

Commercial Litigation Conference 2024

Wilberforce
CHAMBERS

Wednesday 2nd October

3.0 CPD

The Langham, 1c Portland Place, Regent Street, London W1B 1JA



Timetable

12.15pm **Registration and lunch**

1pm **Opening remarks from Tim Penny KC**

1.05pm **Interim relief in international disputes**
Tim Penny KC and Anna Littler

- Recent case update
- “Good arguable case” test
- Implications for practice

1.30pm **Arbitrability in company and insolvency litigation**
Graeme Halkerston

- What effect does an arbitration agreement have on shareholder and creditor litigation rights?
- Arbitrability issues: Can the dispute be arbitrated and does the dispute have to be arbitrated
 - What sorts of claims: Unfair prejudice, just and equitable winding up, derivative actions, creditor winding up
 - Commencing Court proceedings when there is an arbitration agreement
 - Which issues are resolved in which forum
 - Framing effective requests for arbitration

1.50pm **Whose law is it anyway: applicable law, limitation and amendments**
Sebastian Allen and Tara Taylor

- Rome I and Rome II
- Stop the clock: limitation in foreign law claims
- Time-barred amendments: relation back and CPR 17.4

2.10pm **Break**

2.40pm **Enforcement at home and abroad**
Zoë Barton KC and Sri Carmichael

- When can't you enforce?
- Developments in enforcement post-Brexit

3pm

Challenging, removing and suing directors
Fenner Moeran KC, Nikki Singla KC and John Grocott-Barrett

- Directors' duties in light of BHS, and the Carillion NEDs discontinuance
- Invalid appointments of directors
- Invalid director decisions (acting for improper purposes, good faith and breach of fiduciary duty)
- Removal of directors (appointing interim receivers)

3.25pm

Foreign proceedings and res judicata
Emily McKechnie, Tim Matthewson and James Man

- Issue estoppel and foreign judgments
- Section 34 of the Civil Jurisdiction and Judgments Act 1982
- Using findings in foreign judgments in interlocutory applications
- The use of materials from abroad

3.55pm

Forum non conveniens and jurisdiction challenges
Jack Watson

- Burdens of proof
- Tactical considerations

4.15pm

Break

4.50pm

Shareholders and obtaining without notice relief

- James Bailey KC and Jessica Brooke**
- When can you take control of the company?
 - How far will the court go?
 - Delivery up and passport orders?
 - Who pays and when?

5.15pm

Five-minute pitch
Samuel Cathro, Ernest Leung and Benedict Evans

5.45pm

Closing remarks from Tim Penny KC

5.50pm

Drinks Reception

9pm

Carriages

£155 + VAT for conference ticket
3.0 CPD

For further information, please email
seminars@wilberforce.co.uk

