

# Birmingham Commercial Conference

6 JUNE 2018, 4.00PM–6.30PM

The Cube, 196 Wharfside St, Birmingham B1 1RN

PRICE £40 + VAT | 2.0 CPD

**Wilberforce**  
CHAMBERS

## TIMETABLE

- 4.00pm Registration and refreshments
- 4.15pm Welcome and introduction – [Alan Gourgey QC](#)
- 4.20pm Good faith in contracts – [Lexa Hilliard QC](#)
- What does "good faith" mean?
  - What is the effect of an express good faith clause in a contract?
  - When will an obligation of good faith be implied into a contract?
  - Is there a duty to negotiate in good faith?
- 4.40pm Entire agreement clauses, misrepresentation and estoppel – [Elizabeth Houghton](#)
- Do entire agreement clauses work?
  - What is the impact of such a clause on misrepresentation, mistake and estoppel claims
  - Can an entire agreement clause exclude implied terms?
  - Tips for drafting and enforcing entire agreement clauses
- 5.00pm Fraud and asset recovery – [Jack Watson](#)
- Burdens of proof
  - Jurisdiction and timing
  - Illegality
- 5.20pm WORKSHOPS – PLEASE CHOOSE ONE
- 1 Termination: A poisoned chalice? – [Alan Gourgey QC](#) and [Tim Matthewson](#)
- Termination for event of default – the potential pitfalls
  - Relevance of motive in the exercise of contractual rights
  - When the right to damages may be lost
  - The relief from forfeiture card in commercial contracts – when to play it
- 2 Say it isn't so: Informal variation of written contracts, verbal agreements and collateral contracts – [James McCreath](#) and [Bobby Friedman](#)
- Excluding oral contractual variations – *Rock v MWB*
  - When collateral contracts arise
  - Variations by conduct
  - The role of estoppel and waiver
- 6.05pm The "5 Minute Pitch" – chaired by [Alan Gourgey QC](#)  
[Jack Watson](#), [James Goodwin](#) and [Joseph Steadman](#) will each pick a case and attempt to persuade you that it is the most important case decided in the commercial litigation sphere. They will have 5 minutes each. Who is the most effective? You, the audience, will decide.
- 6.25pm Closing followed by drinks reception at The Haig Club