

# **Eighth Annual Caribbean Litigation Conference**

**Thursday 25th  
October 2018**

**15:00 - 17:15  
Followed by drinks  
and canapés**

**BVI International  
Arbitration Centre**

**XXIV**

BARRISTERS' CHAMBERS

## **XXIV Old Buildings Eighth Annual Caribbean Litigation Conference 2018**

We look forward to welcoming you to our Eighth Annual Caribbean Litigation Conference 2018. The speakers will discuss a range of topical issues from multiple jurisdictions with the emphasis on contemporary issues for litigators.

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15:00 – 15:15

### **Welcome coffee and registration**



15:15 – 15:20

### **Introduction – Sue Medder, Chambers Director**



15:20 – 15:50

### **Breaking the Bank Stephen Moverley Smith QC and Kira King**

Claims against financial institutions and third party service providers in the fraud context.



15:50 – 16:20

### **On a frolic of their own? Steven Thompson QC and Sarah Bayliss**

Vicarious liability in fraud claims.

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16:20 – 16:40

### **Coffee Break**



16:40 – 17:10

### **Reining in the red ink Robert Levy QC and Adam Cloherty**

Insights into contractual interpretation, rectification and implication.

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17:15

### **Drinks and canapés**



# **Speakers' Biographies**

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**Sue Medder** Sue is the Chambers Director at XXIV Old Buildings and joined in June 2014. Sue is primarily responsible for client care at XXIV and works with members and the clerking team to develop client relationships and ensure a continuing level of excellence in service. Sue also sits on XXIV's management committee and is closely involved in the strategic growth of chambers. Sue has from her previous practice a keen interest in international legal markets which she uses to assist in growing XXIV Old Buildings' established international practice.

**Stephen Moverley Smith QC** Stephen Moverley Smith QC Stephen specialises in commercial and private client disputes, trust and company work with a multi-jurisdictional dimension. He has an extensive international practice, particularly in the Cayman and British Virgin Islands, and is recommended by Chambers & Partners as a leading offshore silk. Chambers Global 2018 describes him as 'a persuasive and hard-working QC with a particular reputation for offshore work, who wins praise for his strategic vision and notes that impressed commentators affirm his position at the forefront of BVI and Cayman Island litigation' with clients commenting that 'he is quick-thinking, creative and very responsive. He loves what he does and leaves no stone unturned'. He is also recommended for private client, commercial chancery, commercial litigation, fraud, company, insolvency and banking/finance, the legal directories describe him as "an obvious leader" and "a creative problem solver who rolls up his sleeves, gets stuck in and has an excellent courtroom style".

**Robert Levy QC** Whilst Robert specialises in complex commercial and chancery matters with an offshore element, frequently involving conflicts of laws and claims in numerous jurisdictions, over the course of the last three years Robert has acted in numerous cases under s238 of the Companies Law (including Shanda Games, Qihoo 360, Qunar, Bona Films). In the course of that time Robert has appeared in the Cayman Islands on countless occasions both before the Grand Court and the Court of Appeal on all aspects of s238 claims.

**Steven Thompson QC** Steven has been a barrister practising at XXIV Old Buildings for over 20 years. He has a commercial chancery practice with a particular emphasis on joint venture and business litigation, civil fraud, insolvency and aviation disputes whether being litigated, in arbitration or resolved out of Court. Steven has considerable international and offshore experience; most of his cases have an international element. He has also advised on and appeared in disputes proceeding in Courts and tribunals in Hong Kong, BVI, the Cayman Islands, Dubai International Financial Centre, Jersey, Guernsey, the Isle of Man, Gibraltar and the Turks & Caicos Islands. He has recently started taking appointments as an arbitrator and is currently a member of an LCIA tribunal on a dispute involving Steven has served on the International Committee of the Bar Council of England and Wales since 2009 and is currently a Vice-Chair of that Committee. He chairs the Bar China Interest Group. He is also a Bar Council representative on the Brexit Law Committee.

**Sarah Bayliss** Sarah is noted as a "fantastic barrister", "very commercial as well as pragmatic" and "a good tactician with a sharp mind for complex issues". Sarah's private client/offshore practice spans substantial international disputes involving private individuals, fiduciaries and banks/funds and domestic wills and trusts work. Sarah's extensive experience in financial services and insolvency disputes serves as a useful adjunct to her international private client practice. In addition to her English clients, Sarah acts for clients in a number of jurisdictions including the BVI, Bermuda and the Cayman Islands, the Channel Islands, Gibraltar and the DIFC. Recent matters include a substantial multi-jurisdictional dispute involving allegations of malpractice against a major international bank, several disputes concerning substantial family businesses in England and the Near and Far East and a number of domestic wills and trusts claims including *Re Charles Willis Harrison 1924 Settlement* [2018] 1 WTLR 299. Sarah is presently engaged in international litigation to recover assets on behalf of members of the Perry family with proceedings presently on foot in England, the Cayman Islands, the BVI, Liechtenstein, Curacao and Delaware.

**Adam Cloherty** "Extraordinarily intelligent" and "extremely responsive", Adam has a wide commercial chancery practice, with a particular emphasis on commercial disputes, fraud/asset tracing and trusts, and banking/financial services. His work has "a definite international outlook" and he is said to "know the offshore world inside out". Adam is recommended in Chambers & Partners, Chambers Global, The Legal 500, Who's Who Legal, CityWealth Leaders' List and Chambers High Net Worth. "Very punchy, clear and tough-minded", his recent work includes *Akers v Samba* in the Supreme Court (on whether a common law (Cayman) trust can be created over civil law assets); *PAG v RBS* in the Court of Appeal – the 'test case' for civil liability arising out of the rigging of the LIBOR benchmark; the *Emmerson v Renova* dispute in the BVI; and acting for a large group of investors in a failed Russian bank group in Commercial Court proceedings for conspiracy (*Tsareva v Ananyev*).

**Kira King** Kira has a broad commercial practice with particular experience of civil fraud, insolvency, banking and company and general commercial litigation. Kira is an experienced advocate who frequently appears in the High Court and has experience of both trial and appellate advocacy. Kira is particularly experienced in applications for pre-emptive and interim relief and as a sole advocate has successfully obtained and responded to high value freezing orders both within the jurisdiction and offshore. Kira has substantial offshore experience having been called to Bar of the Eastern Caribbean Supreme Court (BVI) and the Gibraltar Bar (on an adhoc basis) and has been instructed on cases in the Cayman Islands, Dubai, Gibraltar, Guernsey, Jersey and the BVI. Kira's recent experience includes the case of *Reef European Value Added Fund I L.P v Deutsche Alternative Asset Management (UK) Limited* where she was instructed by Allen & Overy LLP on a claim for damages of at least €158 million by an investment fund against its investment manager for breach of contract and/or negligence in relation to a decision to cause the fund to invest in a German real estate transaction. Kira is currently instructed on a high value dispute in the Commercial Division against an insurance broker where it is alleged that the insurance broker negligently failed to obtain an insurance policy which covered employee theft, a company dispute in the BVI and a substantial insolvency dispute in the Chancery Division about the valuation of a debt by the liquidators in a liquidation.