

# Civil Fraud Conference 2023

**Wilberforce**  
CHAMBERS

4.0 CPD

Thursday 8<sup>th</sup> June

at The View, Royal College of Surgeons, Lincoln's Inn Fields, London WC2A 3PE

## Timetable

12.15pm	<b>Registration and Lunch</b>		
1pm	<b>Opening remarks from Alan Gourgey KC</b>		
1.05pm	<b>Fighting the Fraudster – a case study</b> <b>James Bailey KC and James Goodwin</b> <ul style="list-style-type: none"><li>Freezing injunctions: when the claimant doesn't have the cause of action</li><li>What to do when freezing orders just don't work</li><li>Debarring orders: do they actually do what they say on the tin?</li></ul>		
1.30pm	<b>Committal: rule changes and dealing with a delinquent respondent to a freezing order</b> <b>Tiffany Scott KC and Daniel Scott</b> <ul style="list-style-type: none"><li>How the new rules will affect committal applications in future</li><li>When (and when not) to consider committal</li><li>Strategies to encourage compliance by fraudsters</li></ul>		
1.50pm	<b>Setting aside injunctions for breaches of duty</b> <b>Stuart Isaacs KC and Tara Taylor</b> <ul style="list-style-type: none"><li>Freezing vs proprietary injunctions</li><li>Relevant duties</li><li>Factors relevant to the court's discretion to set-aside</li><li>Re-grant after set-aside</li></ul>		
2.10pm	<b>Recent developments in s.423 claims</b> <b>Tim Penny KC, Rachael Earle and Jia Wei Lee</b> <ul style="list-style-type: none"><li>Is the decision in <i>Invest Bank</i> an asset-stripper's charter? Does it materially diminish the scope of s.423?</li><li>Can s.423 orders be made against those who do not receive the benefits of the transfer directly or indirectly? What is the impact of the decision in <i>Integral Petroleum SA</i>?</li><li>Pleading the statutory purpose in s.423 claims – <i>Deposit Guarantee Fund v Frick</i></li></ul>		
2.35pm	<b>Break</b>		
3pm	<b>The <i>Quincecare</i> duty and fraudulent payments</b> <b>Tim Matthewson and Francesca Mitchell</b> In light of the recent (and upcoming) appellate decisions: <ul style="list-style-type: none"><li>What is the scope of the <i>Quincecare</i> duty in internal fraud cases?</li><li>Does it apply in other cases, including APP fraud?</li><li>How are losses assessed in <i>Quincecare</i> duty cases?</li></ul>		
3.20pm	<b>Foreign law in fraud claims</b> <b>Alan Gourgey KC and Jessica Brooke</b> <ul style="list-style-type: none"><li>How and when to plead foreign law in fraud claims – tactical considerations</li><li>Previous English decisions on foreign law as a precedent</li><li>The importance of the distinction between substantive and procedural requirements</li><li>Appeals on points of foreign law</li></ul>		
3.40pm	<b>Disclosure orders against foreign non-parties</b> <b>Anna Littler and Sri Carmichael</b> <ul style="list-style-type: none"><li>'Norwich Pharmacal' and 'Bankers Trust' relief in fraud disputes</li><li>The new jurisdictional gateway under CPR PD6B, para 3.1(25)</li><li>Why the new gateway may not be a 'magic bullet'</li></ul>		
4pm	<b>Break</b>		
4.25pm	<b>Cryptocurrency fraud – a discussion of current issues and practical considerations</b> <b>Chaired by John Wardell KC, with Stephen Brown, Emily McKechnie, Alice Hawker and Ram Lakshman</b> <ul style="list-style-type: none"><li>How to persuade an English court to take jurisdiction over your claim</li><li>How to serve a fraudster when you don't know where they are</li><li>Tracing your money - including tracing through mixers, identifying clusters and the difficulties with locating the asset once dissipated</li><li>Problems with enforcement and creative solutions - including <i>Tulip Trading</i></li></ul>		
4.55pm	<b>Summary judgment in fraud claims</b> <b>Jack Watson</b> <ul style="list-style-type: none"><li>Unexplored tactics</li><li>Practical considerations</li></ul>		
5.10pm	<b>Guest Speaker: Nick Leeson (in conversation with Bobby Friedman)</b> Nick's role as the "rogue trader" in the £860m collapse of Barings Bank is one of the most spectacular debacles in financial history. Bobby will speak to Nick about his cautionary tale, his insights into the psychology of fraud, his perspective on the banking system in light of recent stresses, and his views on financial fraud in 2023.		
5.50pm	<b>Closing remarks from Alan Gourgey KC</b>		
5.55pm	<b>Drinks Reception</b>		

£130 + VAT for in-person attendance  
£50 + VAT for virtual attendance via Zoom

For further information, please email  
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