

Commercial Courts

The Association of Corporate Counsel (ACC) urges national judiciaries to consider wherever appropriate the advantages of specialized procedures for resolution of business disputes. ACC believes that an effective way to realize such advantages is for all national judiciaries to create commercial courts or specialized court divisions dedicated to business litigation.

Many countries have substantial business communities with unique legal needs. Businesses have increasingly turned to other forums to resolve their disputes, to avoid the difficulties often encountered in overburdened public courts. Countries should have public court systems that can resolve commercial disputes efficiently. Commercial courts result in more cost-effective and timely case processing and an improvement in the quality of dispositions. They therefore foster a more favorable environment for creating and maintaining businesses, and as a result enhance the economic well-being of their nation.

Commercial courts ease pressure on overcrowded public court systems. Removing complex commercial cases from other parts of the courts allows those parts to function more efficiently and reduces the possibility that a few complicated commercial cases will displace the time and attention that the many other cases pending in those parts should receive. The legal issues in commercial litigation are often complex. Efficient resolution of these disputes requires the expertise of judges experienced in these areas and skilled at handling these cases.

Commercial courts can effectively utilize the following types of features to facilitate dispute resolution:

1. Advanced case management techniques, including close judicial oversight of each stage of litigation and case tracking by type and complexity.
2. State of the art technology.
3. Court-annexed alternative dispute resolution to encourage early case settlement.
4. Cooperation among counsel and with the court in achieving a cost-effective resolution of the dispute.

On June 13, 1996, the Board of Directors of the American Corporate Counsel Association (predecessor to ACC) adopted a policy statement supporting the creation of business courts. On October 18, 2009, ACC's Board of Directors adopted an updated version of its June 13, 1996, policy statement, noting that the experience of the 16 states in the United States which had created business courts by 2009 had been positive and presented a strong argument for expanding the use of such courts. Business courts now exist in more than half of the United States. Similarly, a number of countries outside the United States have created commercial courts which are providing substantial benefits to their business communities and to their nations generally. ACC has contributed to the creation and development of business courts for many years and ACC welcomes opportunities to share its knowledge and experience in support of such courts.

Initial Version Endorsed by the Board of Directors 13 June 1996

Updated Version Endorsed by the Board of Directors 18 October 2009

Third Updated and Expanded Version Endorsed by the Board of Directors 16 October 2023