ESSEX COURT CHAMBERS

BARRISTERS



TALKS 2023 AUTUMN

Contents

Banking & Finance	3
Chancery Commercial	4
Civil Fraud	5
Climate Change Litigation	10
Commercial Litigation	18
Employment	23
Human Rights	24
International Arbitration	25
Investment treaties and Arbitration	28
Insurance	30
Offshore	32
Public International Law	34
Shipping	35
Tax/VAT	36

Banking & Finance

The Quincecare duty and the Supreme Court decision in Stanford International Bank Ltd (In Liquidation) v HSBC plc.











Edward Mordaunt

Guarantees. A recap of principles and update from recent caselaw

Guarantees and Performance Bonds: Why is this boundary so frequently litigated, and have the courts now achieved certainty and predictability?



Default and Acceleration - has the Pendulum swung too far towards Banks?



Chancery Commercial

Rescission, Rectification and Knowing Receipt - recap and case update



Trusts, Tracing and the Bona Fide Purchaser

The use of Trusts in Litigation Funding Agreements



Richard Hoyle

Deripaska: Contempt and Abuse of Process



Roderick Cordara KC





Benedict Tompkins

Countering dissipation: Forcing a defendant to call in liquid assets before and after judgment



Nathan Pillow KC

The interface between criminal and civil fraud in the international dimension



Alison Macdonald KC

Contempt; Deripaska and Business Mortgage Finance - what we have learned







Alexander Riddiford

Fraud in shareholders disputes: The techniques used to defraud joint ventures



Disclosure in aid of a WFO: How far can you go?



How to freeze Bitcoins

Artificial Intelligence: Who to injunct if the machines go rogue







Freddie Popplewell

The role of fraud in investment treaty arbitration

Fraud and the enforcement of arbitration awards



Cutting it short: Successful Jurisdiction and Service Out Challenges



Ruth den Besten KC

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



Tom Ford



James Sheehan

Disclosure in commercial litigation: Strategy, practice points and pitfalls

Privilege challenges in fraud cases



Tom Ford



James Sheehan

Transactions at an Undervalue (s.423 IA 1986) - principles and scope

The Law of Civil Fraud in 30 minutes

Unlawful Means Conspiracy: The elusive limits of an anomalous tort



John Robb

When Jurisdictions Collide: The Impact of POCA on Civil Proceedings



Freezing Injunctions: An update





Introductory talks

International environmental law: An introduction



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

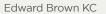




Public Law

Judicial review, challenges to government action and climate change







Jackie McArthur



Naomi Hart



Katherine Ratcliffe

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



Jackie McArthur



Public International Law

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

Protecting biodiversity on the high seas: The treaty on Biodiversity Beyond National Jurisdiction



Naomi Hart



Human Rights

Climate change and jurisdiction under human rights treaties

Climate change and the human right to a clean and healthy environment



Naomi Hart

Climate change before the European Court of Human Rights



Hugh Mercer KC





Amy Sander



Luke Tattersall





Greenwashing

Greenwashing claims in action



Daniel Oudkerk KC



Greenwashing Claims and Corporate Investment: Some Horizon Scanning



Essex Court Chambers 14



Investment treaties and arbitration

Investment treaty arbitration and climate change



Alison Macdonald KC



Peter Webster J.



Naomi Hart

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



Jackie McArthur

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



Graham Dunning KC



Benedict Tompkins



Miscellaneous topics

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





Daniel Fox

Climate Change and directors' duties



Edward Brown KC





Daniel Fox

Climate change and insurance law



David Scorey KC





Helen Morton

Climate change and long-term energy contracts





Climate law and agriculture





English jurisdiction for overseas environmental claims





Equality law and the impacts of climate change





Jane Russell

Grace Ferrier

Recent developments in contract termination

Navigating disputes in the virtual world: Dispute Resolution in the Metaverse's Artistic Landscape



Roderick Cordara KC



The tort of deceit in the context of the marital relationship



Good faith in commercial contracts



Governing Law: A primer

Jurisdiction: A primer



Neil Hart KC



Governing Law: Key topics and current cases

Jurisdiction: Key topics and current cases



Neil Hart KC



Lorraine Aboagye

Contempt applications: How to navigate the elephant traps



Anna Dilnot KC



Alexander Riddiford



Katherine Ratcliffe

Enforcing against sovereigns - the new developments

Attaching assets of State-owned companies in respect of State debts



Lucas Bastin KC

Disclosure in aid of a WFO: How far can you go?



Tim Akkouh KC



Artificial Intelligence: Who to injunct if the machines go rogue.





Cutting it short: Successful Jurisdiction and Service Out Challenges



Avoiding pitfalls and positioning for success: Fighting big trials in the commercial court





Disclosure in commercial litigation: Strategy, practice points and pitfalls





James Sheehan



A guide to challenging arbitration awards in the Commercial Court pursuant to sections 67 and 68 of the Arbitration Act 1996







Peter Webster

Forum Conveniens: practical pointers as to when the English court will (and will not) exercise jurisdiction

Damages, remoteness, mitigation: Recap and case update

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

Disclosure of documents before issuing substantive proceedings: What are the options?



Enforcement of judgments in England





Classic cars, extraordinary disputes: the road less travelled





Richard Hoyle

Back to the future: Trial witness statements in the business and property courts after 6 April 2021

Remote Trials after COVID

Orders binding the world - guillotining competing proprietary claims.

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



Recent anti-suit injunction cases



Owen Lloyd

Employment

PTRs, severance and the Tillman case

Restrictive Covenants in Employment and Commercial Contracts, Law and Tactics

LPs, LLPs and commercial employment law – a practical approach to the modern 'partnership relationship'



Daniel Oudkerk KC

Recent cases about employment status: Uber, IWGB v CAC (Deliveroo) and Amazon

Recent cases about gender critical feminism being a protected belief: Forstater (ET) (EAT), Bailey (ET)



Jane Russell

Implied duties in employment contracts



Human Rights

Jurisdiction under the European Convention on Human Rights

Climate change and human rights





International **Arbitration**

The Arbitration Act 1996 and the Law Commission proposals to amend it



The Law Commission proposals on the Arbitration Act



Recognition & enforcement of Judgments and Awards against foreign States in the English Courts



Dan Sarooshi KC

Commencement of Arbitrations: Problems and Pitfalls



Jeremy Brier KC



International Arbitration

Enka v Chubb: Law of the arbitration agreement now settled?



Arbitration Applications: Applications to the English Court in Support of Arbitration



Angeline Welsh KC





Benedict Tompkins

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



Key aspects of reform of the Arbitration Act: Court orders in support of arbitration; applicable law; jurisdiction challenges



Peter Webster



International Arbitration

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



Arbitration Applications to the Commercial Court



Benedict Tomkins



Owen Lloyd

Investment treaties and **Arbitration**

Investor State: Treaty abuse

Investor State: Annulment & Revision

Investor State & Tax



Roderick Cordara KC

Investment treaty arbitration and climate change



Alison Macdonald KC





Naomi Hart

Parallel Claims in Investment Arbitration



Lucas Bastin KC



Benedict Tompkins



Investment treaties and Arbitration

The treatment of regulatory change under investment treaties



Conducting an emergency arbitration

Attributing the conduct of private companies to a State respondent

The developing law of proportionality in investment treaty arbitration



Jackie McArthur

Insurance

Business Interruption Insurance, claims arising from the COVID-19 pandemic



Bermuda Form: An Overview of Excess Liability Coverage

Bermuda Form: Current issues in excess liability arbitration

Bermuda Form: Climate Change Claims

Bermuda Form: The Opioid Epidemic



David Scorey KC

The FCA Test Case: An overview and discussion of the Supreme Court Judgment



Jeremy Brier KC

Insurance

An introduction to re-insurance



Stonegate et al: The Butcher (J), the Baker (Greggs), and the Pizza Maker (Strada)







Daniel Fox

Business interruption insurance: developments in the case law

The insurance act: where are we now?



Helen Morton



Freddie Onslow



Daniel Fox

Offshore

Cryptocurrencies and injunctive relief



Reflective loss post Sevilleja v Marex



The new funding of trusts litigation



Stuck in the Mittal with you. Norwich Pharmacal relief after Essar



Offshore

Stonegate et al: The Butcher (J), the Baker (Greggs), and the Pizza Maker (Strada)



Helen Morton



Daniel Fox



Public International Law

Update on State Immunity





Jessica Wells

Peter Webster

International law in judicial review



Introduction to State Immunity



Essex Court Chambers 34

Shipping

Charterparty Parent Company Guarantees



Recent developments in limitation



Misdelivery claims and defences: the good, the bad, and the ugly



Essex Court Chambers 35



Brexit - Fiscal implications

Commercial arbitration and tax issues: the limits of jurisdiction

