

# ESSEX COURT CHAMBERS

BARRISTERS



**Spring/Summer  
Talks 2023**

# SPRING/SUMMER TALKS 2023

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## **Banking**

### **Conflict and confidentiality: disclosure following Bank Mellat.**

Philippa Hopkins KC



Helen Morton



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## **Chancery**

### **Trusts, Tracing and the Bona Fide Purchaser.**

Richard Hoyle



# SPRING/SUMMER TALKS 2023

## Civil Fraud

**What to consider when seeking to obtain or discharge a freezing order.**

Tom Ford



James Sheehan



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**The interface between criminal and civil fraud in the international dimension.**

Alison Macdonald KC



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**Fraud in shareholders disputes: the techniques used to defraud joint ventures.**

Iain Quirk



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**Disclosure in commercial litigation: strategy, practice points and pitfalls.**

Tom Ford



James Sheehan



# SPRING/SUMMER TALKS 2023

## Civil Fraud

### Privilege challenges in fraud cases (waiver and fraud exception etc).

Tom Ford



James Sheehan



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### How to freeze Bitcoins.

Tim Akkouch



Freddie Popplewell



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### The role of fraud in investment treaty arbitration.

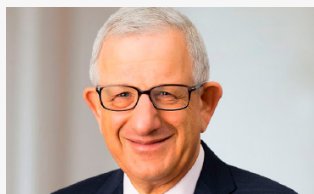
Lucas Bastin



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### Ablyazov, contempt, damages and privilege.

Jeffrey Gruder KC



# SPRING/SUMMER TALKS 2023

## Employment

### **PTRs, severance and the Tillman case.**

Daniel Oudkerk KC



### **Implied duties in employment contracts.**

Owen Lloyd



Naomi Hart



### **Data protection and vicarious liability in light of the Morrisons decision.**

Charles Ciumei KC



Owen Lloyd



Naomi Hart



### **Benyatov v Credit Suisse and the duty of care to protect employees from the risk of economic loss.**

Andrew Hochhauser KC



Jane Russell



# SPRING/SUMMER TALKS 2023

## **Investment Arbitration**

### **Structuring foreign investments to maximise investment treaty protection.**

Lucas Bastin



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### **The “five rules” for choosing arbitrators in investment arbitration.**

Lucas Bastin



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### **The emerging jurisdictional tripwires in investment arbitration.**

Lucas Bastin



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### **Investor State: Treaty abuse.**

Roderick Cordara KC



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### **Parallel Claims in Investment Arbitration**

Lucas Bastin



Benedict Tompkins



# SPRING/SUMMER TALKS 2023

## **Investment Arbitration**

### **Investor State: Annulment & Revision.**

Roderick Cordara KC



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### **Investor State & Tax.**

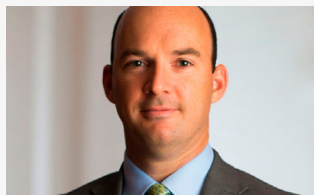
Roderick Cordara KC



## **Insurance**

### **An Introduction to Business Interruption Insurance Claims.**

Neil Hart



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### **“The FCA Test Case: An overview and discussion of the Supreme Court Judgment”**

Jeremy Brier



# SPRING/SUMMER TALKS 2023

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## Shipping

### Who bears the cost of Sulphur 2020?

Christopher Smith KC



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## General Commercial/ Arbitration

### Commencement of Arbitrations: Problems and Pitfalls.

Jeremy Brier



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### Recent anti-suit injunction cases.

Owen Lloyd



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### Guarantees. A recap of principles and update from recent caselaw.

John Robb





# SPRING/SUMMER TALKS 2023

## General Commercial/ Arbitration

### Arbitration Challenges. When, if ever, can you challenge an arbitration award on the facts?

John Robb



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### Contract – Recent developments in contract termination.

Roderick Cordara KC



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### Use of disclosed documents outside of the original proceedings: how to stay on the right side of CPR 31.22.

John Robb



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### A and B v C, D and E [2020] EWCA Civ 409 – how far has the Court of Appeal opened the door to compelling evidence and obtaining interim orders against non-parties?

Angeline Welsh



Felix Wardle

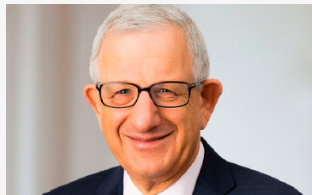


# SPRING/SUMMER TALKS 2023

## **General Commercial/ Arbitration**

### **Service out of the jurisdiction of claims under section 423 Insolvency Act 1986 (Orexim v Zen CA decision July 2018).**

Jeffrey Gruder KC



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### **Enforcement of judgments in England.**

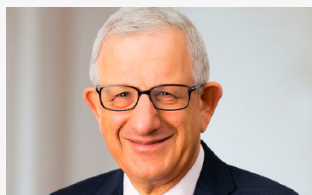
Peter Webster



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### **The tort of deceit in the context of the marital relationship.**

Jeffrey Gruder KC



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### **Disclosure of documents before issuing substantive proceedings: what are the options?**

John Robb



# SPRING/SUMMER TALKS 2023

## **General Commercial/ Arbitration**

### **Getting the Documents: Cross Border Evidence from Third Parties in Commercial Litigation and Arbitration.**

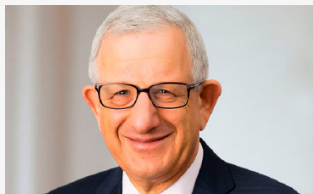
Richard Hoyle



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### **The relevance of subcontracts in respect of claims for damages for non or defective delivery of goods (euro-Asian v Credit Suisse CA July 2018).**

Jeffrey Gruder KC



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### **Recent developments in the law of privilege.**

Peter Webster



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### **Climate Change Litigation: What's happening right now, and what might we see in future?**

John Robb



# SPRING/SUMMER TALKS 2023

## General Commercial/ Arbitration

### Enforcing against sovereigns – the new developments.

Lucas Bastin



### Brexit and the Impact on Commercial Proceedings.

David Joseph



Freddie Popplewell



### Disclosure in commercial litigation: strategy, practice points and pitfalls.

Tom Ford



James Sheehan



### Enka v Chubb: law of the arbitration agreement now settled?

Iain Quirk



# SPRING/SUMMER TALKS 2023

## **General Commercial/ Arbitration**

### **Back to the future: trial witness statements in the business and property courts after 6 april 2021**

Richard Hoyle



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### **Freezing Injunctions: an update**

Naomi Hart



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### **Remote Trials after COVID**

Richard Hoyle



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### **Orders binding the world – guillotining competing proprietary**

Richard Hoyle



# SPRING/SUMMER TALKS 2023

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**General  
Commercial/  
Arbitration**

## **Avoiding pitfalls and positioning for success: fighting big trials in the commercial court**

Tom Ford



# SPRING/SUMMER TALKS 2023

## Tax/VAT

### Brexit – Fiscal implications.

Roderick Cordara KC



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### Commercial arbitration & tax issues: the limits of jurisdiction.

Roderick Cordara KC



## Human rights

### International Human rights

Naomi Hart



- Jurisdiction under the ECHR
- Inter-State disputes
- Climate change, the environment and human rights
- Bill of Rights and effects on ECtHR caseload

# SPRING/SUMMER TALKS 2023

## **Arbitration Applications**

### **Arbitration Applications to the Commercial Court. With a section on security for costs of the award.**

Benedict Tomkins



Owen Lloyd



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**The talk will look at the significant decisions from the Com Court this year, and will draw up what Owen Lloyd observed/learnt as a Com Court JA dealing with dozens of such applications each term – on paper and at hearings.**

Owen Lloyd



## **International Arbitration**

### **Conducting an emergency arbitration.**

Jackie McArthur



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**Attributing the conduct of private companies  
to a State respondent.**

Jackie McArthur





# SPRING/SUMMER TALKS 2023

Some members of chambers have written briefing notes addressing particular legal issues that are arising or are likely to arise as a result of COVID-19. Papers can be adapted to talking format if required. **See the latest here.**

## **COVID-19 related work**

### **Remote Second Chances: Appeals on Fact in the Coronavirus Era.**

Richard Millett KC



Ciaran Keller



Naomi Hart



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### **Remote hearings, adjournments and the challenges of COVID-19.**

Jeremy Brier



Wei Jian Chan



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### **Navigating maritime arbitrations in a sea of change: practical solutions to COVID-19 challenges.**

Sir Bernard Eder



Philippa Hopkins KC



Jessica Wells



David Walsh



# SPRING/SUMMER TALKS 2023

## **COVID-19 related work**

### **Post-Lockdown Labour Law Litigation Issues.**

Jane Russell



Mubarak Waseem



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### **Applications to adjourn on account of COVID-19.**

Jeremy Brier



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### **My dog ate my homework! Relying on COVID-19 for an extension of time.**

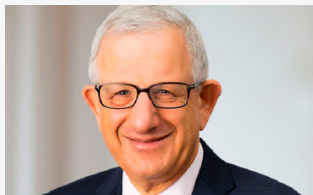
Iain Quirk



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### **Business Interruption Insurance, COVID-19 and the 25 Mile Radius.**

Jeffrey Gruder KC



# SPRING/SUMMER TALKS 2023

## Climate Change Litigation

### Challenge to government action and climate change.

Ed Brown KC



Katie Ratcliffe



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### Claims under the FSMA and the implications of *Butler-Sloss v The Charity Commission* [2022] EWHC 974 (Ch).

Ed Brown KC



Daniel Fox



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### Climate change and insurance law.

David Scorey KC



David Walsh



Helen Morton



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### Climate change and jurisdiction under human rights treaties.

Naomi Hart



# SPRING/SUMMER TALKS 2023

## Climate Change Litigation

### Climate change and long-term energy contracts.

David Mildon KC



### Climate change and proceedings before the International Court of Justice and ITLOS.

Naomi Hart



### Climate change and the right to a clean and healthy environment.

Naomi Hart



### Climate change before the European Court of Human Rights.

Alison Macdonald KC



Amy Sander



Luke Tattersall



# SPRING/SUMMER TALKS 2023

## **Climate Change Litigation**

### **Climate change litigation around the world: challenge to government action (and inaction) in foreign jurisdictions.**

Jackie McArthur



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### **Climate law and agriculture.**

Jessica Wells



Daniel Fox



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### **English jurisdiction for overseas environmental claims.**

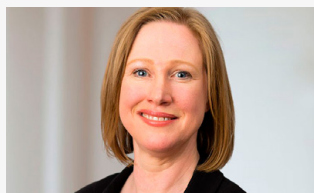
Graham Dunning KC



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### **Equality law and the impacts of climate change.**

Jane Russell



Grace Ferrier



# SPRING/SUMMER TALKS 2023

## Climate Change Litigation

### Greenwashing claims in action.

Dan Oudkerk KC



Jackie McArthur



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### Investment treaty arbitration and climate change.

Alison Macdonald KC



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### Judicial review in the English courts, using the Paris Agreement.

Jackie McArthur



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### The jurisdiction of English courts over climate change-related tort claims.

Naomi Hart



# SPRING/SUMMER TALKS 2023

## Climate Change Litigation

### **Misfeasance in public office.**

What would be the hurdles, and what sort of circumstances might give rise to a viable claim?

John Robb



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### **The new United Nations treaty on plastic pollution.**

Naomi Hart



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### **Private Enforcement of Public Good: International Arbitration Agreements as a Mechanism for Climate Change Enforcement.**

Graham Dunning KC



Benedict Tompkins



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### **The developing law of proportionality in investment treaty arbitration, as applied to climate change action by States.**

Jackie McArthur

