

# Insolvency Conference & Dinner 2024

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4.0 CPD

## The Good, the Bad and the Incompetent: Director Litigation

Thursday 1<sup>st</sup> February 2024

The Carlton Tower Jumeirah, 1 Cadogan Place, London SW1X 9PY

### Timetable

12.30pm	<b>Registration and lunch</b>	3.05pm	<b>Break</b>
1.15pm	<b>Opening remarks from the chair: Marcia Shekerdemian KC</b>	3.40pm	<b>Removing misfeasant directors by way of injunctive relief – a case study</b> <b>James Bailey KC and John Grocott-Barrett</b> <ul style="list-style-type: none"><li>• How misfeasant is misfeasant?</li><li>• Does the director get to express a view?</li><li>• Does the survival of the company trump everything?</li></ul>
1.20pm	<b>Permissible Delegation or Total Abrogation? Claims against directors in large organisations</b> <b>Lexa Hilliard KC and Rachael Earle</b> <ul style="list-style-type: none"><li>• Legal issues: delegation and causation</li><li>• Practical trial tips: evidence from liquidators and experts – what not to do</li></ul>	4.05pm	<b>Limitation in claims against directors</b> <b>Thomas Robinson and Jack Watson</b> <ul style="list-style-type: none"><li>• Canada Square and its consequences</li><li>• “Deliberate”, “concealment” and other difficulties</li><li>• S.21, s.14A and other workarounds</li></ul>
1.45pm	<b>Remedies for breach of duty, the mystery of equitable compensation, and arguing the counter-factual</b> <b>Marcia Shekerdemian KC, Caspar Bartscherer and Samuel Cathro</b> <ul style="list-style-type: none"><li>• Traditionalists, modernists and hybrids – who is right?</li><li>• Doctrinal confusion – but what are the practical implications?</li><li>• Have the latest cases moved the dial?</li></ul>	4.30pm	<b>Relief from liability under section 1157 – if ever, when?</b> <b>Sri Carmichael and Ernest Leung</b> <ul style="list-style-type: none"><li>• Criteria for relief – Who may be relieved from liability? What liabilities are covered? What must be shown?</li><li>• What does it mean to act “honestly” and “reasonably” in this context?</li><li>• The exercise of judicial discretion in all the circumstances of the case</li><li>• Lessons from <i>Humphrey v Bennett</i> [2023] EWCA Civ 1433</li></ul>
2.15pm	<b>ESG and directors’ duties: should directors be worried?</b> <b>Jessica Brooke and Daniel Scott</b> <ul style="list-style-type: none"><li>• Fighting ESG issues in the Courts – can the derivative claim ever succeed? What other options are there?</li><li>• The difficulties of evidencing financial loss – could an ESG claim ever succeed without it?</li><li>• The saga of <i>Client Earth v Shell</i>.</li><li>• Do directors need to consider ESG when carrying out their duties?</li></ul>	4.55pm	<b>The most important cases of the current insolvency law zeitgeist</b> <b>Ram Lakshman and Theo Dixon</b> take you through a number of key decisions in the insolvency world in recent months, distilling helpful tips for practitioners, and highlighting trends to keep an eye on for the future.
2.40pm	<b>From theory into practice: Directors’ duties post-Sequana</b> <b>John McGhee KC and Daniel Lewis</b> <ul style="list-style-type: none"><li>• What did the Supreme Court <i>actually</i> decide?</li><li>• When does Sequana arise in practice?</li><li>• How are the Courts applying Sequana now?</li><li>• How to win (and how to lose) on the Sequana duty.</li></ul>	5.20pm	<b>Worst (and best) practice in the ICC – in conversation with ICC Judge Burton</b> <b>Tara Taylor and Francesca Mitchell</b>
		5.50pm	<b>Closing remarks from the chair: Marcia Shekerdemian KC</b>
		5.55pm	<b>Drinks Reception</b>
		7pm	<b>Dinner in Al Mare Restaurant</b>

£130 + VAT for conference only (in-person attendance)  
£185 + VAT for conference and dinner at Al Mare Restaurant  
£50 + VAT for conference only (virtual attendance)

For further information, please email  
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