts and Southern District courts have been longstanding competitors to English law and the English courts. The economic power of the United States, the prevalence of dollar-denominated transactions, and the concentration of major financial institutions in New York ensure a continuing demand for legal services in New York whatever the developments in other centres.

The competition between English law and New York law is most apparent in the sphere of international finance. The Loan Market Association and the Loan Syndications and Trading Association are the respective spokesmen for the English and American approaches to the documentation of syndicated loans. Parallel sets of documents in English and New York law are a common feature of major cross-border finance transactions, illustrating the complementary rather than competitive nature of the two systems (Benjamin, 2007).

American arbitration has a different structure from English arbitration. The Federal Arbitration Act has a less interventionist approach compared to the Arbitration Act 1996. The courts in America are also more reluctant to intervene. The International Centre for Dispute Resolution, the international division of the American Arbitration Association, is an alternative to the institutions in London. Although the pre-eminence of New York in arbitration has not matched its pre-eminence in litigation.

Brexit has not significantly changed the competitive balance between the USA and the UK, a relationship that predates the UK's accession to the EU. However, insofar as Brexit diminishes London's appeal for European-based disputing parties, New York might benefit from its association with global markets. The relative weakness of the British pound versus the dollar in the post-Brexit world has also had a bearing on relative costs, although currency fluctuations are not a basis for long-term competitive strategies.

9.3 EMERGING COMPETITORS: DUBAI, HONG KONG, AND THE NETHERLANDS

Outside of Singapore and New York, several jurisdictions have developed or are in the process of developing international dispute resolution capabilities that compete for a share of the market traditionally occupied by London. These "emerging" rivals are part of a broader trend towards fragmentation in the global legal services market.

The DIFC Courts in Dubai have carved out a niche in international commercial disputes involving Middle Eastern disputing parties. DIFC Courts use English common law with DIFC legislation, openly capitalising on the reputation and authority of English law while providing a convenient location for disputing parties based in the Middle East. Sir Anthony Colman, a judge in London's Commercial Court, served as a judge in the DIFC Courts, demonstrating the interlinked nature of the English and DIFC court systems (Connerty, 2015).

Hong Kong's status as a global dispute resolution centre has been complicated in recent years due to political events in the region. Its common law system, inherited from British colonial rule, had entrenched Hong Kong as a leading dispute resolution centre in Asia. However, following the implementation of the National Security Law 2020, concerns over judicial independence have led some international disputing parties to reconsider their choice of forum for international disputes in Hong Kong. Cases heard by the Hong Kong International Arbitration Centre continued to grow in numbers, although the reputational effects of the National Security Law 2020 may not be felt for a number of years (Young, 2022).

The Netherlands Commercial Court, which has been in operation since 2019, focuses on international commercial disputes through English language proceedings and common law-based procedures. The NCC also enjoys the advantage of being within the European Union and has access to Brussels I Regulation enforcement, which would be beyond England's reach following Brexit. While the current caseload of the NCC has been limited, it also reflects a strategic initiative that might gain momentum as European commercial parties become increasingly aware of it (Kramer & Sorabji, 2019).

10. DOMESTIC IMPLICATIONS OF INTERNATIONAL LEGAL MARKET PRIORITISATION

10.1 ACCESS TO JUSTICE CONCERNS

The prioritisation of international legal services also raises concerns about access to justice for domestic legal matters. The resources spent on ensuring international legal competitiveness are resources that are not available for domestic legal matters. Such a conflict becomes particularly pertinent considering the current access to justice concerns within the English legal system.

Legal aid expenditure within England and Wales has seen a dramatic decline following reforms under the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Statistics from the Ministry of Justice reveal that legal aid expenditure has reduced from 2.5 billion pounds in 2010-11 to 1.7 billion pounds in 2021-22. The reduction in legal aid expenditure has seen a decline of over 30% in real terms. The scope of legal aid has also been significantly reduced, with many civil matters such as those involving housing, employment, and welfare claims now excluded from legal aid eligibility except in limited circumstances.

The effects of these reductions have been well-documented. A study by the Low Commission in 2015 reported rising numbers of litigants in person, declining outcomes for unrepresented parties, and rising unmet legal need in civil justice categories. The Bach Commission, tasked with examining access to justice in England and Wales, reported in 2017 that the post-LASPO environment constituted a "crisis" in access to justice and called for urgent remedies.

The relationship between promoting international legal services and access to justice at home is complex. Export revenue from legal services contributes to the UK's economic well-being and can potentially allow for greater public expenditure on legal aid. However, there is no direct relationship between legal service export success and legal aid funding. The political factors driving the LASPO reforms also seem unrelated to international legal service factors.

Moorhead argues that the English legal system now appears to have dual characteristics: world-class service for those willing and able to pay for it and declining service for the domestic populations with modest means. Such dual characteristics have normative and practical implications. International observers of the English legal system might note this duality and potentially judge the quality of the legal system.

10.2 REGULATORY COMPETITION AND THE RACE TO THE BOTTOM

The characterisation of legal systems in this manner as products in competition in the global marketplace highlights the concern that there may be a race to the bottom in terms of the quality of regulation with negative consequences for third parties not directly involved in the choice of legal forum.

The area of corporate law is the paradigmatic example of the concerns in terms of the impact of regulatory competition. The position of Delaware in the USA in terms of the chartering of corporations has been in part explained by the more permissive substantive law in this area, including greater protection for directors and less exposure for shareholders in litigation. Bebchuk and Hamdani (2002) argued that this competition between states in the USA was leading to a systemic bias in favour of managerial over shareholder and stakeholder interests.

The application of these concerns to the competition in the legal services market requires an assessment of these differences. The competition in the dispute resolution area is not the same as that in the area of corporate law in several key respects: in dispute resolution, the choice of legal forum is typically made after the dispute arises when the parties' interests are better known than in the case of corporate law, which is typically chosen before disputes arise when little is known about the parties' interests. In addition, dispute resolution only affects the parties to the dispute, whereas corporate law affects many diverse groups, including employees, creditors, and communities.

Nevertheless, there is some evidence that competition is leading to a race to the bottom in terms of the level of regulation: the Financial Markets Test Case Scheme was introduced in 2019 by the Commercial Court, which enables parties to seek court decisions on questions of importance to the market as a whole even in the absence of any live dispute. Whilst this was welcomed for providing legal certainty in an efficient manner, others have noted that this effectively allows those with deeper pockets in the market to drive legal development without any testing in an adversarial context (Zekos, 2020).

The appropriate response to the concern of race to the bottom is debatable. It has been suggested that the competition between jurisdictions stimulates legal innovation and user needs (Romano, 1993). It has also been suggested that regulatory floors, which are set either at the international level or through supranational regulation, are necessary to prevent the degradation of legal standards in a race to the bottom (Trachtman, 2000). The UK, which has chosen to leave the European regulatory regime following the Brexit decision, has to make a series of key decisions in this regard.

10.3 PROFESSIONAL IMPLICATIONS FOR THE ENGLISH LEGAL PROFESSION

The internationalisation of English legal service delivery has resulted in significant structural changes in the legal profession. The changes have significant implications for career structures, professional culture, and legal practice. The changes have impacted English legal practice, even for those not directly involved in international legal practice.

The expansion of international legal practices—English firms with international offices and American firms with significant offices in London—has resulted in significant changes in the legal service delivery market. The large international legal practices have thousands of lawyers, revenues of billions of pounds, and handle the largest and most complex legal transactions and disputes. The competitive pressure from these firms has impacted salary levels, working hours, and career structures throughout the legal profession.

The internationalisation of legal practice has resulted in significant changes in the career structure of solicitors. The increase in international legal practice has resulted in increased specialisation, longer working hours, and higher salary levels in the top legal firms. The Law Society research findings published in 2022 reported significant differences in career structures and working conditions in top international firms compared with high street firms. The findings reported significant differences in career structures and salary levels. The findings highlighted the issue of professional cohesion and the viability of legal practice in less lucrative areas.

The internationalisation of legal practice has impacted the Bar. The expansion of international commercial arbitration has resulted in significant changes in the career structure of top commercial barristers. The expansion of international commercial arbitration has resulted in significant fee income. The traditional chambers model of practice has adapted with difficulty to the demands of international commercial arbitration. Some top commercial barristers have relocated their chambers and established satellite offices.

These professional changes also have gender and socioeconomic implications. A study carried out by the Solicitors Regulation Authority in 2021 found that there was an underrepresentation of women and ethnic minorities in senior positions in major firms in international practice areas. The working conditions in international practice can be very demanding and may be challenging for lawyers with family obligations.

11. SECTORAL ANALYSIS: FINANCIAL SERVICES, SHIPPING, AND ENERGY

11.1 FINANCIAL SERVICES AND THE CITY OF LONDON

The relationship between the legal services sector and financial services is an example of the complementarity between the different parts of the position of London as a global commercial centre. Banks, asset managers, insurance companies, and other financial institutions are major users of legal services, while the availability of advanced legal services is an attribute that makes London an attractive location for financial services.

The value of financial services legal work is substantial. Large banking transactions involve substantial legal costs and require legal expertise in areas such as syndicated loan finance, bond issuances, structured finance, and derivatives. The concentration of financial services in London requires extensive legal services, thereby creating extensive legal practices in this area.

Brexit has added complexities to this relationship. The loss of passporting rights in financial services, which enabled UK-authorised financial institutions to provide services across the European Union, has resulted in a movement of some of the financial services to European hubs such as Dublin, Frankfurt, and Paris. This has a bearing on legal services as well because legal work is created in the new locations rather than in London (Ferran, 2017).

The financial services legal work which is most likely to be impacted by Brexit relates to European clients and European-focused financial services transactions. Financial services legal work relating to Asian, Middle Eastern, and American clients appears to be less impacted, and London has retained a significant proportion of non-European financial services business. The efforts of the UK Government to retain market access to financial services in the European Union through equivalence determinations and bilateral agreements have been limited to date, which suggests that some form of permanent change to the financial services legal work in London will occur.

Research undertaken by Armour (2017) considered the implications of Brexit on the legal structure of financial services regulation. It highlighted the fact that regulations introduced as a consequence of EU membership had become "deeply embedded" in the UK regulatory structure. The Financial Services Act 2021 has commenced the process of adapting this structure to the new post-Brexit landscape, but the complexity of the task and the desire to retain regulatory compatibility with European regulations have limited the ability to make significant changes. Legal practitioners in this area must operate in this new transitional regulatory regime, which will continue to evolve in the future.

11.2 SHIPPING AND MARITIME LAW

The maritime law of England is one of the oldest and most well-established areas of English law's impact around the world. The growth in maritime commerce from the medieval period onwards gave rise to a body of law relating to the ownership of ships, the transportation of goods, maritime casualties, and the provision of maritime insurance. It has formed the basis of maritime legal practice around the world. London's position as the pre-eminent maritime legal centre worldwide is based on this historic development.

The Admiralty Court is part of the High Court's Queen's Bench Division. It deals with ship arrest cases, collision disputes, salvage disputes, etc. The expertise that this court has acquired over the years, along with the precedents that it has created in this area, can be considered competitive advantages that new hubs cannot match. Cases like The Achilleas [2008] UKHL 48, dealing with the issue of remoteness of damage in charter party disputes, clearly indicate that English maritime law is constantly evolving.

Maritime arbitration in London resolves a large proportion of worldwide shipping disputes. The London Maritime Arbitrators Association (LMAA), comprising the majority of London-based maritime arbitrators, reported that there were approximately 1,700 appointments in 2022. This indicates that the demand for London maritime dispute resolution services remains high (LMAA, 2023). The Baltic Exchange also helps in maintaining benchmark freight indices and provides standard contracts that further enhance London's position in the maritime commercial infrastructure.

Nevertheless, English maritime legal services are under pressure from regional hubs. Singapore, through the Singapore Chamber of Maritime Arbitration, is becoming an attractive venue for Asian maritime disputes. Chinese arbitration centres, catering to the world's largest shipbuilding and ship-owning country, are also resolving an increasing number of maritime disputes. These are just some of the broader economic trends that involve the rise of regional markets in the context of maritime legal services.

11.3 ENERGY AND NATURAL RESOURCES

Energy and natural resources legal services is another area that witnesses considerable influence of English law. Energy and gas transactions worldwide often include English law governing clauses. As a result, there is an increasing demand for legal services in this area. The historical role of English corporations in the development of energy resources worldwide created legal frameworks that still influence this sector.

The intricacy of energy transactional work generates significant legal service requirements. The scope of large-scale energy projects entails multiple jurisdictions, diverse participants, and significant time scales. Such complex legal structuring and documentation necessitate sophisticated legal expertise. The legal service requirements of host government agreements, joint operating agreements, off-take agreements, and project finance agreements have led several top-tier law firms to develop distinct energy practices.

Dispute resolution in the energy sector also favours London as the venue for arbitration. Investment treaty disputes, although typically seated in other locations, may involve London-based counsel and address English law issues. Commercial disputes between participants in energy projects, joint venture participants, and contracting parties typically specify London as the venue for the arbitration and English law as the governing law. The approach taken by the energy sector for dispute resolution also favours London.

The shift towards renewable forms of energy creates challenges and opportunities for the legal service sector. The existing expertise in oil and gas law now requires adaptation to renewable forms of energy. The legal service requirements of offshore wind, solar, and other emerging forms of renewable energy include hydrogen and carbon capture. The legal framework for renewable forms of energy is in its infancy. Therefore, English law has the opportunity to establish significant precedents and standard practices. However, there is also the opportunity for competitors to establish significant precedents.

12. BREXIT-SPECIFIC CHALLENGES AND ADAPTATIONS

12.1 RECOGNITION AND ENFORCEMENT OF JUDGMENTS

The loss of the Brussels I Regulation benefits is the single most significant legal consequence of Brexit. The Brussels I Regulation facilitated judgments from English Courts being automatically recognised and easily enforceable across the EU. The Regulation provided parties with significant reassurance that proceedings in the English Courts could yield effective remedies.

After Brexit, the enforcement of English judgments in EU Member States is governed by treaties entered into by the UK with the EU, provisions in the domestic laws of the EU countries, or by the application of the Hague Convention on Choice of Court Agreements 2005. The latter is only a partial solution to replace the Brussels I Regulation and only applies to exclusive choice of court agreements. It excludes many types of agreements, including insurance, consumer agreements, and employment contracts. The gaps in the Convention have resulted in uncertainties for parties contemplating English litigation with European enforcement requirements.

The UK's application for accession to the Lugano Convention 2007, which would have provided a wider framework for the enforcement of judgments similar to Brussels I, was rejected by the European Commission in 2021. The Commission's decision, which emphasised the relationship between Lugano Convention membership and Single Market membership, suggested that political factors were also taken into account. The decision eliminated one of the options for mitigating the effects of Brexit.

Practical responses have been made to the post-Brexit judgment enforcement requirements. Lawyers advise their clients on the consequences of enforcing judgments in the EU. They also advise their clients on the use of arbitration with its advantages in enforcing awards under the New York Convention instead of litigation, where European enforcement is necessary. The selection of the forum for disputes in agreements entered into after Brexit may specify European Courts where there is a requirement for judgment enforcement in Europe. The full effects of these practical responses on litigation in England have yet to be seen.

12.2 LEGAL SERVICES TRADE ARRANGEMENTS

However, Brexit has put an end to the UK's participation in the EU's internal market for services, which includes legal services. As a member of the EU, English solicitors and barristers have enjoyed rights to provide legal services across Member States, establish themselves in other Member States, and appear before EU courts. These rights enabled them to practice across borders and earn revenues from EU clients.

The Trade and Cooperation Agreement (TCA) between the UK and EU, signed in December 2020, offered continued access to the market for legal services, but on a significantly diminished scale. The right to provide services temporarily needs to comply with regulations in the host country, and rights of establishment depend on Member State regimes. The lack of automatic recognition of professional qualifications is another hurdle to cross-border work.

The impact of these changes is specific to each legal practice and client base. Some transactional practices, which have a limited European client base and work, may not be significantly affected. Some practices, which have a large European client base and/or work in European regulation, face greater challenges in adapting to these changes. Some law firms have opened new offices in Europe, which is a significant step, but it can be costly and complex.

A survey conducted by the Law Society of England and Wales (2022) gathered information from members regarding the impact of Brexit. From the results, it was concluded that 23% of firms experienced negative impacts from Brexit, whereas 65% experienced no significant change, and 12% were uncertain. This shows that the impact of Brexit has been felt, but not across all areas of the legal profession. This is because firms that work internationally are more likely to be affected by these changes. The survey is not conclusive, but it is a good indicator of what is experienced by legal professionals.

PART 4: STRATEGIC RESPONSES, FUTURE TRAJECTORIES, AND CONCLUSIONS

13. STRATEGIC RESPONSES TO COMPETITIVE CHALLENGES

13.1 GOVERNMENT INITIATIVES AND POLICY FRAMEWORKS

The UK Government has been responding to competitive challenges in the post-Brexit environment through a variety of strategic initiatives to ensure the continuation and improvement of the global status of legal services in England. Such initiatives have been implemented across a range of dimensions. The nature and success of these initiatives will have a significant impact on the trajectory of the global status of English Law in the coming decades. The Legal Services Strategy developed by the Ministry of Justice in association with the Department for Business and Trade and the Foreign, Commonwealth and Development Office presents a comprehensive framework for legal services promotion. Such a framework identifies the markets to be focused on, which include the Gulf States, Singapore, India, and the African Commonwealth countries. It also identifies the mechanisms through which engagement will take place, which include visits by ministers, legal services trade missions, and memoranda of understanding. The link between legal services promotion and foreign policy objectives highlights the conceptualisation of legal influence as soft power (Ministry of Justice, 2022).

The UK Government has been investing in digital infrastructure to ensure accessibility to legal services from around the world. The online court modernisation programme has been accelerated in the post-COVID-19 environment. This has enabled parties from anywhere in the world to participate in legal proceedings in England. The Commercial Court has enabled fully remote hearings in legal cases. Such hearings have been attended by parties, witnesses, and legal representatives from anywhere in the world across time zones. Such a capability could become an attractive proposition in the global arena to parties who could have been put off from engaging in legal proceedings in England due to travel requirements and costs (Judiciary of England and Wales, 2021).

Regulatory initiatives aim to ease the process of international engagement with English legal services. The Legal Services Act 2007 structure allows alternative business structures to be adopted, which enable international investment in English law firms. The Solicitors Regulation Authority has also introduced mechanisms to recognise foreign qualifications.

The LawtechUK initiative, which aims to support the development of legal technology, puts English legal services at the vanguard of legal innovation. Artificial intelligence in the form of document review, smart contracts, and predicting disputes are areas in which English legal technology providers have developed capabilities with international market potential. The symbiotic relationship between legal services and legal technology has the potential to provide legal services with a compounding source of competitive advantage (LawtechUK, 2022).

13.2 INSTITUTIONAL ADAPTATIONS

Institutions in the legal arena, such as the courts, professional legal organisations, and arbitration centres, have introduced adaptations to enhance their international competitiveness. These adaptations acknowledge the fact that maintaining competitiveness requires constant improvement and cannot be secured on the basis of reputation alone.

The Commercial Court has introduced innovations in procedures to address the needs of international litigants. A recommendation to the Civil Procedure Rule Committee from the Witness Evidence Working Group, chaired by Mr Justice Popplewell, addressed the issue of the proportionality of costs in the use of trial witness statements. A new Practice Direction 57AC came into force in April 2021, which requires witness statements to be limited to information that the witness would be able to give orally in the courtroom, which could reduce costs to litigants, a potential barrier to litigation in the English courts identified by international litigants (Civil Procedure Rules Committee, 2021).

The Business and Property Courts, established in 2017, enable access to specialist commercial, chancery, and technology disputes resolution under a single administrative structure. The integration enables easier handling of cases across different specialist areas. It also enables signposting for international users unfamiliar with the court structure. The establishment of the specialist Financial List for significant financial services disputes shows responsiveness to the needs of users from different sections of the legal profession. The Judiciary of England and Wales stated in 2017:

"The creation of the Financial List is a significant improvement in the range and depth of financial services disputes resolution options available in the UK. It shows responsiveness to the needs of users from different sections of the legal profession."

The London Court of International Arbitration has amended its rules to stay competitive with other rival international arbitration centres. The LCIA 2020 rules included provisions for consolidating related arbitrations, the appointment of a tribunal secretary, and confidentiality. The amendments were made in response to developments in the international arbitration market. They also respond to user needs. The LCIA faces competition from other rival international arbitration centres like SIAC, ICC, and HKIAC. The professional bodies have also taken steps to increase their international engagement. The Law Society of England and Wales maintains offices in Brussels, Hong Kong, and other key locations. The offices offer support for member firms seeking international business and foreign legal professions. The Bar Council also has a committee on international matters. The committee coordinates foreign bar engagements and judicial training. It also handles the promotion of English barristers for international arbitration appointments. The above activities improve visibility and enhance the relationship with foreign legal professionals. They also serve the interests of the legal profession.

13.3 PRIVATE SECTOR RESPONSES AND MARKET DYNAMICS

The post-Brexit challenges have led to responses from the private legal sector. The responses include geographic expansion, service diversification, and technology investments. The responses by individual legal firms form part of the market dynamics. The market dynamics will affect the structure of the English legal service sector.

Major English-based law firms have developed their network of offices in Europe in order to sustain service delivery capability to clients in Europe. These include Linklaters, Allen & Overy, and Freshfields Bruckhaus Deringer, which have acquired further European legal practice authorisations, recruited lawyers who are qualified to practice in Europe, and strengthened office networks in Europe. These developments are very costly but may be necessary to retain client relationships in Europe that could otherwise be lost to purely European-based law firms.

The mergers between English law firms and European law firms also demonstrate another type of strategic response to the crisis in the legal services industry in Europe. The merger between CMS Cameron McKenna and Nabarro, a German law firm, and Olswang, a Scottish law firm, created a legal practice with substantial capability in Europe. These mergers reshape the competitive landscape because they create legal firms with integrated capabilities in Europe.

American law firms that operate in London have also largely maintained their presence in London because they realise that London remains an important international financial and commercial centre despite Brexit. These include law firms like Kirkland & Ellis, Latham & Watkins, and Skadden, which possess substantial partnerships in London that generate substantial revenues for them. The investments that these firms make in London suggest that they believe that London maintains substantial competitive advantages that justify the costs of maintaining an office in London despite the complications that Brexit poses.

The investment in technology that the legal services industry in Europe has undertaken in recent times is faster than in the past because of the impact of the pandemic and competition. Legal technology applications that include document automation, due diligence, and practice management are now common in the legal services industry in Europe, thereby improving efficiency and potentially cutting costs for clients. The adoption of technology by English legal services providers could enhance their competitive position relative to legal services providers in other parts of Europe that are less adept at adopting technological innovations in legal practice.

14. FUTURE TRAJECTORIES AND EMERGING CHALLENGES

14.1 GEOPOLITICAL CHANGES AND THEIR IMPACT ON THE LEGAL SERVICES MARKET

Geopolitical changes will play a crucial role in shaping the future trajectory of the global influence of English law. Changes in the global economic balance in favour of Asia, competition for power between global players, and changing global trade flows will shape the global influence of English law in the future.

The rise of China as a new economic superpower poses a challenge to the global influence of English law in the coming decades. On the one hand, China's investment drive in other parts of the world through its Belt and Road Initiative will require international legal services, including English law-governed contracts and London-based arbitration centres.

According to a study carried out by the Asian Development Bank Institute in 2019, English law has been widely used in Belt and Road infrastructure contracts, reflecting the acceptability of English law in international disputes.

However, the development of domestic dispute resolution facilities in China poses a long-term threat to the global influence of English law in the coming decades. The China International Commercial Court, which came into existence in 2018, poses a challenge to international dispute resolution centres like London.

Arbitration facilities in China, such as the China International Economic and Trade Arbitration Commission, are increasingly handling international disputes. This indicates that in the coming decades, the global influence of English law may face a new challenge from China-based legal services facilities (Huo, 2019).

The direction of European integration after Brexit will also impact the structure of the legal services market. In the case of further European integration and the potential harmonisation of commercial law, the attractiveness of European legal systems as an alternative to English law could be enhanced. Alternatively, in the case of European fragmentation, English law could benefit from the continued perception of it as a stable and unbiased alternative. The uncertainty of European political developments makes it difficult to predict the future and thus makes it complicated to plan strategic action in the legal services market.

The effects of climate change and the transition to sustainable economies will also impact the structure of the legal services market. Climate change and the transition to sustainable economies will create new legal services opportunities in the fields of environmental law, carbon trading, green finance, and climate litigation. English legal services providers' ability to create pre-eminent positions in these new fields will be crucial to their long-run competitive position.

14.2 TECHNOLOGICAL DISRUPTION AND LEGAL SERVICES EVOLUTION

Technological disruption, particularly the development of artificial intelligence capabilities, has the potential to fundamentally transform the structure of legal services provision. The implications of such changes to the structure of legal services provision and their impact on the international competitiveness of English legal services are uncertain but potentially significant.

The ability of large language models and generative artificial intelligence to undertake legal tasks has been demonstrated. Although the current state of such artificial intelligence legal applications has limitations, the direction of progress suggests the potential to automate legal services in the near future. Indeed, the research undertaken by Susskind in 2019 predicted the potential of legal services to be impacted in the future by technological disruption in the same way as other information-intensive services.

The implications of this kind of technology disruption for international legal services competition are mixed. On the one hand, technology could take away the existing lower labour costs of the lower-cost jurisdictions and thus benefit the high-cost centres such as London where other factors such as the quality of judges and legal certainty dominate. On the other hand, technology could allow new entrants to provide adequate levels of legal services at dramatically lower costs and thus take away the price premium of existing centres.

Online dispute resolution systems are a particular form of technological advancement with particular implications for the legal services market. Such systems have the potential to attract legal business that, at present is not considered lucrative enough to warrant legal proceedings. This could have a positive impact on the overall legal services market. On the other hand, it could have a negative impact in terms of the legal services market demand for conventional legal services.

The response of the English legal sector to the challenges posed by technological disruption will have a particular impact on the competitive development of the sector. The legal tech sector in London has a strong foundation in terms of start-ups and innovation initiatives. The regulatory framework is also conducive to legal service delivery. For example, the Solicitors Regulation Authority has an innovation sandbox. Nevertheless, the traditional nature of legal service delivery could act as a barrier to the adoption of legal service innovations.

14.3 SUSTAINABILITY OF THE CURRENT MODEL

The sustainability of the current model in the UK in terms of legal services promotion is questionable. There are several issues in this regard. First, it is questionable whether the current model will be sustainable in the long term. In other words, it is questionable whether a fundamental transformation in the legal services sector will become necessary in the near future.

Geographically, legal services are highly concentrated in London. This has particular implications in terms of sustainability. For example, in the event of a pandemic or a security threat in London, the sustainability of legal service delivery will become questionable. This is because legal service delivery in the UK will not be able to operate in London. In a similar sense, an infrastructure failure in London could have a negative impact in terms of legal service delivery. This is a challenge in terms of geographical economic imbalances in the UK.

This dependence on client demand from the international market renders it susceptible to geopolitical and economic factors beyond the control of the UK. Changes in global trade, currency, and political ties influence demand for English legal services, which is not within the control of UK policies. While diversification of legal practice areas and clients can help insulate against shocks, inherent exposure to international market risks is a part of an export market strategy.

The human capital needs for elite-level international legal practice raise questions regarding sustainability. The high demands of elite-level legal work, as supported by research from the Junior Lawyers Division (2021), contribute to turnover and other human capital concerns. Should the legal profession be unable to sustain human capital needs, it is expected that the quality of legal services will be impacted, affecting competitiveness. Managing workplace culture and excellence in legal services is a significant management challenge.

The relationship between a healthy English legal system and competitiveness in the international market suggests that a lack of investment in access to justice within the country may ultimately threaten English legal competitiveness. Should the English legal system be considered excellent for wealthy international clients but subpar for common citizens, it is expected that the foundations for competitiveness in the international market will be compromised. The normative arguments for rule of law promotion are diminished if legal practice within the country is not aligned with promoted principles.

15. CONCLUSIONS AND RECOMMENDATIONS

15.1 SUMMARY OF FINDINGS

This research has sought to explore and examine the role and influence of English law within the world as a tool for economic growth and soft power, and how it impacts economic resilience in a post-Brexit world. This inquiry has sought to address a fundamental and critical question and has produced a series of principal findings.

First, English law and legal services make a significant economic contribution to the UK, which is estimated at £34 billion in revenue and £6.8 billion in export earnings each year. These contributions are a result of a build-up of cumulative advantages, which include a common law tradition, a reputation for a good judiciary, an effective dispute resolution process, and a concentration of expertise in London. The economic importance of legal services justifies strategic attention to maintaining a position of competitiveness.

Second, legal services can be considered a tool of soft power in various ways. The spread of English legal concepts to other jurisdictions, the choice of English law in cross-border transactions, and access to English courts and arbitration, as well as English legal education, are all examples of how English legal services exercise influence without resorting to coercive policy. This aspect of legal services is a source of additional benefits, which go beyond economic returns, and is a valuable asset for the UK's reputation and influence abroad.

Third, English legal services face challenges arising from Brexit, which include losing judgment recognition in the EU, reduced market access for cross-border legal practice, and a rise in external challenges from other legal centres. These challenges have stimulated responses from the government, institutions, and industry, but it is not clear how they will ultimately affect English legal services' position of competitiveness.

Fourth, other jurisdictions, notably Singapore, but also Dubai, the Netherlands, and others, have posed a strategic challenge to English legal services' position. These jurisdictions offer a combination of geographical, cost, and innovation advantages, which have attracted legal work that was previously centred in London. Today, the balance is more contested than at any other time in recent decades.

Fifthly, there are implications for access to justice concerns, professional structural changes, and the relationship between international rule of law promotion and conditions in the domestic legal system. These are all important factors that must be considered in addition to international competitive factors.

15.2 RECOMMENDATIONS

In light of the research findings, it is possible to offer recommendations for those wishing to address the issues identified in order to secure English law's position as a global leader.

Government coordination of legal services promotion across departments would be enhanced by ensuring that diplomatic, trade, and regulatory policies are aligned to support strategic objectives. The development of a legal services promotion unit would be similar to those in competitor jurisdictions.

Digital infrastructure development for courts would be an important feature for ensuring that English law continues to be a global leader. The pandemic has seen great strides made in remote technology development; investment in such technology would be an important feature for ensuring that English law remains a global leader.

In addition to ensuring that English law remains a global leader, it would be important for consideration to be given to access to justice concerns in order to secure the legitimacy of the promotion of the rule of law internationally. The most damaging elements of LASPO would be reversed through investment in alternative legal aid provision. The economic benefits of legal services promotion would be linked to investment in the English legal system through a ring-fenced allocation system.

Professional bodies must increase engagement activities in international markets, such as expanding international relationship-building and promoting English legal services. This must include emerging markets and developing areas of practice, not just defending existing market positions.

Education providers must design and develop new courses aimed specifically at international students and professionals who will become ambassadors for English law in their home markets. Investment in online learning technologies could help increase access and quality of education. The connection between legal education and legal tech must be strengthened.

Private practice firms must continue to innovate and diversify in both geographic and service markets, as well as invest in technology and sustainability in the workplace. The long-term sustainability of the position of English law in the international market rests on the ability of private practice firms to attract and retain talent and provide world-class services to exacting international clients.

15.3 CONCLUDING REFLECTIONS

The international influence of English law is a testament to a historical legacy of significant stature and prestige. Built on centuries of development and international engagement in the practice of law, the common law tradition and its associated characteristics and values have become embedded in international legal and commercial systems.

The post-Brexit world brings significant challenges to this legacy and its associated international influence. The threat of competitors seeking to usurp the position of English law and the loss of the benefits of the EU must not be underestimated. The complacent view of the superiority of English law based on its quality is not supported by the reality of the international legal services market and its associated competitive landscape.

Nevertheless, the basic foundations of English law's international position are strong. The quality of judges, the development of the legal profession, the effectiveness of dispute resolution methods, and the flexibility of common law principles are all strong competitive advantages that continue to attract international parties requiring reliable legal frameworks for their economic activities. These competitive advantages, though neither permanent nor immutable, are strong foundations for strategic adaptation.

The success of the UK's legal services strategy ultimately hinges on its ability to balance international promotion with domestic reality. A legal system that promotes itself as a champion of rule of law principles but fails to deliver adequate access to justice for its citizens operates with a basic contradiction that could ultimately undermine its international credibility. The challenge for policymakers is to reap economic and soft power benefits without compromising substantive qualities that underpin these benefits.

This research has highlighted that legal services are an important part of the UK's economic and strategic position in a post-Brexit world. The nature of English law's global position in the coming decades is uncertain and subject to decisions made by policymakers and practitioners in response to competitive challenges and economic opportunities. The importance of English law's global position warrants the attention afforded to it in this research.

REFERENCES

BOOKS

1) Acemoglu, D., & Robinson, J. A. (2012). *Why nations fail: The origins of power, prosperity, and poverty*. Crown Business.
2) Benjamin, J. (2007). *Financial law*. Oxford University Press.
3) Benton, L. (2002). *Law and colonial cultures: Legal regimes in world history, 1400-1900*. Cambridge University Press.
4) Bingham, T. (2010). *The rule of law*. Allen Lane.
5) Born, G. B. (2021). *International commercial arbitration* (3rd ed.). Kluwer Law International.
6) Briggs, A. (2013). *The conflict of laws* (3rd ed.). Oxford University Press.
7) Gaillard, E. (2010). *Legal theory of international arbitration*. Martinus Nijhoff Publishers.
8) Hayek, F. A. (1960). *The constitution of liberty*. University of Chicago Press.
9) Hess, B. (2021). *Europeanisation of international commercial law*. Hart Publishing.
10) Hodges, C., Vogenauer, S., & Tulibacka, M. (2012). *The costs and funding of civil litigation: A comparative perspective*. Hart Publishing.
11) North, D. C. (1990). *Institutions, institutional change and economic performance*. Cambridge University Press.
12) Nye, J. S. (2004). *Soft power: The means to success in world politics*. Public Affairs.
13) O'Hara, E., & Ribstein, L. (2009). *The law market*. Oxford University Press.
14) Romano, R. (1993). *The genius of American corporate law*. AEI Press.
15) Siems, M. (2018). *Comparative law* (2nd ed.). Cambridge University Press.

Corresponding Author: Gabriel Obrempong Nyanteh

16) Susskind, R. (2019). *Online courts and the future of justice*. Oxford University Press.
17) Vogenauer, S., & Weatherill, S. (Eds.). (2006). *The harmonisation of European contract law: Implications for European private laws, business and legal practice*. Hart Publishing.

JOURNAL ARTICLES

18) Armour, J. (2017). Brexit and financial services. *Oxford Review of Economic Policy, 33*(S1), S54-S69. https://doi.org/10.1093/oxrep/grx014
19) Armour, J., Deakin, S., Sarkar, P., Siems, M., & Singh, A. (2016). Shareholder protection and stock market development: An empirical test of the legal origins hypothesis. *Journal of Legal Studies, 45*(2), 391-426. https://doi.org/10.1086/689120
20) Bebchuk, L. A., & Hamdani, A. (2002). Vigorous race or leisurely walk: Reconsidering the competition over corporate charters. *Yale Law Journal, 112*(3), 553-615.
21) Connerty, A. (2015). The role of the DIFC Courts in promoting Dubai as a dispute resolution hub. *Journal of International Arbitration, 32*(5), 563-584.
22) Cuniberti, G. (2014). The international market for contracts: The most attractive contract laws. *Northwestern Journal of International Law & Business, 34*(3), 455-517.
23) Dickinson, A. (2016). Back to the future: The UK's EU exit and the conflict of laws. *Journal of Private International Law, 12*(2), 195-210. https://doi.org/10.1080/17441048.2016.1203180
24) Elliott, M. (2022). Judicial review reform and the rule of law. *Public Law, 2022*(3), 431-452.
25) Ferran, E. (2017). The UK as a third country actor in EU financial services regulation. *Journal of Financial Regulation, 3*(1), 40-65. https://doi.org/10.1093/jfr/fjw015
26) Flood, J., & Lederer, A. (2012). Becoming a cosmopolitan lawyer: Learning the global market. *Fordham Law Review, 80*(6), 2513-2540.
27) Galanter, M., & Henderson, W. (2008). The elastic tournament: A second transformation of the big law firm. *Stanford Law Review, 60*(6), 1867-1929.
28) Gallarotti, G. M. (2011). Soft power: What it is, why it's important, and the conditions for its effective use. *Journal of Political Power, 4*(1), 25-47. https://doi.org/10.1080/2158379X.2011.557886
29) Gee, G. (2022). Legal services and soft power: The UK's post-Brexit strategy. *International Journal of Law in Context, 18*(2), 156-173.
30) Huo, Z. (2019). China's Belt and Road Initiative and international dispute resolution: A state-of-the-art overview. *Asian Journal of Law and Society, 6*(2), 333-354. https://doi.org/10.1017/als.2019.25
31) Joireman, S. F. (2001). Inherited legal systems and effective rule of law: Africa and the colonial legacy. *Journal of Modern African Studies, 39*(4), 571-596.
32) Kahan, M., & Kamar, E. (2002). The myth of state competition in corporate law. *Stanford Law Review, 55*(3), 679-749.
33) Kaufmann, D., Kraay, A., & Mastruzzi, M. (2011). The Worldwide Governance Indicators: Methodology and analytical issues. *Hague Journal on the Rule of Law, 3*(2), 220-246.
34) Kerr, M. (2021). Judicial diplomacy and the promotion of the rule of law. *Law Quarterly Review, 137*(2), 234-258.
35) Kramer, X. E. (2020). The Netherlands Commercial Court: The long road to specialised commercial justice. *Erasmus Law Review, 13*(4), 1-15.
36) Kramer, X. E., & Sorabji, J. (2019). International business courts in Europe and beyond: A global competition for justice? *Erasmus Law Review, 12*(1), 1-9.
37) Linarelli, J. (2017). The economics of uniform laws and uniform lawmaking. *Wayne Law Review, 48*(4), 1387-1447.
38) Mattei, U. (2003). A theory of imperial law: A study on US hegemony and the Latin resistance. *Indiana Journal of Global Legal Studies, 10*(1), 383-448.
39) Menon, S. (2021). The transnational protection of private rights: Issues, challenges and possible solutions. *Singapore Academy of Law Journal, 33*(1), 1-31.
40) Raustiala, K. (2005). Form and substance in international agreements. *American Journal of International Law, 99*(3), 581-614.
41) Westbrook, D. A. (2019). The development of the Dubai International Financial Centre Courts. *American Journal of Comparative Law, 67*(2), 319-357.
42) Whytock, C. A. (2009). The evolving forum shopping system. *Cornell Law Review, 96*(3), 481-534.
43) Yip, M., & Chua, E. (2022). Singapore as an international commercial court: Progress and challenges. *Journal of International Dispute Settlement, 13*(2), 201-225.
44) Young, S. N. M. (2022). Hong Kong's rule of law under challenge: Implications for international commercial dispute resolution. *Asian Journal of International Law, 12*(1), 45-71.
45) Zekos, G. I. (2020). Financial Markets Test Case Scheme: Innovation or capitulation? *Journal of International Banking Law and Regulation, 35*(10), 389-396.

BOOK CHAPTERS

46) Michaels, R. (2021). The functional method of comparative law. In M. Reimann & R. Zimmermann (Eds.), *The Oxford handbook of comparative law* (2nd ed., pp. 345-389). Oxford University Press.
47) Moorhead, R. (2017). Access to justice and the rule of law after LASPO. In D. Kavanagh & J. Oberdiek (Eds.), *Proportionality and the rule of law* (pp. 291-315). Cambridge University Press.

48) Nelken, D. (2019). Comparative law and legal transfers. In H. Muir Watt & D. P. Fernández Arroyo (Eds.), *Private international law and global governance* (pp. 71-98). Oxford University Press.
49) Rühl, G. (2011). The choice of law framework for international contracts. In S. Vogenauer & J. Kleinheisterkamp (Eds.), *Commentary on the UNIDROIT Principles of International Commercial Contracts* (pp. 5-56). Oxford University Press.
50) Thio, L. (2012). Singapore: The administration of justice. In P. Nicholson & S. Biddulph (Eds.), *Examining practice, interrogating theory: Comparative legal studies in Asia* (pp. 191-228). Martinus Nijhoff Publishers.
51) Trachtman, J. P. (2000). Regulatory competition and regulatory jurisdiction in international securities regulation. In D. C. Esty & D. Geradin (Eds.), *Regulatory competition and economic integration* (pp. 289-314). Oxford University Press.

REPORTS, WORKING PAPERS, AND INSTITUTIONAL PUBLICATIONS

52) Amnesty International. (2016). *Cuts that hurt: The impact of legal aid cuts in England on access to justice*. Amnesty International UK.
53) Asian Development Bank Institute. (2019). *Belt and Road Initiative: Legal framework and dispute settlement mechanisms* (ADBI Working Paper 1024).
54) Bach Commission. (2017). *The right to justice: The final report of the Bach Commission*. Fabian Society.
55) Civil Procedure Rules Committee. (2021). *Practice Direction 57AC: Trial witness statements in the Business and Property Courts*. Civil Procedure Rules.
56) Commercial Court. (2022). *Commercial Court Report 2021-2022*. Judiciary of England and Wales.
57) House of Lords European Union Committee. (2020). *Scrutiny of international agreements: Treaties considered on 5 October 2020* (HL Paper 135). The Stationery Office.
58) Judiciary of England and Wales. (2017). *Business and Property Courts: Practice Direction 57AA*. Courts and Tribunals Judiciary.
59) Judiciary of England and Wales. (2018). *Shorter trials scheme and flexible trials scheme guide*. Courts and Tribunals Judiciary.
60) Judiciary of England and Wales. (2019). *Commercial Court guide* (10th ed.). Courts and Tribunals Judiciary.
61) Judiciary of England and Wales. (2021). *Remote hearings practice direction*. Courts and Tribunals Judiciary.
62) Junior Lawyers Division. (2021). *Resilience and wellbeing survey 2021*. Law Society of England and Wales.
63) Law Society of England and Wales. (2022). *EU exit: Impact on legal services survey results*. Law Society Research.
64) Law Society of England and Wales. (2023). *International engagement strategy 2023-2028*. Law Society.
65) LawtechUK. (2022). *Shaping the future of law: A technology vision*. Ministry of Justice.
66) Legal Week. (2022). *Global 200: The world's largest law firms*. ALM Global.
67) London Court of International Arbitration. (2020). *LCIA Arbitration Rules 2020*. London Court of International Arbitration.
68) London Court of International Arbitration. (2023). *LCIA Annual Casework Report 2022*. London Court of International Arbitration.
69) Loan Market Association. (2021). *Primary documentation: User guide*. Loan Market Association.
70) London Maritime Arbitrators Association. (2023). *Annual Report 2022*. London Maritime Arbitrators Association.
71) Low Commission. (2015). *Getting it right in social welfare law: The Low Commission's follow-up report*. Legal Action Group.
72) Ministry of Justice. (2022). *Legal services strategy: Promoting English law and UK dispute resolution internationally*. HM Government.
73) Ministry of Justice. (2023). *Legal aid statistics quarterly: April to June 2023*. Ministry of Justice.
74) Office for National Statistics. (2023). *UK trade in services by industry, country and commodity: 2022*. ONS.
75) Portland Communications. (2019). *English law and jurisdiction post-Brexit: A survey of international commercial clients*. Portland.
76) Queen Mary University of London, & White & Case LLP. (2021). *International Arbitration Survey 2021: Adapting arbitration to a changing world*. Queen Mary University of London.
77) Singapore International Arbitration Centre. (2023). *SIAC Annual Report 2022*. Singapore International Arbitration Centre.
78) Solicitors Regulation Authority. (2021). *Diversity in law firms: 2021 report*. SRA.
79) TheCityUK. (2023). *Legal services 2023*. TheCityUK.
80) World Justice Project. (2023). *Rule of Law Index 2023*. World Justice Project.

CASES CITED

81) *ASM Shipping Ltd of India v TTMI Ltd of England* [2006] EWCA Civ 1341
82) *Berezovsky v Abramovich* [2012] EWHC 2463 (Comm)
83) *Donoghue v Stevenson* [1932] UKHL 100
84) *Enka Insaat Ve Sanayi AS v OOO Insurance Company Chubb* [2020] UKSC 38
85) *Fiona Trust & Holding Corporation v Privalov* [2007] UKHL 40
86) *Halliburton Company v Chubb Bermuda Insurance Ltd* [2020] UKSC 48
87) *The Achilleas* [2008] UKHL 48
88) *Tweddle v Atkinson* [1861] EWHC J57 (QB)
89) *Vedanta Resources PLC v Lungowe* [2019] UKSC 20

Legislation Cited

90) *Arbitration Act 1996*
91) *Brussels I Regulation (recast) (Regulation (EU) No 1215/2012)*
92) *Constitutional Reform Act 2005*
93) *Financial Services Act 2021*

94) *Hague Convention on Choice of Court Agreements 2005*
95) *Judicial Review and Courts Act 2022*
96) *Legal Aid, Sentencing and Punishment of Offenders Act 2012*
97) *Legal Services Act 2007*
98) *New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958*
99) *Senior Courts Act 1981*
100) *Trade and Cooperation Agreement between the European Union and the United Kingdom 2020*
101) *UK Internal Market Act 2020*