

## EVENT PROGRAMME

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### WELCOME



Anthony Parker Head of International Events, ALM

On behalf of *Legal Week*, I would like to announce the dates for this year's Commercial Litigation and Arbitration Forum. The forum unites the best of the best in the field of litigation and alternative dispute resolution from across the UK, Europe and beyond. The date for our gathering this year is Thursday 3 November and will take place at The Waldorf Hilton, London WC2.

2016 welcomes The Hon Sir Bernard Eder of Essex Court Chambers and Jonathan Evans of Nabarro as our co-chairmen. Sir Bernard and Jonathan will draw on their vast experience to inspire engaging debate and lead you through the most thoroughly researched agenda in the litigation and arbitration events portfolio.

Our strong Advisory Board of experts are hard at work putting together a forward thinking, cutting edge programme full of refreshing topics and key issues that play on our minds in our everyday roles. Keep checking our website for programme updates. Expect key topics to include:

- Ramifications of Brexit on crossborder litigation and arbitration
- Evolving third party funding models
- · An update on interim remedies
- Privilege in regulatory investigations
- Cost control and gathering of evidence
- Technology and its revolutionary impact on litigation
- Key case and jurisdictional updates
- We always welcome new ideas and topic suggestions from attendees so if you would like to discuss this further, please do not hesitate to get in touch.

I look forward to welcoming you in November.

### **SPEAKERS**

#### Chairpersons

**The Hon Sir Bernard Eder**, Essex Court Chambers **Jonathan Warne**, partner, Nabarro

#### Keynote

The Hon Mr Justice Blair

#### Speakers

Mark Baker, Global Co-Head of International Arbitration, Norton Rose

**Tom Connor**, partner, Ashurst

Simon Davis, partner, Clifford Chance

Sara Cockerill, Essex Court Chambers

Paul Convery, partner, William Fry

**Sohrab Daneshku**, managing associate, Lewis Silkin

Steven Gee QC, partner, Joseph Hage Aaronson

**David Goldberg**, partner, White & Case

Trevor Horwitz, partner - fraud, investigation & dispute services, UK & Ireland, EY

Daniel Hawke, partner, Arnold & Porter

David Lewis OC. 20 Essex Street

**Ed Pepperall QC**, St Philips Stone Chambers

George Peretz QC, Monkton Chambers

Paul Reed QC, Hardwicke Chamber

**Angeline Welsh**, barrister, Matrix Chambers

#### 2016 Advisory board

Chairman: Hilton C. Mervis, Arnold & Porter

Co-chair: The Honourable Sir Bernard Eder, Essex Court Chambers

Co-chair: Jonathan Warne. Nabarro

Mark Baker, Norton Rose

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**Richard Little**, Eversheds

Guy Pendell, CMS UK

John Reynolds, White & Case









### **PROGRAMME**

#### 08.30 REGISTRATION AND BREAKFAST

#### 09.00 Chairpersons' Welcome

The Hon Sir Bernard Eder, Essex Court Chambers
Jonathan Warne, partner, Nabarro

#### 09.10 **Keynote speaker**

The Hon Mr Justice Blair

#### 09.30 Client panel: Tips and tactics for managing projects and delivering value on costs

The opening panel of today's agenda will focus on the changing needs of the client. It will explore the internal and external considerations which surround decision making in today's dispute resolution environment and take an in depth view on effective project management techniques that can deliver value on costs.

Chair: Mark Baker, Global Co-Head of International Arbitration, Norton Rose

#### 10.15 Panel debate: Funding – the good, the bad and the ugly

Third party funding can be difficult to obtain, but in the current economic climate there is likely to be a greater need amongst businesses in order to justify the costs at play. Today's funding market is rife with new models and greater analysis being offered by a more diverse variety of funders. Expect to gain an insight into the new funding models being developed and top tips on how to approach 3rd party funders.

- · Partial damages based assessment
- · Tactics against funded parties settlement

Paul Convery, partner, William Fry

#### 10.55 COFFEE AND NETWORKING

#### 11.15 Streamed Sessions

12.15

#### A: Interim remedies

**Networking Lunch**Buffet, seated in the Palm Court

Freezing injunctions have become quite commonplace in court judgments, but are they being used too frequently and when are they legitimate? This session will address the key considerations when awarding interim remedies and will also question whether there should be reforms of anti-suit injunctions in addressing breach of agreements. Steven Gee QC is the author of Commercial Injunctions, which is highly regarded as the leading text for legal professionals advising clients on commercial pre-emptive remedies, including injunctions.

Steven Gee OC, partner, Joseph Hage Aaronson

#### B: Avoiding the pitfalls associated with group litigation orders and class action

Recent high profile cases such as the RBS group shareholders litigation and News Internationals privacy litigation have highlighted the need to better understand the costs involved with group litigation orders and class action. This session will offer insight into the cost processes involved such cases and top tips for avoiding spiralling costs.

#### C: Managing your disputes in CIS countries

- New Russian Arbitration Act
- Investment treaty arbitration?
- Enforcement of Yukos

David Goldberg, partner, White & Case

#### 13.15 Practical advice on the assumption we have a hard Brexit

The post Brexit fallout has hit the UK hard and deep. Whilst it will take many years to discover the true implications, business and litigators have to forge on and adapt to a constantly changing foreground. Indeed the weak pound may, in the short-term, see an uptick in the attractiveness of London as a litigation hub. This opening keynote will offer an insightful perspective on the state of dispute resolution in the light of political and economic trauma.

George Peretz QC, Monkton Chambers (Competition regulation)

#### 14.00 Streamed sessions

#### A: Privilege in regulatory investigations

Regulatory investigations for multinational business can come from a myriad of different bodies. Whether it's FCA, DOJ or ECJ, the rules governing regulatory privilege and their consequent ramifications for any subsequent civil litigation can sometimes be misunderstood. We will explore the various incarnations of privilege that are at play and understand what documents generated as part of regulatory investigations claimants can and cannot use in future civil litigation procedures.

- Update and structure of legal privilege in UK
- Treatment of foreign parties who have no privilege in their own jurisdiction
- Update on dominant purpose test
- Shared privilege and waiver
- Treatment of settlement offers

Tom Connor, partner, Ashurst Simon Davis, partner, Clifford Chance

### B: Gathering evidence in foreign jurisdictions - OR - Witness preparation and disclosure in foreign jurisdictions

Our expert panel representing Russia, Germany, US and the Middle East will provide first hand perspectives on how trials are conducted and how to effectively prepare your disclosure documents prior to trial in foreign jurisdictions.

Sara Cockerill, Essex Court Chambers Paul Reed QC, Hardwicke Chambers

#### C: How should institutions ensure quality of your arbitrator, adjudicator & mediator

There has been much debate relating to tribunal quality and ethical rules on individuals accepting appointments from institutions in the past year. Clients are often faced with a difficult choice when faced with an appointee that they have concerns about. Are institutions rightly or wrongly perceived as protecting the appointee rather than the users (when it comes to delay and cost)? The session wild also consider what clients want to see improved in institutions processes for making appointments.

Angeline Welsh, barrister, Matrix Chambers Suber Akther, senior litigation lawyer, Seimens

#### 15.00 COFFEE AND NETWORKING BREAK

#### 5.20 **Technology and its revolutionary impact on the world of litigation**

Disrupt or be disrupted. That's today's digital chant. It is commonly accepted that digital disruption, sometimes referred to as the consumerisation of IT, is changing things across industries and changing how we think. The legal profession is not exempt, but how aware are you of the evolution or revolution you are currently or will soon face in the conduct of your practice? We will consider how current digital and data challenges are being addressed; and looking forward, we will discuss how the effect of digital disruption, including the consumerisation of artificial intelligence and the adoption of software automation may impact and enhance both the conduct and management of legal practice.

Trevor Horwitz, partner - fraud, investigation & dispute services, UK & Ireland, EY









### PROGRAMME

#### 16.05 The long arm of the US jurisdiction

The extent to which US jurisdiction has extended across the global market under the guise of DOJ, SEC and FCPA rulings has vexed many clients and their lawyers. It is clear to see that if you conduct your business in the US market, you are held accountable by US laws, regardless of where your business is domiciled. But what authority does the long arm of the US jurisdiction have over non-U.S. companies and how can their powers be applied to international defendants?

#### 16.40 PechaKucha style updates on the law – the latest cases and concerns

Join this high octane session as the speakers are battling against auto advanced slides and the clock in order to brief you on the key cases of the moment in the least amount of time. Ready, set, go....

20 seconds a slide for 6 minutes:

Daniel Hawke, partner, Arnold & Porter

- Attribution case Jetivia SA v Bilta (UK) Limited (in liquidation) [2015]
- · Law on repudiatory breach
- Eliaibility
- Contractual interpretation

Ed Pepperall QC, St Philips Stone Chambers

Section 69

David Lewis QC, 20 Essex Street

· Privilege - Unambiguous impropriety

Sohrab Daneshku, managing associate, Lewis Silkin

#### 17.25 Closing remarks from the Chairs

The Hon Sir Bernard Eder, Essex Court Chambers

Jonathan Warne, partner, Nabarro

#### 17.30 Drinks are served in the Palm Court in presence of the speaker faculty

19.00 CARRIAGE

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# LegalWeek Commercial Litigation & Arbitration Forum

BOOK NOW 03 November 2016

03 November 2016
The Waldorf Hilton
London WC2



#### How to book

Complete the registration form and return via:

Tel: +44 (0)20 7316 9860 Email: legalweekconference@alm.com

Event website: www.commercial-litigation-forum.com

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Please complete the form below in BLOCK CAPITALS

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