

# WILBERFORCE COMMERCIAL CONFERENCE: THE FUTURE OF COMMERCIAL LITIGATION

## Location

Kimpton Fitzroy London Hotel  
1-8 Russell Square, Bloomsbury,  
London WC1B 5BE

Thursday 28th March 2019

12.45pm – 5.30pm

followed by a drinks reception

CPD points: 3.5

Registration fee: £120 + VAT

## Timetable

12.45pm: REGISTRATION AND LUNCH

1.30pm: Welcome from the conference chair – Joanna Smith QC

1.35pm: Claims in conspiracy in the 21st century – what every commercial lawyer should know

Iain Pester and Elizabeth Houghton

- Advantages of pleading conspiracy
- The two types of conspiracy
- Elements of the tort
- Jurisdiction
- Future developments

1.55pm: Giving the other side a dressing-down: where are anti-suit injunctions going?

Clare Stanley QC and James McCreath

- Key recent developments
- How exclusive does your forum have to be?
- Sole recourse clauses and third parties

2.15pm WORKSHOPS (PLEASE CHOOSE ONE)

W(1) Contract law: where next?

Julian Greenhill QC, Emer Murphy and Daniel Scott

- Contractual interpretation after *Wood v Capita*
- The developing role of equity: rectification and estoppel
- Termination clauses and the common law
- Damages, an evolving landscape

W(2) Vicarious liability and commercial cases – how far has the law moved and how far has it got to go?

Joanna Smith QC and James McCreath

- Course or employment v close connection
- How relevant is authority anymore?
- Are there special rules for any torts?

W(3) Fiduciaries, secret commissions and joint ventures

Ian Croxford QC, Edward Sawyer and Jia Wei Lee

- What you need to know about making fiduciaries account for unauthorised profits and commissions
- Non-disclosure by fiduciaries, brokers and joint venturers: where are we after *Medsted Associates v Canaccord Genuity* [2019] EWCA Civ 83?
- Remedies

3.15pm BREAK

3.45pm Getting your own way in bankruptcy – why the Insolvency Act 1986 only gets you so far

James Bailey

- Two case studies illustrating how creditors can appoint their office holder(s) of choice following:
  - An interim receivership in bankruptcy (*Re Baxendale Walker*)
  - A failed IVA (*In the matter of Miss World Ltd*)

4.05pm Braganza and beyond – attacking the exercise of contractual discretion

Jonathan Hilliard QC and Bobby Friedman

- Recent applications of *Braganza* and limits on the test
- Uses in fund and other financial disputes
- Tactical considerations in contractual disputes

4.25pm The '5 minute pitch'

Bobby Friedman, Tim Matthewson, Tara Taylor, Daniel Scott and Cara Goldthorpe will each pick a case and attempt to persuade you that it is the commercial case decided in the last year which is likely to have the most significant influence in its field for years to come. They will have five minutes each. Who is the most effective? You, the audience, will decide.

4.55pm The 2019 Disclosure Pilot Scheme: The new approach explained

Guest speaker: Ed Crosse – Simmons & Simmons

In this session, Ed Crosse, commercial disputes partner at Simmons & Simmons, will provide an overview of the significant changes made to modernise the approach taken to disclosure in the Business and Property Courts. The Pilot Scheme commenced on 1 January 2019 and was the result of a two-year review undertaken by the Rolls Building Disclosure Working Group. Ed was one of the three members of the Working Group responsible for drafting the new practice direction. He will explain the thinking behind the key changes introduced and what they will mean in practice for clients and their advisers.

5.25pm Closing from the conference chair – Joanna Smith QC

5.30pm DRINKS RECEPTION