

XXIV Old Buildings London Commercial Litigation Conference 2016



Tuesday 21st June 2016

Saddlers' Hall, 40 Gutter Lane,
London EC2V 6BR

14:00 - 17:30 (registration from 13:00)

Followed by drinks and canapé reception

2.5 CPD hours

Includes documentation, refreshments and drinks reception

XXIV Old Buildings London Commercial Litigation Conference 2016

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Business disputes throw up many legal questions: in this year's conference, XXIV Old Buildings will examine recent answers given by the courts on topics which are likely to have a real impact for commercial litigators and will also give the audience the opportunity to ask its own questions.

13:00 – 14:00 Registration and refreshments

14:00 – 14:10 **Introduction from Chambers Director - Sue Medder**



14:10 – 14:40 **Mr Hamilton's Millions and Mr Prest's Houses**

Steven Thompson QC and Owen Curry consider:

- Who owns assets given away to people outside the jurisdiction?
- What law is applicable to decide who owns them?
- Does it matter what type of recipient?
- Does it matter which Court is deciding?



14:40 – 15:00 **Now You See It, Now You Don't**

Helen Galley considers the circumstances in which the corporate veil will be lifted and looks into her crystal ball to consider how the law may develop.



15:00 – 15:30 **Not Letting Go: Where are we with freezing orders?**

Hugh Miall and Matthew Watson take stock following the rush of decisions in the last few years considering the court's power to grant freezing injunctions, looking in particular at:

- The scope of the interim remedy: what can you freeze now?
- Non-cause of action defendants: how far can you stretch it?
- Issues arising in relation to the discharge of an injunction and its consequences including inquiries as to damages.



15:30 – 15:50 **Tea and Coffee Break**

15:50 – 16:20 **Also sprach... the Supreme Court or The Reestablishment of Basic Principles**

Richard Ritchie looks at three decisions of the Supreme Court:

- Penalties
- Implied terms
- Directors' powers



16:20 – 16:40 **Insolvency Update**

Heather Murphy provides an examination of the latest decisions on corporate and personal insolvency, including service out under the CPR and Insolvency Rules (*Hosking v Apax Partners Limited* [2016] EWHC 558) and public interest winding-up petitions (*Secretary of State for Business, Innovation and Skills v PLT Anti-Marketing* [2015] EWHC 3981 (Ch)).



16:40 – 17:25 **Question Time - Philip Shepherd QC, Malcolm Davis-White QC, Robert Levy QC and Stephen Cogley QC**



17:25 – 17:30 **Closing**

17:30 – 19:00 **Drinks and Canapés**

Speakers' Biographies

Sue Medder

Sue is the Chambers Director at XXIV Old Buildings and joined in June 2014 from international law firm Withers LLP, where she was a partner. 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.

Philip Shepherd QC

Philip Shepherd specialises in international arbitration and commercial litigation. His practice focuses on private international law, particularly aviation, conflicts of law, international jurisdiction disputes, product liability and cases involving the application of foreign laws. Philip has operated all over the world and is also called to the Bar of the Eastern Caribbean. Philip is Chair of the Middle East Group on the International Committee of the Bar Council. In February 2016, Philip was counsel in *Patel v Mirza* in the Supreme Court in the case that will determine how the illegality defence will apply to claims in restitution and in other areas of law, and which will seek to resolve the current uncertainty.

Malcolm Davis- White QC

Malcolm has wide ranging commercial experience, with particular expertise in fraud and asset tracing and also the regulatory field. His specialisms also include: shareholder disputes; insolvency; financial services; insurance business transfer schemes and directors' disqualification. He is seen as "a brilliant advocate, whose written work is also excellent. He really rolls up his sleeves and gets involved in a case" (Chambers & Partners).

Robert Levy QC

Robert specialises in complex international litigation, often involving conflicts of laws and claims in numerous jurisdictions. His particular expertise lies in commercial disputes such as those arising from commercial contracts, share sale agreements and insolvency. Seen as "the go-to man for heavy offshore commercial matters", he is recommended in Chambers & Partners, Chambers Global and Legal 500 for commercial litigation, private client, commercial Chancery as well as fraud and asset tracing. Clients applaud the fact he is "a brilliant advocate with an incredible ability to absorb information and to work hard. A great man to have on the team". Robert is a member of the Bar of the Eastern Caribbean Supreme Court and frequently appears in Courts throughout the Caribbean. He has been admitted ad hoc to the Cayman Bar and has also appeared there regularly.

Stephen Cogley QC

Stephen has consistently been ranked in Chambers Guide to the Legal Profession as a leading Barrister in the field of Commercial Law (13 consecutive years) as well as Chambers Global and The Legal 500. He is a determined and tenacious advocate, particularly well-suited to large commercial disputes that span different disciplines, where he combines his skills as an advocate with a direct, no-nonsense approach to problem solving. Stephen is a particularly versatile advocate, having crossed over from pure modern chancery and insolvency to commercial and shipping work. He is often instructed in large disputes that involve both chancery/insolvency and commercial issues. Many of his cases involve international aspects and he frequently works with teams of lawyers from other jurisdictions in cases that typically commence with anti-suit injunctions, freezing injunctions and other forms of interim relief.

Steven Thompson QC

Steven has an international commercial dispute practice with particular specialisations in company / commercial disputes and multi-jurisdictional civil fraud and asset recovery actions. The legal directories recommend him for commercial litigation, civil fraud, insolvency and aviation work. He has been involved in numerous high value disputes in England and offshore jurisdictions, including Dubai, the BVI, the Cayman Islands and recently in disputes involving Chinese parties, both in Courts and arbitration. He is a Vice-Chair of the International Committee of the Bar Council. Steven took silk in 2015.

Richard Ritchie

Richard is an "extremely well regarded" litigator who regularly appears in courts and arbitrations and before tribunals and other professional bodies. Recommended by the legal directories for both company and insolvency, he is also known for his expertise in partnership, business disputes and civil fraud. "Technically gifted and tactically excellent" he has experience of appearing before domestic courts at all levels including the House of Lords (3 times) and also of international jurisdictions including the Middle East, Cayman Islands, BVI and Isle of Man.

Helen Galley

Helen Galley is recommended in Legal 500 2015 for private client trusts and probate on the basis of her "very, very fine legal brain" and also recommended in the Citywealth Leaders List 2015 as a Prominent Contentious Trusts Barrister. Helen has a particular interest and wide experience in trust issues, including hostile claims against trust assets, offshore trusts, constructive trusts relating to freehold property, cases which raise issues of conflict of laws and undue influence. Helen has acted in many contentious and non-contentious probate cases including claims in the Court of Protection. She has extensive experience of claims pursuant to the Inheritance (Provision for Family and Dependents) Act 1975. She also prepares trusts deeds and ancillary documentation, wills and post-death deeds of variation for Inheritance Tax planning purposes. Helen also has wide experience of chancery commercial matters including mis-selling of interest rate hedging products, company restructuring and partnership. She has extensive expertise in real property disputes and commercial landlord and tenant issues.

Speakers' Biographies

Owen Curry

Owen is a junior tenant in XXIV Old Buildings. He has experience of commercial and chancery litigation, including insolvency and probate disputes, litigation involving trusts, and disputes between shareholders. He has also assisted in off-shore litigation in the Caribbean and the Channel Islands.

Hugh Miall

Hugh is a busy junior with a broad international commercial litigation practice, including fraud and asset tracing, company and insolvency work, business and contractual litigation and offshore disputes. He is frequently instructed in commercial cases of significant value and complexity and his work often includes consideration and use of pre-action and interim relief. Recent and current work includes acting for corporate and personal defendants in a \$300m+ oil trading fraud claim (*Arcadia Petroleum Ltd & Ors v Bosworth & Ors*); advising the claimants in relation to a £100m+ tax avoidance scheme fraud; acting for offshore directors and a corporate service provider against a €36m claim by liquidators; and acting for the defendants to a \$470m claim in their application to strike out the claims and connected freezing injunctions for, *inter alia*, abuse of process, want of prosecution and absence of effective service (*Société Générale v Goldas Kuyumculuk & Ors*).

Heather Murphy

Heather joined XXIV Old Buildings in 2011 and has already built up considerable experience across a wide range of commercial and chancery work. Her commercial experience includes contracts covering telecommunications, software development and the sale of financial products. Heather has acted on cases pursuing contractual remedies (under Joint Ventures and Shareholders Agreements); remedies under the Insolvency legislation (examination of officers and recovery of unlawful dividends); and remedies that arise against defaulting company directors (*Fame Hall Holdings v James Wilson* [2015]). She also has considerable experience of companies as part of trust structures. As well as acting as an expert witness of English law on the operation of an "put and call" option, she regularly appears as sole counsel in the County Court and High Court.

Matthew Watson

Matthew joined Chambers in October 2013. Since commencing practice he has grown a busy practice, appearing in the High Court and in the County Court in various commercial and chancery matters including contractual, company, insolvency, asset recovery, and partnership claims. He has also been instructed to advise and assist lawyers in other jurisdictions in a range of disputes before foreign courts.