

UPDATE

Litigating in the Cayman Islands during these unprecedented times

The spread of COVID-19 has had a significant impact on the global economy. Our team is closely monitoring this rapidly evolving situation, offering guidance to help clients navigate the uncertainty, be informed of the latest developments and manage related opportunities and risks at this time. Many are well on their way and taking clear, transparent steps to navigate the current and potential impacts of COVID-19. This update details the measures put in place by the Judicial Administration in the Cayman Islands following the decisive action being taken by the Cayman Islands Government at this time. Following new regulations, the Cayman Islands Judicial Administration has implemented procedures to protect its employees and other court users, while continuing to provide vital access to the administration of justice.

In response to the COVID-19 pandemic, the Cayman Judicial Administration has implemented measures to ensure the continued administration of justice, while minimising any risks to the health of court users and employees.

The Financial Services Division (**FSD**) of the Grand Court will continue to list and hear matters:

- The established procedure for applications to be determined administratively (where appropriate), on the papers and without a hearing, will continue.
- The conducting of hearings via video-conferencing and teleconferencing is encouraged and implemented where possible. This is already a well-established practice frequently used in the FSD for interlocutory proceedings and will now be extended to substantive trials.
- The Secretary of State for Foreign Affairs has accordingly consented to Grand Court judges presiding from the UK for trials in Cayman by way of video-link.
- The use of electronic bundles is encouraged.

The list of appeals listed for hearing by the Cayman Islands Court of Appeal in the April-May 2020 session will likely be reduced. The President and Justices of Appeal will not be travelling to preside in the Cayman Islands however video-link arrangements are being made for the Court of Appeal to be convened with the President and Justices of Appeal presiding from the UK.

The Judicial Administration's full press release can be found [here](#).

Under the new measures, Mourant was recently able to conduct a multi-party hearing via video-conferencing and at short notice. In our experience the court is flexible in its approach to embracing new technology and is open and willing to work with the parties to determine and utilise the most appropriate technology required to facilitate court hearings. Mourant commends the court for maintaining continuity in the administration of justice while ensuring the protection of its staff and other court users.

Our teams are closely monitoring the impact of the COVID-19 pandemic, in all of the jurisdictions in which Mourant operates. Our Business Continuity Plan is well embedded and being led by a dedicated COVID-19 Response Team. It has the dual aim of protecting the wellbeing of our people and ensuring the continued delivery of excellent advice and services to all our clients in a seamless way.

Contacts



Christopher Harlowe
Partner, Mourant Ozannes
Cayman Islands
+1 345 814 9232
christopher.harlowe@mourant.com



Hector Robinson QC
Partner, Mourant Ozannes
Cayman Islands
+1 345 814 9114
hector.robinson@mourant.com



Justine Lau
Partner, Mourant Ozannes
Hong Kong
+852 3995 5749
justine.lau@mourant.com



Nicholas Fox
Partner, Mourant Ozannes
Cayman Islands
+1 345 814 9268
nicholas.fox@mourant.com



Peter Hayden
Partner, Mourant Ozannes
Cayman Islands
+1 345 814 9108
peter.hayden@mourant.com



Simon Dickson
Partner, Mourant Ozannes
Cayman Islands
+1 345 814 9110
simon.dickson@mourant.com

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