



# Wilberforce COMMERCIAL LITIGATION CONFERENCE

Thursday 30 March 2017 | The Grange St. Paul's Hotel, London | 3.5 CPD | £115 +VAT | 1:45pm

The Wilberforce Annual Commercial Litigation Conference looks this year at the issue of remedies. We will be considering the practicalities of whether the innocent party can walk away from a broken contract, how a claimant can best formulate its claim, whether in contract or unjust enrichment, to maximise its

recovery, and what interim steps can be taken to secure that claim. Our Commercial teams will be exploring, in short talks and workshops, issues relating to remedies on which they have recently advocated and advised in practice. The conference will be followed by a Drinks Reception from 6.30pm onwards.

## Timetable

1.45pm	Registration and lunch
2.30pm	<b>Welcome from the Chairman</b> – Rupert Reed QC
2.40pm	<b>The Compensatory Principle of Damages: the <i>Golden Victory</i> and beyond</b> Joanna Smith QC  – The <i>Golden Victory</i> explained; – Recent developments – What next for the compensatory principle?
3.00pm	<b>Implied contract: a convenient fiction in claiming damages</b> Rupert Reed QC  – Remedial function – What's required – Tightening of requirements after <i>M&amp;S v. Parisbas</i> – Free acceptance – the restitutionary alternative.
3.20pm	<b>The cross-undertaking in damages</b> Nikki Singla  – Calling on the cross undertaking – What worth is the cross undertaking? – Reflections on <i>Abbey Forwarding Ltd v Hone</i> .
3.40pm	Workshops 1, 2 or 3 (Please select one)

**W1 Injunctions**  
James Ayliffe QC, Tom Roscoe, Zoë Barton & Jonathan Chew  
  
A practical problem-based discussion session looking at some more complex types of injunctive relief including:  
– injunctions against third parties & recent developments in the Chabra jurisdiction  
– injunctions in support of foreign proceedings.

**W2 Remedies for breach of fiduciary duty**  
Elizabeth Houghton & James Goodwin  
  
– Who is a fiduciary? What are the remedial benefits to finding someone a fiduciary?  
– Equitable compensation  
– Proprietary remedies, constructive trusts and tracing.

**W3 Release fees and accounts of profits: *Wrotham Park* and beyond**  
Jonathan Hilliard QC, Rupert Reed QC, Emer Murphy & Joseph Steadman  
  
– When will release fee damages be awarded for breach of contract?  
– How will the release fee be quantified?  
– Why might the release fee become an account of profits?

4.40pm BREAK

5.10pm **Applications for injunctions in support of arbitrations – the court or the tribunal?**  
Alan Gourgey QC  
  
– Is there a choice?  
– Survey of the institutional and court rules  
– The pros and cons  
– Recent developments.

5.30pm **Restitutionary Update**  
Tim Penny QC  
  
– Quantum meruit and unjust enrichment  
– Recent Supreme Court cases  
– Preconditions for a claim in unjust enrichment.

5.50pm **Contract termination – often the real remedy at issue**  
James Ayliffe QC  
  
– Contractual vs common law rights of termination  
– Validity of exercise  
– Reliance on “new” grounds  
– Impact on damages  
– Loss of termination rights: affirmation/waiver.

6.10pm **Would I lie to you?**  
Chaired by Ian Croxford QC  
A panel of Wilberforce barristers present a selection of weird and wonderful cases – but which ones are true?

6.35pm **Drinks Reception**

## BOOKING FORM

### By Email

Scan and email us a copy of the booking form to [seminars@wilberforce.co.uk](mailto:seminars@wilberforce.co.uk)  
You can also download this form from our website [www.wilberforce.co.uk](http://www.wilberforce.co.uk)

### By Post

Alternatively you can post a hard copy of the booking form and cheque to:  
Seminar Bookings, Wilberforce Chambers, 8 New Square, Lincoln's Inn, London WC2A 3QP, (DX: 311 Chancery Lane)

Booking Contact: [seminars@wilberforce.co.uk](mailto:seminars@wilberforce.co.uk) T: +44 (0) 207 306 0102 Contact person: Vanessa Hadebe

We regret that no refunds will be made in the event that delegates are unable to attend, please see Terms and Conditions for further information. Please contact us directly for Group Booking Discounts for 6 or more delegates.

### Payment:

Conference: **£115 + VAT (£138)**

### I will be paying by:

Cheque\*  BACS

\*Please make cheques payable to 'Wilberforce Chambers'.  
An invoice will be sent out upon receipt of your booking, it will include our BACS payment details

I enclose a cheque for £	to reserve	(places)
Name(s)	Position	
Firm		
Email	Telephone	
Address		
Special Requirements		

### WORKSHOPS

Please select the following workshop that you would like to attend at the conference  
(places for each workshop are allocated on a 'first-come, first-served' basis)

- WORKSHOP 1 - **Injunctions**
- WORKSHOP 2 - **Remedies for breach of fiduciary duty**
- WORKSHOP 3 - **Release fees and accounts of profits: *Wrotham Park and beyond***