

Fraud, Trusts & Asset Recovery Conference 2023

Wilberforce
CHAMBERS

Wednesday 8th November 2023

3.5 CPD

Courthouse Hotel Shoreditch, 335-337 Old St, London EC1V 9LL

Timetable

12.45pm **Registration and lunch**

1.30pm **Opening remarks from the chair:**
Fenner Moeran KC

1.35pm **Broad Idea and the extension of interim injunctions – is *The Siskina* good law anymore?**

John McGhee KC and Daniel Scott

- A survey of recent English authorities which interpret the scope of *Broad Idea*
- Injunctions relating to non-parties – *Linemile Properties Ltd v Plater*
- Freezing orders and ancillary relief
- A look to the future

2pm **The use and abuse of offshore structures: practical tips for claimants and defendants in fraud claims**

Andrew Mold KC and James Goodwin

- Attacking offshore structures
- Defending offshore structures
- Recent developments
- Other routes to enforcement

2.25pm **Keeping fraudsters on the hook: enforcement after bankruptcy**

Jessica Brooke and Joseph Steadman

- When will a claim survive the bankruptcy of a fraudster or accomplice?
- What types of assets might the claimant be able to recover?
- Who might be the targets of post-bankruptcy enforcement claims?

2.50pm **Of agents and attribution: a primer**

Alice Hawker and Jia Wei Lee

- Claims against third parties who have assisted or participated in the agent's breach of duties
- A defence to property-based claims?
- Dispersed responsibility among employees, agents and directors of companies

3.15pm **Break**

3.45pm **The tangled world of damages for unlawful means conspiracy: *ED&F Man Capital Markets Ltd v Come Harvest Holdings Ltd* [2022] EWCA Civ 1704**

Thomas Grant KC and Sebastian Allen

- The standard measure and departing from it
- Identifying “the transaction”
- Avoided loss

4.10pm **Privilege in the context of fraud**

Emily McKechnie

- Identifying iniquity
- Burden of proof
- Obligations on the party asserting privilege

4.30pm **Costs out of disputed funds – tips for turning on the tap**

Graeme Halkerston and Samuel Cathro

- Potential blockages – proprietary claims by third parties over property held by fiduciaries
- Insolvency practitioners – the *Berkeley Applegate* jurisdiction – early birds and cautionary tales
- Trustees – a quasi-*Benjamin* order? The old law, and now *In re The X Trust and The Y Trust*

4.55pm **Five-minute pitch**

Chaired by Alan Gourgey KC, with Sri Carmichael, Jamie Holmes and Ernest Leung

5.25pm **Closing remarks from the chair:**

Fenner Moeran KC

5.30pm **Drinks Reception**

9pm **Carriages**

£120 + VAT for in-person attendance
£40 + VAT for virtual attendance via Zoom

For further information, please email
seminars@wilberforce.co.uk

