

# Litigation Conference

When

Monday 22 September 2014  
10.00am - 5.50pm

Where

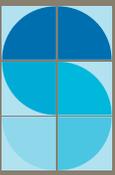
Merchant Taylors' Hall  
30 Threadneedle Street  
London EC2R 8JB



serle court

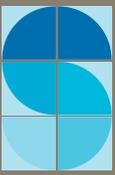
chancery  
& commercial

[www.serlecourt.co.uk](http://www.serlecourt.co.uk)



# Programme

9.30	Registration and coffee
10.00	Opening remarks
10.15	<b>Panel session:</b> <b>Litigation funding UK and overseas: Law and Practice</b> With guest speakers
11.00	<b>Breakout sessions:</b> <ul style="list-style-type: none"><li>• EU Commercial Litigation: Developments in Jurisdiction and Assets Freezing</li><li>• Trusts of property in broken relationships</li><li>• Multi-party disputes: joinder, settlement and contribution - pitfalls and opportunities</li><li>• Property</li></ul>
12.00	<b>Panel session:</b> <b>Relief from Sanctions – They think it's all over</b>
12.30	Lunch
2.00	<b>Panel session:</b> <b>Service out of the jurisdiction</b>
2.45	<b>Breakout sessions:</b> <ul style="list-style-type: none"><li>• Competition litigation</li><li>• Financial and professional services</li><li>• Charity litigation</li><li>• Company law</li></ul>
3.45	Tea
4.15	<b>Group sessions preparing for the mock injunction</b>
5.00	<b>Mock injunction application</b>
5.45	Closing remarks
5.50	Drinks reception



# Sessions

## Panel session:

### **Litigation funding UK and overseas: Law and Practice**

Putting in place appropriate funding arrangements for even large corporate or UHNW clients is increasingly part of the challenge faced by litigators in many cases. This session will consider recent developments and evolving trends in litigation financing, including external third party financing and the ATE market.

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- *Giles Richardson*
  - *Susan Dunn*  
Harbour Litigation  
Funding
  - *Alan Pratten*  
Arthur J Gallagher
- 

## Breakout sessions:

### **EU Commercial Litigation: Developments in Jurisdiction and Assets Freezing**

This session looks at the revised Brussels I Regulation which enters into force in January 2015. It is the most significant reform of the English rules of jurisdiction for a generation. The session covers key amendments relating to jurisdiction and arbitration clauses, the power to stay proceedings and enforcement of foreign judgments. The session will also look at recent developments in Cross Border freezing orders within the EU and the new European Account Preservation Orders (EAPOs).

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- *Richard Walford*
  - *Prof. Jonathan Harris*
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### **Trusts of property in broken relationships**

Are people ever more careless about who owns what than when they are in love? And are they ever more short-sighted than when trying to hide their assets from each other when the relationship goes bad? Using a problem question, this seminar will look at how the law of trusts can be used in divorce to secure assets that a divorcing party may not otherwise have access to, and how unmarried couples can use resulting and constructive trusts to vindicate their rights to property in a partner's name.

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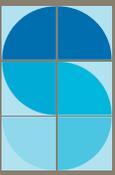
- *Patrick Talbot QC*
  - *Gareth Tilley*
  - *Emma Hargreaves*
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### **Multi-party disputes: joinder, settlement and contribution - pitfalls and opportunities**

This session will examine tactical issues that arise when deciding (as a claimant) whether to include potentially liable parties as defendants, and on what terms to settle with parties to the litigation; and (as a defendant) whether to join third parties to existing litigation, or bring a free-standing claim later.

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- *David Drake*
  - *Justin Higgo*
  - *James Mather*
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# Sessions

## Property

The Property Break-out session will feature a problem involving neighbouring householders. The problem will enable speakers to consider topical issues involving land registration, boundaries, covenants and easements and will involve discussions on strategy, remedies and tribunals.

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- *Christopher Stoner QC*
  - *Andrew Francis*
  - *Andrew Bruce*
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## Panel session:

### Relief from Sanctions – They think it's all over

Is *Denton* the last word? Implications for the cost of litigation. When is relief from a sanction required? Seriousness and significance. The dog ate my homework. Different tests but same results for in time and out of time applications? Different rules in different tribunals?

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- *Dominic Dowley QC*
  - *William Henderson*
  - *Andrew Bruce*
  - *Daniel Lightman*
  - *Jonathan McDonagh*
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## Panel session:

### Service out of the jurisdiction

This session will examine procedural and practical issues that can arise when seeking to serve claim forms and other documents on persons located outside the jurisdiction, or when challenging the court's jurisdiction or the validity of service – drawing on recent cases in this jurisdiction and experience of practice in others.

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- *John Machell QC*
  - *David Drake*
  - *Matthew Morrison*
  - *Prof. Jonathan Harris*
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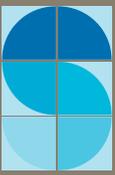
## Breakout sessions:

### Competition litigation

This session will explore the litigation and risk management issues arising from cartel activity. These issues are increasingly commanding Boardroom attention comparable to fraud, bribery and other risks to corporate health. The session will bring together the multiple enforcement risks for companies and individuals in light of recent developments including EU and UK legislative measures to promote private enforcement of competition law. The session will incorporate a 'mock' Boardroom scenario to allow participants to apply their learnings from the session in a real life situation.

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- *Suzanne Rab*
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# Sessions

## Financial and professional services

Good leavers and bad leavers – in this session we will look at restrictions, penalties, damages clauses and disincentives attaching to departures. Both professional service firms and financial services firms are becoming increasingly creative in trying to keep their talent – what challenges are there to enforcement of these types of partnership/LLP contractual provisions?

- *John Machell QC*
- *Jennifer Haywood*
- *James Mather*
- *Adil Mohamedbhai*

## Charity Litigation

There will be a short introduction to some of the special features of charity litigation. The main part of the session will consist of an interactive worked example. The example is designed to illustrate practical approaches and solutions to some of the peculiar difficulties which can arise where charities are involved in or are the subjects of litigation. The session should be of interest both to general litigators and to charity litigation specialists. The former should at least have their memories refreshed. The latter may gain some new insights into theory and practice.

- *William Henderson*
- *Jonathan Fowles*
- *Zahler Bryan*

## Company law

This session will examine the outer limits of the court's jurisdiction under section 994 of the Companies Act 2006, including who can be joined as a respondent, what relief can be sought and what other types of claim can be made by petitioners or respondents in unfair prejudice proceedings.

- *Daniel Lightman*
- *Tim Collingwood*
- *Paul Adams*

## Group sessions:

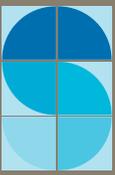
### Preparing for the mock injunction

In this session participants will take part in one of three groups, considering the prospective injunction and committal application from the perspective of applicant, respondent and judge, and dealing not only with the law in these areas but with practical issues and tactical considerations.

## Mock injunction application

The mock injunction will take the form of an *inter partes* hearing on the return date of an *ex parte* application. It will cover non-party disclosure orders in the context of enforcement proceedings, passport restriction orders and an application for committal for contempt of court.

- *Elizabeth Jones QC*
- *Jonathan Adkin QC*
- *Justin Higgo*
- *Ruth den Besten*
- *Sophie Holcombe*



# Speakers



## Alan Boyle QC

Alan is one of the most senior and distinguished silks at the chancery and commercial bar, and is Head of Chambers at Serle Court. He is listed by Chambers & Partners as one of the stars of the bar, which describes him as “a commercial chancery giant”. He was Chancery Silk of the Year in the 2010 Chamber Bar Awards, and Traditional Chancery Silk of the Year in the 2013 Legal 500 Awards.



## Patrick Talbot QC

Patrick is a commercial chancery Silk with a very broad practice including international trusts, charities, company law, partnerships, sports broadcasting and sponsorship, commercial property and probate and associated professional negligence issues. He sits as a Judge in Guernsey and Sark and is an experienced arbitrator and mediator.



## Elizabeth Jones QC

Liz has a wide chancery and commercial practice, with a particular emphasis on fraud and breach of trust or fiduciary duty and a niche practice in entertainment. 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, and has been recently described by Chambers & Partners as “seriously brilliant” and of “breathtaking intellect”.



## Dominic Dowley QC

Dominic Dowley QC is a commercial and contentious chancery silk with a wide and lengthy experience of chancery and commercial litigation, including disputes in overseas jurisdictions such as Guernsey, Jersey, Bermuda, the Bahamas, St Christopher and Nevis, the Isle of Man, the BVI, the Cayman Islands, Liechtenstein, Switzerland, Qatar, Abu Dhabi and various of the United States.



## 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.



## John Machell QC

John Machell QC was called in 1993 and took Silk in 2012. He has a broad chancery / commercial practice, with a particular emphasis on partnership, LLP and trust cases, and has appeared in two of the most important partnership and LLP cases of recent years: *Tiffin v Lester Aldridge* in the Court of Appeal and *Clyde & Co v Bates van Winkelhof* in the Supreme Court



## Jonathan Adkin QC

Jonathan was one of the youngest of his generation to take silk. He has been in many of the largest commercial and chancery actions in recent years, including the *Berezovsky v Abramovich* trial, the *Madoff* litigation and the proceedings following the collapse of *Halliwells*. He recently appeared in the Supreme Court in *Williams v Central Bank of Nigeria*, the leading authority on limitation rules for breach of trust claims.



## Andrew Francis

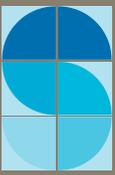
Andrew Francis is a specialist property barrister and has developed particular specialisms in restrictive covenants, rights of light and has written books on those subjects, where he is widely acknowledged as the expert. He also has considerable experience in overage agreements in land development transactions. Recently he has become involved with EU competition law where it affects English real property law.



## Will Henderson

Will Henderson 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. In that capacity he advises and represents H.M. Attorney General as to and in contentious and non-contentious matters involving charity and charities. He sits for about three weeks a year as a Deputy Chancery Master.

Speakers continued >



# Speakers



## Richard Walford

Richard Walford'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).



## Andrew Bruce

Andrew has a commercial and chancery practice with a particular focus on property-related work. He is regarded as 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 is highly-rated for professional negligence work in matters ranging from high-profile claims in respect of Old Master Paintings to claims against solicitors in respect of international corporate transactions. As a commercial litigator, Andrew is a "skilful advocate" who is "effective in digging under the surface to uncover the real issues".



## David Drake

David Drake 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 as "an exceptionally clear thinker" who is "able to explain complex issues succinctly".



## Justin Higgo

Justin has a broad commercial chancery practice with substantial expertise in domestic and international commercial fraud. His practice encompasses company law, banking, insolvency, breach of trust/fiduciary duty, confidential information, and breach of contract predominantly in the commercial context. Justin has considerable offshore experience. He is recommended in the directories for commercial fraud, commercial litigation and commercial chancery.



## Daniel Lightman

Daniel Lightman has a broad commercial chancery practice, with a particular expertise in company law and minority shareholder litigation, especially unfair prejudice petitions and derivative claims. A contributor to "Joffe on Minority Shareholders", his recent cases include *In re DNick Holding plc* [2014] Ch 196, *Re Fi Call* [2014] BCC 286, *Prest v Petrodel* [2013] 2 AC 415 and *Bamford v Harvey* [2013] Bus LR 589. The Legal 500 2013 says: "For company and Chancery matters, Daniel Lightman is 'simply outstanding; he always calls it right and is not intimidated by anyone'".



## Tim Collingwood

Tim Collingwood has a broad commercial chancery practice, with extensive experience of claims concerning directors' breaches of duty and shareholder disputes. Tim is recommended for company work in the major directories, where it is said that he "stands out for his 'sharp intellect and clear enjoyment of the most complicated of company matters'". He is a contributor to "Joffe on Minority Shareholders".



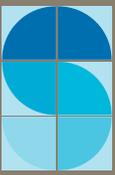
## Giles Richardson

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 Global 2014 for both the UK Dispute Resolution and Offshore categories as a "highly respected litigator whose expertise spans both commercial and traditional chancery matters in both the UK courts and overseas".



## Jennifer Haywood

Jennifer Haywood's practice focuses on partnership, directors' duties, trusts and civil fraud. Chambers and Partners says "her key strength is her intellectual firepower". Jennifer has acted for many partnerships and LLPs (including professional service firms and financial services firms) and individuals in relation to partner departures.



# Speakers



## Ruth den Besten

Ruth den Besten has a broad commercial chancery practice, with particular expertise in civil fraud and insolvency. Her recent cases include *BTA Bank v Mukhtar Ablyazov* [2013] EWHC 510 (Comm.) and *Re Coroin* [2012] EWHC 2343 (Ch.). She has been instructed on numerous applications for injunctive relief, including pre and post judgment freezing orders.



## Jonathan Fowles

Jonathan has acted for and advised numerous leading charities, including the RSPCA, the British Library Board, Great Ormond Street Hospital, and the Donkey Sanctuary. He is the author of PLC's "Charity Litigation: the role of the Charity Commission" and is currently co-editing the next edition of *Tudor on Charities* with William Henderson. He is also ranked as a leading junior in Property Litigation by the *Legal 500*.



## Matthew Morrison

Matthew Morrison was called in 2004 and has a broad commercial chancery practice with an emphasis on civil fraud, company, insolvency, and trust litigation. Recent cases of note include acting for JSC BTA Bank of Kazakhstan in its claims against Mukhtar Ablyazov and representing the independent directors of Carlyle Capital Corporation in Guernsey proceedings seeking in excess of US\$1bn for alleged misfeasance.



## Prof. Jonathan Harris

Professor Jonathan Harris is a leading expert in private international law and practices in commercial and trusts disputes. He is an editor of *Dicey, Morris and Collins, The Conflict of Laws* and has just been appointed joint general editor with Lord Collins. He has been instructed in landmark cases in England (including in the Supreme Court and Privy Council) and offshore and drafted various offshore trust laws. He is also part-time Professor of International Commercial Law at King's College, London.



## 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 and Partners.



## Gareth Tilley

Gareth Tilley's practice focuses on civil fraud, breach of fiduciary duty, shareholder actions and trust disputes. He is regularly instructed in both the English courts and in offshore jurisdictions such as Jersey and the BVI.



## Paul Adams

Paul has a broad commercial chancery practice and has been instructed in a number of prominent cases, including nine-figure trust and professional negligence claims. In the field of company law, Paul has acted for Apex Global Management Ltd in the *Fi Call* litigation, which has given rise to several important decisions on the unfair prejudice remedy. He is also instructed on behalf of the Defendants in *Sukhoruchkin v Van Bekestein* [2014] EWCA Civ 399, which raises important issues about reflective loss and common law derivative claims.



## Sophie Holcombe

Sophie has a commercial chancery practice, with a particular focus on contentious domestic and offshore trusts and civil fraud. She is regularly instructed, both as junior and sole counsel, to act on a wide range of contractual disputes and breach of trust claims. Sophie has recently been instructed as junior counsel 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.



### Adil Mohamedbhai

Adil has developed substantial experience in civil fraud, commercial, company and offshore trust disputes. Prior to coming to the Bar, Adil practised as a solicitor at Freshfields. During 2009 - 2010, Adil was appointed as one of the first judicial assistants to the Justices of the Supreme Court. He recently appeared in the landmark LLP case of *Bates van Wilkenhof* in the Supreme Court. Adil is currently instructed on the *Perry & Ors v National Crime Agency* litigation and a very significant trust dispute in Bermuda.



### Jonathan McDonagh

Jonathan's practice has an emphasis on civil fraud, trust litigation (domestic and offshore), insolvency, and professional negligence. He is also building experience in general commercial dispute resolution. He was junior counsel for the lead defendants in the \$173 million fraud action, *Otkritie v Urumov & oths* [2014] EWHC 191 (Comm), heard over the course of 12 weeks in the Commercial Court in 2013; and has also been instructed on several major recent trust disputes in Jersey, including *Trilogy Management v YT*, and *Walker & oths v Egerton-Vernon & oths*.



### Emma Hargreaves

Emma Hargreaves has a broad commercial chancery practice with particular emphasis on domestic and offshore trust litigation, civil fraud, commercial and company disputes. Recently, Emma acted as junior counsel in *Constantin Medien AG v Ecclestone & Ors* and *Re Fi Call Limited*. She is currently instructed on a major piece of international trust litigation in Bermuda.



### Zahler Bryan

Zahler Bryan has a varied commercial chancery practice, with a particular focus on commercial, charity and trust disputes. Zahler has recently returned to chambers from the Supreme Court, where as judicial assistant to Lord Neuberger she was involved in a number of leading cases including *FHR European Ventures LLP v Cedar Capital Partners LLC* [2014] UKSC 45, *Marley v Rawlings* [2014] UKSC 2 and *Khaira v Shergill* [2014] UKSC 33.



### Suzanne Rab

Suzanne Rab 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.



## Guest Speaker

### Susan Dunn

Harbour co-founder and solicitor, Susan Dunn has been described by Litigation Funding Magazine as the 'Grand Dame' of litigation funding because of her extensive experience in this area. She has originated and managed over 130 litigation funding cases totalling over £3bn in claim value, since 2002. She has also featured in The Lawyer's Hot 100 for her work in developing the use of litigation funding by lawyers, insolvency practitioners and claimants.

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 and Partners states: "*Serle Court provides top-level expertise across the full range of business law*", "*its barristers tackle high-profile disputes across a wide range of fields*" and "*Serle Court has 'proficient, highly sought-after' barristers who are instructed in some of the most interesting and substantial cases in the market.*"

## 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 partnership and general commercial litigation.

The Conference is accredited by the SRA and BSB with 5.5 CPD points.

To request a place please send your name, firm and contact details to **Kathryn Barry** at [kbarry@serlecourt.co.uk](mailto:kbarry@serlecourt.co.uk)

