

# HCCH a|Bridged: Innovation in Cross-Border Litigation and Civil Procedure

## Edition 2020: Golden Anniversary of the HCCH 1970 Evidence Convention

### I. HCCH a|Bridged series

The *HCCH a|Bridged* series was borne out of the interest of the Council on General Affairs and Policy of the Hague Conference on Private International Law (HCCH) in exploring whether and how information technology could support and improve the operation of the HCCH Conventions relating to legal cooperation and civil procedure. To this end, the inaugural edition of *HCCH a|Bridged* gathered experts and stakeholders from around the world to discuss and debate over the course of a single day, the very latest in cross-border litigation, civil procedure and dispute resolution.

*HCCH a|Bridged – Edition 2019* attracted participants from a range of backgrounds both in person and online. Drawing on the expertise of legal practitioners, the diplomatic community, academia, as well as the technology sector, the discussions were centred around the operation and continuing relevance of the *HCCH Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (HCCH Service Convention)* in light of technological developments. Videos of the sessions are available in the *specialised section* of the HCCH Service Convention.

Following the success of the first edition of *HCCH a|Bridged*, the HCCH and the German Presidency of the Council of the European Union have come together to organise *HCCH a|Bridged – Edition 2020*, to commemorate the golden anniversary of the *HCCH Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (HCCH Evidence Convention)*.

This year, the unprecedented challenges of the COVID-19 pandemic have accelerated the need for solutions to allow continued access to justice despite restrictions on mobility and in-person meetings. In turn, this has highlighted the utility of technology-neutral instruments that facilitate cooperation in cross-border dispute settlement, such as the HCCH Evidence Convention. Notably, the use of technology under the HCCH Evidence Convention is encouraged in both the transmission and execution of requests and in the taking of evidence remotely by video-link, where appropriate and subject to domestic law requirements.

## II. Edition 2020

The *HCCH a/Bridged* format will ensure the event remains true to its name, being shorter and sharper than regular international law conferences.

### Opening Remarks and Keynote Speech

The event will commence with opening remarks by Dr Margaretha Sudhof, Secretary of State, German Federal Ministry of Justice and Consumer Protection and Dr Christophe Bernasconi, Secretary General of the HCCH. Thereafter, Professor Dr Michael Stürner will give a keynote speech: “50 years of the HCCH Evidence Convention – Facilitating cross-border proceedings”.

### The First Panel: Chapter I

For the first session, a panel of judges from civil and common law jurisdictions from around the world will share their views and experiences in the effective taking of evidence under Chapter I of the HCCH Evidence Convention, from the point of view of a Requesting State. They will discuss a wide variety of issues, including best practices for drafting Letters of Requests, challenges stemming from the current pandemic and the role of technology in overcoming such hurdles. In doing so, they will identify possible ways forward towards obtaining evidence that can be effectively utilised in proceedings in the Requesting State, i.e. the State where the action is pending. The panel will be chaired by Ms Kerstin Empt, Judge from the Higher Regional Court of Cologne, who will moderate the session and highlight the key takeaways from the discussion in her concluding remarks.

### A(bridged) Presentation

This short presentation intends to showcase *the Guide to Good Practice on the Use of Video-Link under the Evidence Convention* and highlight its practicality.

### The Second Panel: Chapter II

The second session will focus on the taking of evidence by a duly appointed commissioner under Chapter II of the HCCH Evidence Convention. This session will be convened by Mr Alex Blumrosen, partner at *Polaris Law*, and will address the current practices, practical experiences of commissioners, and challenges for courts. The panel will be composed by five seasoned practitioners and experienced judges of civil law and common law backgrounds.

### Target Audience

*HCCH a/Bridged* will bring together international panelists and participants familiar with, and interested in, the HCCH Evidence Convention in particular, and in legal and judicial cooperation and cross-border dispute settlement more broadly.

### Online Edition

In order to ensure maximum participation and engagement with relevant stakeholders, while respecting current travel and meeting restrictions, *HCCH a/Bridged – Edition 2020* will be hosted entirely online.