



Serle Court Litigation Conference

When

Tuesday 20 September 2016
11.00am – 5.50pm

Where

Merchant Taylors' Hall
30 Threadneedle Street
London EC2R 8JB

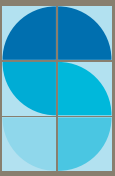
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serle court

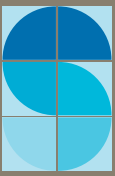
chancery
& commercial

www.serlecourt.co.uk



Programme

10.30	Registration and coffee
11.00	Opening remarks - Elizabeth Jones QC
11.15	Panel session: Commercial law and litigation in the English courts after Brexit
12.00	Breakout sessions: <ul style="list-style-type: none">• Issues relating to possession in a landlord & tenant context• Probate• Commercial Litigation – Recent Developments• Company Law - section 994: a panacea for all ills?
1.00	Lunch
2.30	Keynote address: The Right Honourable Lord Justice Briggs
3.15	Breakout sessions: <ul style="list-style-type: none">• Working with Easements• Litigation about possible charities - special rules• Trusts• Challenging the exercise of directors' powers
4.15	Tea
4.45	Panel session: Fraud and asset recovery update
5.30	Juniors session: 3 key cases of 2015/2016
5.45	Closing remarks - Elizabeth Jones QC
5.50	Evening reception



Sessions

Panel session:

Commercial law and litigation in the English courts after Brexit

This session will consider the impact of Brexit, looking at the possible structures of future legal relations with the EU. It will also consider such matters as cross-border litigation, the free movement of judgments and how, if at all, Brexit may affect the attractiveness for litigants of issuing proceedings in the English courts. Finally, the effect on competition law litigation will be considered.

- *Conor Quigley QC*
- *Prof. Jonathan Harris QC (Hon.)*
- *Suzanne Rab*

Breakout sessions:

Issues relating to possession in a landlord & tenant context

The session will consider issues that may be raised by a tenant when seeking to resist a claim to possession by the landlord, including when the tenant claims his rights pursuant to Article 8 are being breached by the landlord and where the tenant claims the landlord is liable for disrepair. The session will also consider what the effect may be on these points being raised at the last moment before a possession hearing.

- *Christopher Stoner QC*
- *Andrew Bruce*
- *Amy Proferes*

Probate

This interactive session will examine the nature and extent of a solicitor's duty to assess a client's capacity to make a will, including in the context of remote will-making. The discussion will include the question of whether a solicitor who negligently prepares a will for an incapable testator should be liable for any parties' costs of litigating about the validity of that will.

- *Frank Hinks QC*
- *Constance McDonnell*

Commercial Litigation – Recent Developments

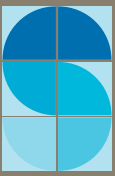
In this session, Sophie Holcombe will discuss developments in the law of Unjust Enrichment, and Richard Walford will highlight some useful lessons, as well as some pitfalls to be avoided, from recent commercial cases.

- *Richard Walford*
- *Sophie Holcombe*

Company Law - section 994: a panacea for all ills?

Your client is a shareholder. Their complaint concerns misfeasance or fraud involving the company (or one of its subsidiaries). In what circumstances would an unfair prejudice petition not achieve their objectives? In this session Daniel Lightman QC and Adrian de Froment will consider the practical pros and cons of section 994 petitions in comparison with actions for breach of fiduciary duty or breach of shareholders' agreement or a derivative claim.

- *Daniel Lightman QC*
- *Adrian de Froment*



Sessions

Keynote address:

Lord Justice Briggs has recently concluded a one year review of the structure of the civil courts of England and Wales, with particular emphasis on the reform programme being undertaken by HM Courts and Tribunals Service. He will be speaking and taking questions about the highlights of that review. The main themes of his work have concerned the proposed new Online Court, digitisation of the whole of the civil courts, greater use of Case Officers, alleviating the burdens on the Court of Appeal and unification of the processes for the enforcement of judgments and orders.

- *The Right Honourable
Lord Justice Briggs*

Breakout sessions:

Working with Easements

This workshop will explore easements over land, how they can be asserted and protected, and issues that they present in the context of property litigation.

- *Andrew Francis*
- *Tom Braithwaite*

Litigation about possible charities - special rules

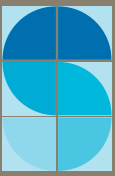
The session is based on a case study concerning various disputes between the committee members of an unincorporated association, including disputes as to the charitable status of the association and allegations of fraud against one of the committee members. The discussion will focus on the impact of the possible charitable status on the proceedings which might be contemplated, including whether Charity Commission authorisation would be required even before seeking a freezing order.

- *Will Henderson*
- *Jonathan Fowles*

Trusts

The session will explore issues for litigators which arise from the frequent use of underlying companies within trust structures, where relevant decisions may be taken in multiple jurisdictions and by different sets of fiduciaries with varied sets of duties and differing rights to indemnification.

- *Kathryn Purkis*
- *Giles Richardson*



Sessions

Challenging the exercise of directors' powers

This session will look at the scope for challenges based on directors' failure to take relevant interests into consideration, or on directors having acted for improper purposes, touching on recent cases including *Eclairs Group Ltd v JKX Oil & Gas plc* [2015] UKSC 71, *Braganza v BP Shipping Ltd* [2015] UKSC 17, *Pitt v Holt* [2013] UKSC 26 and *Madoff Securities International Ltd v Raven* [2013] EWHC 3147 (Comm).

- *David Drake*
 - *Jennifer Haywood*
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Panel session:

Fraud and asset recovery update

This session will explore recent developments in the law and practice of freezing and recovering assets in international fraud actions, including the use of receivership and allied orders, notification injunctions, and asset disclosure and provision of information.

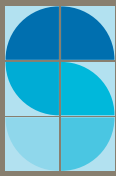
- *Philip Marshall QC*
 - *Ruth den Besten*
 - *James Mather*
 - *Gareth Tilley*
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Juniors session:

3 key cases of 2015/2016

In this session, some of the junior barristers at Serle Court will briefly discuss three important cases handed down in the last 12 to 18 months which have changed the legal landscape and which every litigator specialising in commercial chancery practice needs to know.

- *Emma Hargreaves*
 - *Zahler Bryan*
 - *Oliver Jones*
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Speakers



Frank Hinks QC

Frank has a specialist domestic and international trusts practice (advisory, drafting and litigation) and a more general Chancery practice appearing in court in England, Cayman, Bermuda, Bahamas and Hong Kong. Cases include *Re Nina Wang Dec'd* [2012-14] (Hong Kong): effect of will of wealthiest woman in Asia; *BQ v DQ* [2011] WTLR 373 (Bermuda): declaring trusts void as testamentary dispositions; *Executors of HM Queen Mother and HRH Princess Margaret v Brown* [2008] (CA England): resisting claims for unsealing Royal Wills.



Elizabeth Jones QC

Elizabeth has wide experience both in the commercial field and in the field of contentious trust and probate, with a particular emphasis on fraud and breach of trust or fiduciary duty. Most of her cases are complex, multi-party and often cross-jurisdictional disputes. Liz is noted by the directories for her highly persuasive advocacy and her ability to master and control very large scale litigation. She regularly works in the Channel Islands and is called to the Bar in the BVI.



Conor Quigley QC

Conor has specialised in EU law for 30 years, with a particular concentration in State Aid law in which he is widely regarded as the leading specialist at the Bar, the 3rd edition of *European State Aid Law and Policy* having been published last October. He is a visiting fellow in Oxford and Leiden Universities and at King's College London.



Philip Marshall QC

"One of the Bar's most successful silks", Philip is a senior commercial and chancery silk who specialises in complex commercial disputes and commercial fraud, particularly international fraud. He regularly acts and advises in several overseas jurisdictions including the British Virgin Islands, Bermuda and Hong Kong and is "selected for very sophisticated cases", which have included: *RAK Investment Authority v Bestfort*; *Orb v Ruhan*; *Lexi Holdings v Luqman*; *Constantin Medien v Ecclestone*; *Aeroflot v Berezovsky*; and *BTA Bank v Abyazov*. Philip is classified in Chambers & Partners as one of "the Stars at the Bar".



Christopher Stoner QC

Chris specialises in property litigation and the regulatory/disciplinary aspects of sports law. He undertakes work in all aspects of property litigation encompassing real property, and both residential and commercial landlord and tenant work and has a particular specialism in the law relating to canals and water. In sports law he has many years of experience in appearing before both domestic and international tribunals.



Daniel Lightman QC

Daniel has a broad commercial chancery practice, with a particular expertise in shareholder litigation. A contributor to *Joffe on Minority Shareholders*, his recent cases include *C v C* [2016] Fam Law 20, *Al Saud v Apex* [2015] 2 All ER 206, *Abouraya v Sigmund* [2015] BCC 503, *In re DNick Holding plc* [2014] Ch 196 and *Prest v Petrodel* [2013] 2 AC 415. Chambers & Partners 2016 says: "He is a genius. He lives and breathes company law and his written work is second to none."



Prof. Jonathan Harris QC (Hon.)

Jonathan has a pre-eminent reputation in the field of private international law and specialises in cross-border commercial and chancery disputes raising issues of jurisdiction, enforcement and applicable law. He is joint general editor (with Lord Collins) of the leading work *Dicey, Morris and Collins, The Conflict of Laws*. He has been instructed in numerous landmark cases in England (including in the Supreme Court and Privy Council) and offshore; and drafted firewall legislation for various offshore jurisdictions (including BVI and Gibraltar).



Andrew Francis

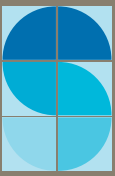
Andrew has developed a specialist practice in restrictive covenants, rights of light and rights of way. He has written the leading textbooks on those subjects, and he is widely acknowledged as the expert in them. He also has considerable experience in adverse possession and overriding adverse rights under planning law. Such experience extends to advice, and to litigation where disputes arise within his practice areas. He is listed by Chambers & Partners in the 2017 UK Bar directory as a Leader in his field.



Will Henderson

Will acts for private clients, trustees, trust companies, H.M. Attorney General and HMRC, principally in relation to disputes concerning domestic and international trusts, probate, the administration of estates, charities, and associated professional negligence. He is Junior Counsel to the Treasury in Charity Matters. He is happy to accept instructions from foreign lawyers and to assist them in or out of court in any jurisdiction. His most well-known recent case is *Pitt v Holt* [2013] UKSC 26, where he acted for Mrs Pitt throughout the litigation.

Speakers continued >



Speakers



Richard Walford

Richard's expertise and effectiveness in commercial litigation and arbitration, commercial fraud and professional negligence work was recognised when he was asked to combine his busy practice with editing The White Book (Sweet & Maxwell's *Civil Procedure*) on CPR Part 25 (Interim Remedies) and section 15 (Injunctions).



Kathryn Purkis

Kathryn has wide-ranging commercial chancery experience, focussing on contentious trusts and estates issues, and fraud and asset-tracing claims. Kathryn practised as an Advocate in Jersey from 2005 until 2014, appearing in many notable Jersey cases, and has recently rejoined Chambers. After a period as managing partner at Collas Crill, from 2012 she headed up the firm's pan-jurisdictional integrated contentious and non-contentious fiduciary team. She is highly recommended in successive years of the "offshore" sections of the various legal directories.



Andrew Bruce

Andrew has a commercial and chancery practice with a particular focus on property-related work. He is one of the leading senior juniors in real estate litigation and has been described as "*an exceptional talent in the property sphere*". In addition, Andrew has a niche art law practice and is highly-rated for professional negligence work, acting for both claimants and defendants, in matters ranging from high-profile claims about Old Master Paintings to claims against architects in respect of residential developments and claims against solicitors relating to international corporate transactions. Andrew also regularly acts in high-value commercial litigation and is a "*skilful advocate*" who is "*effective in digging under the surface to uncover the real issues*".



David Drake

David has a broad commercial chancery practice, encompassing general commercial litigation, commercial fraud and breach of fiduciary duty, company and insolvency disputes, and professional negligence, often involving international elements and complex quantum issues. Legal directories describe him, with characteristic restraint, as "*a very clever boy*", "*just so clever*", "*extraordinarily clever*", "*extremely bright*", "*wonderful*", "*great*", and "*excellent*" generally as well as being "*an excellent company law barrister*" in particular.



Giles Richardson

Giles specialises in trusts, company and fiduciary obligations litigation, both in London and offshore, as well as associated professional negligence work and banking litigation. He is recommended in Chambers & Partners 2016 in the Chancery: Commercial, Chancery: Traditional; Offshore and Trusts categories as, *inter alia*, "*Widely recognised as a genuine expert in both traditional and commercial chancery matters. He is frequently instructed in substantial international cases, including those regarding company and fraud issues. He is also a noted expert on trusts*".



Tom Braithwaite

Tom practises in all areas of chancery commercial work, and is recognised by the legal directories as a leading practitioner in the fields of company, partnership and property litigation as well as professional negligence. His recent cases include *Lictor v Mir Steel* (2014) in which he acted for the successful claimant in pursuing relief for procuring breach of contract, and *Loose v Lynn Shellfish* (2016) in which he appeared on behalf of the Crown Estate as interveners in the Supreme Court.



Constance McDonnell

Constance has a traditional Chancery practice specialising in contentious probate, trust disputes, 1975 Act claims, administration of estates, and removal of personal representatives. Her practice also includes constructive trusts and proprietary estoppel, Court of Protection (property and affairs), and professional negligence. Constance is ranked as a Leading Junior (Band 1) in the field of Traditional Chancery by Chambers & Partners (2016).



Jennifer Haywood

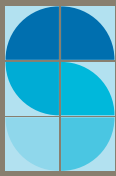
Jennifer has a broad commercial chancery practice with an emphasis on partnership, company and trusts. She is ranked by Chambers & Partners in Band 1 for partnership, and described thus: "*Highly able and with massive intellectual firepower, she's ruthless when she needs to be and has a fingertip feeling for the issues.*" "*A force in her own right who doesn't sit on the fence and is robust and realistic.*" Jennifer also acts as a mediator and as an arbitrator.



Ruth den Besten

Ruth has particular expertise in civil fraud and ancillary applications, having acted in *BTA Bank v Mukhtar Ablyazov*, *RAKIA v Bestfort* (section 25 freezing relief) and *Orb v Ruhan*. She is currently instructed in the Lehman Administration Proceedings (Waterfalls I and III).

Speakers continued >



Speakers



Jonathan Fowles

Jonathan has a broad traditional chancery practice, and one of his main specialisms is charities. He is co-editor of *Tudor on Charities*, 10th ed. (Sweet & Maxwell, 2015), and the author of PLC's Practice Note "Charity Litigation: the role of the Charity Commission". He has acted for and advised numerous leading charities in both contentious and non-contentious matters.



James Mather

James has a broad commercial chancery practice as advocate and adviser. In recent years his work has focused increasingly on litigation in the areas of civil fraud, fiduciary duties, LLPs and partnerships. He has wide experience of trial advocacy and applications for pre-emptive and interlocutory relief. He is a member of the Attorney General's panel of counsel to the crown and is recommended as a leading junior in both Legal 500 and Chambers & Partners.



Gareth Tilley

Gareth's practice focuses on civil fraud, breach of fiduciary duty and shareholder actions, particularly in the context of long-term business relationship breakdowns. He is currently instructed in the triple-bill *Spartan* litigation involving a fraud claim, just and equitable winding up petition, and derivative claim in relation to a failed joint venture investment company, the first part of which is listed for a 9-week trial commencing mid-2017.



Sophie Holcombe

Sophie has a commercial chancery practice, with a particular focus on contentious domestic and offshore trusts and civil fraud. Sophie previously acted in the *BTA v Ablyazov* enforcement proceedings and in *Gudavadze v Anisimov*, a claim for over \$1.5bn relating to the Russian mining company Metalloinvest. During 2015 Sophie was instructed on behalf of trustees in *Z Trusts I to VIII* [2015] JRC 031; [2015] JRC 196C; and [2015] JRC 214. Sophie is currently instructed in fraud cases concerning investment in Brazilian teak plantations, and mismanagement of a major investment portfolio in Switzerland.



Emma Hargreaves

Emma has a commercial chancery practice with particular emphasis on domestic and offshore trust litigation, civil fraud, commercial and company disputes. She also advises on chancery issues arising in matrimonial proceedings. She appears led and unled in the High Court and County Court and was last year granted special admission to appear before the Supreme Court of Bermuda in proceedings relating to substantial purpose trusts. She recently won the "rising star" competition at the IBC Transcontinental Trust Conference in Bermuda.



Zahler Bryan

Zahler has a varied commercial chancery practice, with a particular focus on trust, commercial and company litigation. Since her return to chambers following a year spent acting as judicial assistant to Lord Neuberger, Zahler has advised on a broad range of commercial chancery matters, and has appeared both led and unled in the County Court and the High Court. Zahler recently acted for The Crown Estate in the Supreme Court on a case concerning the construction of ancient grants.



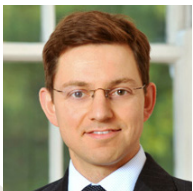
Amy Proferes

Amy has a broad commercial chancery practice across the range of Chambers' specialities, with a particular interest in traditional chancery work. She became a tenant at Serle Court in October 2014 following the successful completion of pupillage. Before coming to the Bar, Amy worked at a mergers and acquisitions advisory firm specialising in aerospace and industrials, following postgraduate studies in History & Middle Eastern Studies at Harvard University.



Suzanne Rab

Suzanne has wide experience of EU law and competition law matters combining cartel regulation, commercial practices, IP exploitation, merger control, public procurement and State aid. Suzanne's practice has a particular focus on the interface between competition law and economic regulation. She advises governments, regulators and businesses across the regulated sectors including in the communications, energy, financial services, healthcare/ pharmaceuticals, TMT and water sectors.



Adrian de Froment

Adrian is developing a broad practice in all areas of commercial and chancery work, with a particular interest in financial disputes, insolvency, company law and civil fraud. He is currently part of the team acting for the defendants in the RBS Rights Issue litigation in the Chancery Division, and regularly appears unled in smaller matters in the High Court and County Court.

Speakers continued >



Oliver Jones

Oliver is building a practice across Chambers' core areas of commercial chancery work. His recent work includes acting for one of six defendants to claims arising out of the sale of a fund of hedge funds business, and appearing at trial in a challenge to the validity of a will concerning an estate worth around £20m (led by Richard Wilson QC).



Guest Speaker

The Right Honourable Lord Justice Briggs

Michael practiced in chancery and commercial litigation from 1978 until 2006 from Serle Court. He was appointed to the High Court in 2006. From 2011 until 2013 he was the northern chancery supervising judge. In 2013 he was the judge in charge of the Chancery Modernisation Review. He was appointed to the Court of Appeal in April 2013. In July 2015 he was asked by the Lord Chief Justice and the Master of the Rolls to carry out a review of the structure of the civil courts. He delivered his Interim Report in December 2015 and is due to deliver his Final Report in July 2016. He became the Deputy Head of Civil Justice in January 2016.

Serle Court is one of the largest commercial / chancery chambers offering genuine expertise across a broad range of both chancery and commercial disciplines covering the whole range of 'business' law, from offshore litigation about the world's largest companies to domestic advice on probate matters, servicing a similarly disparate lay and professional client base at home and abroad.

Serle Court and its members are highly recommended by the legal directories for their work in all areas of litigation. Chambers & Partners notes that Serle Court is a "quality set from top to bottom", stating that "Serle Court continues to occupy a position in the front rank of sets engaged in commercial chancery matters thanks to its terrific group of excellent commercial silks and juniors" and the "extent of work carried out by the members...is outstanding".

The conference is FREE to attend

It will appeal to those involved in all areas of litigation from property to fraud, trusts to company, competition to probate and general commercial litigation.

Serle Court is accredited by the Bar Standards Board to provide CPD for barristers at the Bar of England & Wales. Serle Court's Provider ID is 1799.

This Conference is accredited with 4.5 CPD hours for barristers at the Bar of England & Wales. It can also provide 4.5 CPD hours for solicitors.

To request a place please send your name, firm and contact details to **Barbara Sanders** at rsvp@serlecourt.co.uk



Merchant Taylors' Hall
30 Threadneedle Street
London EC2R 8JB

For ease of access, please enter the building via the first blue door that you come to when arriving from the direction of Bank underground station.