

DUBAI CONFERENCE AND DRINKS RECEPTION

Wednesday 27 May 2015 | The Ritz-Carlton, DIFC | 4.00pm



Wilberforce Chambers invites you to our Dubai Conference. This year Jonathan Seidler QC, will look at common contractual terms and with a focus on drafting pitfalls and litigation opportunities especially those often found in building and development agreements. Rupert Reed QC, considers the opportunities now offered by litigation funding in the Dubai disputes market. Harris Bor, reflects on the difficulties in importing judgments and awards through the DIFC Courts, and Jonathan Chew, will explore recent case law on how to improve your prospects of successfully obtaining permission to appeal.

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Timetable

4.00pm Registration and Refreshments

4.30pm Common contractual terms: drafting pitfalls and litigation opportunities

Presented by Jonathan Seitler QC

This short talk aims to sharpen the tools and materials to gain leverage for clients when it comes to the interpretation of familiar (and not so familiar) contractual provisions, especially those often found in building and development agreements. We will look at the most up to date cases on contractual interpretation and apply them to the often fiddly issues which arise when contractual parties interpret their rights in a way which gives rise to potential conflict. This talk will give a better understanding of:

- Contract wording - when words in a contract mean what they say and when they mean something quite different;
- The scope for implying terms into contracts;
- The advantage for your client from being able to use or avoid, as applicable, the rule that contracts must be read and understood as at the date they were made;
- The meaning of familiar provisions including good faith clauses, endeavours clauses (reasonable, best and all reasonable endeavours) and overage clauses.

4.45pm Litigation funding in the Dubai legal market - its potential and pitfalls

Presented by Rupert Reed QC

Third party funding is increasingly being used in London, and was recently used to finance the high-value mis-selling claims in *Al Khorafi v. Bank Sarasin* CFI 026/2009. This in turn resulted in interim enforcement proceedings in the DIFC Courts by the litigation funder in *Vannin Capital v. Al Khorafi* CFI 036/2014.

The London market was recently rocked by the decision in *Excalibur v. Texas Keystone* [2014] EWHC 3436 (Comm) in which Wilberforce was involved in acting for leading funders in seeking to resist non-party costs orders sought on the indemnity basis.

Rupert will consider litigation and arbitration funding in Dubai in the light of these cases, with a particular focus on:

- the pros and cons of using third party funding in the first place
- the negotiation and drafting of litigation funding agreements
- managing the relationships between litigants, lawyers and funders
- the enforcement mechanisms available in the DIFC to litigation funders

5.00pm May the enforcement be with you! Enforcing and resisting the enforcement of arbitration awards and English court judgments outside the jurisdiction

Presented by Harris Bor

This talk will take you on a whistle stop tour of the practicalities of enforcement, applicable legal principles, and recent cases in the area, including the first case (we think) dealing with the DIFC's jurisdiction to enforce an English court judgment in the DIFC in which Harris appeared.

5.15pm Permission to Appeal and How to Get It - Lessons from the DIFC Courts

Presented by Jonathan Chew

A successful challenge on appeal often requires a significant change in approach and mentality to that at trial. Given the strict time limits on obtaining permission for appeal, this has to happen quickly otherwise the possibility of appealing at all disappears. Jonathan will use recent DIFC Court decisions to illustrate how best to get a shot at a full appeal:

- The basic principles: a low hurdle but a narrow gateway
- DIFC examples including *Taaleem v Deyaar* (24 April 2014)
- Practical points on how to make the most of the application

5.30pm Closing Remarks/Q&A

5.45pm Drinks Reception

Booking Information: To book a place on this conference please email your full contact details to **Fraser Geddes** on fgeddes@wilberforce.co.uk or telephone him on **+44 (0)7747 600 994**