



the global voice of
the legal profession

A Conference presented by the Litigation Committee of the Dispute Resolution Section of the IBA Legal Practice Division and supported by the Commercial Litigators' Forum

UP TO 5
CPD HOURS AVAILABLE*

Globalised litigation: truth or myth?

20-21 APRIL 2006
GIBSON HALL, LONDON

This Conference will examine the most significant developments in international litigation. Delegates will have the opportunity to hear the current thinking of distinguished litigation experts and to participate in discussions on the hot topics in this area of practice. There will be sessions and case studies covering all recent developments in jurisdiction, applicable law, service, enforcement and evidence.

* As per the Law Society of England and Wales, The number of CPD points/hours available may vary for other Bar Associations and Law Societies depending on their criteria.

Who should attend?

Litigators, corporate counsel, judges and academics.

Programme

Conference Chair

Nicola Mumford Wragge & Co LLP,
Birmingham; Co-Chair, Litigation Committee,
IBA Legal Practice Division

Thursday 20 April

1800 **Charity welcome reception**
Somerset House

A high-profile reception, hosted by the Commercial Litigators' Forum. The guest of honour will be **Cherie Booth QC**. Also supporting and attending the event will be Ken Livingstone, Mayor of London and other leading dignitaries. All proceeds from the reception will go directly to the following charities: the London Bombings Relief Charitable Fund, the London Air Ambulance and the Tom ap Rhys Pryce Memorial Trust. If you are interested in sponsoring please log on to www.commerciallitigatorsforum.com for further information.

Friday 21 April

0800-1730 **Registration**

0830-0915 **COFFEE/TEA**

0915-0930 **Welcome**
Nicola Mumford

0930-1045

Documentary evidence: has it got out of hand?

This session looks at the extent of the documentary disclosure obligations – both legal and practical – in the common law and civil law systems, including the particular issues raised in cross-border disputes and by the electronic storage of documents. The session will conclude with a floor discussion based upon the experiences of those engaged in cross-border disputes in a range of jurisdictions.

Session Co-Chairs

John Reynolds *McDermott Will & Emery, London*

Jonathan Warne *Nabarro Nathanson, London*

Speakers

Christian Camboulive *Gide Loyrette Nouel, Paris; Chair, Recognition and Enforcement of Arbitral Awards Committee, IBA Legal Practice Division*

Jerome S Fortinsky *Shearman & Sterling LLP, New York*

Michael Taylor *Kroll Ontrack, London*

1045 – 1115 **COFFEE/TEA BREAK**

1115 - 1230

Witness evidence – truth or answer?

This session will look at the widely differing approaches to preparation of witnesses for hearings. It will also examine what can and cannot be done in certain jurisdictions and what sorts of issues this raises for justice, ethics and of course for the advocates.

Session Chair

Peter Rees *Debevoise & Plimpton LLP, London; Council Member, IBA Legal Practice Division*

Speakers

Steve W Berman *Hagens Berman Sobol Shapiro LLP, Seattle, Washington*

Markus Koehnen *McMillan Binch Mendelsohn LLP, Toronto, Ontario*

Marc Russenburger *VISCHER, Zurich*

1230-1400 **LUNCH**

Supported by:



Kroll Ontrack®

Exhibitors present at this Conference will include:

Global Arbitration Review
International Law Office
Kroll Ontrack
Legal Week
Practical Law Company

Continuing Professional Development / Continuing Legal Education

For delegates from countries where CPD / CLE is mandatory, the International Bar Association will be pleased to provide a Conference Certificate of Attendance which, subject to the exact CPD / CLE requirements, may be used to obtain the equivalent accreditation in your jurisdiction.

This Conference has been accredited for CPD / CLE by the Law Society of England and Wales. Delegates should ask staff at the Registration Desk for information as to how to obtain the hours.

1400-1615

Jurisdiction busting!

Double session including an outline of urgent multijurisdictional relief and a separate mock interlocutory application on a tactical application for a negative declaration.

Session 1 case study

A Canadian bank is the subject of a fraud perpetrated by an unknown fraudster in France. The money is paid into a Spanish bank on a Friday night. Urgent proceedings are needed to freeze the money in Spain. It transpires that the money is in the name of an English company with French directors, who are suspected fraudsters.

Laura Fric will deal with the need to bring *John Doe* proceedings against an unknown defendant in Canada and to obtain a freezing injunction in respect of the money in Spain.

Steven Gee QC will deal with obtaining a freezing order in support of these proceedings as there are no substantive proceedings in England. The application will deal with, among other things, the question of commencing substantive proceedings in England and adding parties.

Miguel Torres will deal with the issues of availability of injunctions under the civil and criminal courts and will look at whether the Spanish banks are likely to respect and cooperate with these orders and when the freezing injunction becomes binding on the Spanish bank.

Session 2 case study

In a separate application made by **Hilary Heilbron QC**, an English company has threatened to sue an American company for RICO damages arising out of an action taking place in the Netherlands. The American corporation will make an application for a declaration of non-liability before the English courts for a negative declaration that under Dutch law they are not liable. The basis of the application is two-fold:

- 1) The court has jurisdiction where the English plc is domiciled; and
- 2) declaration for non-liability.

Hilary Heilbron will explain the facts and set out the recent case law in support of her application. There will be commentary from US lawyers on how the US court would act and react, from Dutch lawyers on how (where England is the court first seized) they are affected by the European Regulation and from Hilton Mervis on the English position and tactics that can be adopted in this and similar cases generally, including anti-suit applications.

Session Co-Chairs

Hilary Heilbron QC *Brick Court Chambers, London*

Hilton Mervis *SJ Berwin LLP, London*

Speakers

Laura Fric *Osler Hoskin & Harcourt LLP, Toronto, Ontario*

Steven Gee QC *Stone Chambers, London*

Miguel Torres Mingot *Rodrigo Abogados, Madrid*

John Fellas *Hughes Hubbard & Reed LLP, New York*

Jan de Bie Leuveling Tjeenk *De Brauw Blackstone Westbroek, The Hague*

1515-1530 COFFEE/TEA BREAK

1615-1645

Globalised litigation: truth or myth?

To conclude, there will be a 30-minute interactive debate (audience participation compulsory) to look at the topics raised during the day and to vote on whether globalised litigation is truth or myth.

Session Chair

Nicola Mumford

2000

Conference dinner

Stationers' Hall

Ave Maria Lane, London EC4M 7DD

The Stationers' Company is one of the City Livery Companies with a history going back some 600 years. The Hall dates from 1673 immediately after the Great Fire of London. Stationers' Hall is a Grade I listed building, rich in history and tradition, beautifully furnished with great style and elegance, housing outstanding paintings, stained glass windows and period furniture. A perfect setting for dinner.

Entry by ticket.

Dress: Business suit.

Ticket price: £90

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Information

Date

20-21 April 2006

Venue

Gibson Hall
13 Bishopsgate
London EC2N 3BA
England

Language

All working sessions and Conference materials will be in English.

How to register

Please complete the attached registration form and return it to Susie Leuty at the IBA together with your payment. You should receive written confirmation of your registration within 14 days; if you do not then please contact Susie Leuty at the above address.

Fees

Registration forms and fees received:

| | <i>on or before</i> | <i>after</i> |
|-----------------------|------------------------------|-----------------|
| | 31 March | 31 March |
| IBA member/CLF Member | £420 | £520 |
| Non Member | £520 | £620 |
| Young Lawyer | £315 | £620 |
| Academic/Judge | £315 | £620 |
| Corporate Counsel | £380 | £620 |
| Conference dinner | <i>Price to be confirmed</i> | |

The IBA offers senior lawyers a discounted registration fee. Please contact the IBA office for further information.

Full payment must be received in order to process your registration.

Fees include

- * Attendance at all working sessions
- * Conference materials, including any available speakers' papers submitted to the IBA before **24 March**
- * Access to the above Conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the Conference
- * Invitation to Charity welcome reception on Thursday 20 April
- * Lunch on Friday 21 April
- * Tea and coffee during breaks

Please note that registrations are not transferable.

List of participants

In order for your name to appear in the list of participants, which will be distributed at the Conference, your registration form must be received by 18 April at the latest.

Payment of registration fees

Pounds sterling: by cheque or bank draft drawn on a UK bank and in favour of the International Bar Association. Please send to: 10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom.

OR by bank transfer to the IBA account number: 13270222 at the National Westminster Bank, St James's & Piccadilly Branch, (Sort Code 56-00-03), 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L or IBAN GB05NWBK56000313270222.

Please ensure that a copy of the bank transfer details is attached to your registration form.

Euro: by bank draft converted at the current rate of exchange and in favour of the International Bar Association OR by bank transfer to the IBA Bank Account Number 550/00/06570631 at the National Westminster Bank, St James's & Piccadilly Branch, (Sort Code 56-00-03), 208 Piccadilly, London W1A 2DG, United Kingdom SWIFT address NWBKGB2L or IBAN GB58NWBK60721106570631.

Please ensure that a copy of the bank transfer details is attached to your registration form.

US dollars: by cheque or bank draft converted at the current rate of exchange and drawn on a US bank and in favour of the International Bar Association. Please send to: 10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom.

OR by bank transfer to the IBA account number: 01286498 at the National Westminster Bank, St James's & Piccadilly Branch, (Sort Code 56-00-03), 208 Piccadilly, London W1A 2DG, United Kingdom. **Please ensure that a copy of the bank transfer details is attached to your registration form.**

Credit card payments: by Visa, MasterCard or American Express. **No other cards are accepted.**

PLEASE ENSURE THAT YOUR NAME AND THE WORDS 'CON834 +LONDON' APPEAR ON ANY TRANSFER OR DRAFT.

Cancellation of registration

If cancellation is received in writing at the IBA office by 24 March, fees will be refunded less a 25 per cent administration charge. We regret that no refunds can be made after this date.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local Embassy or Consulate. **We are unable to send out letters supporting visa applications to embassies prior to receipt of your registration form and full payment of registration fees.**

Please apply for your visa in good time.

Hotel accommodation

The following hotels are located close to Gibson Hall; please contact your preferred hotel directly should you wish to make a reservation.

Great Eastern Hotel *****

Liverpool Street
London EC2M 7QN
England
Tel: +44 (0)20 7618 5010
e-mail: reservations@great-eastern-hotel.co.uk

Malmaison London ****

Charterhouse Square
London EC1M 6AH
England
Tel: +44 (0)20 7012 3700
e-mail: london@malmaison.com

Delegates are responsible for making accommodation reservations directly with the hotels and enter into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates. The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

Disabled access

Gibson Hall is wheelchair accessible. Please notify us if you require special assistance.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact Louise Young at the IBA louise.young@int-bar.org

Social programme

Thursday 20 April
1800 - 2000

Charity welcome reception

Somerset House

A high-profile reception, hosted by the Commercial Litigators' Forum. The guest of honour will be Cherie Booth QC. Also supporting and attending the event will be Ken Livingstone, Mayor of London and other leading dignitaries. All proceeds from the reception will go directly to the following charities: the London Bombings Relief Charitable Fund, the London Air Ambulance and the Tom ap Rhys Pryce Memorial Trust. If you are interested in sponsoring please log on to www.commerciallitigatorsforum.com for further information.

Friday 21 April
2000

Conference Dinner

Dinner ticket price: £90
Social event ticket reservations cannot be guaranteed unless payment has been received before 18 April, subject to availability.

Registration

Globalised litigation: truth or myth?

20-21 April 2006, Gibson Hall, LONDON

Please read the 'General Information' section before completing this form and return it, together with your payment, to Susie Leuty at the address overleaf

Personal details (Please attach your business card or write in block capitals)

Title _____ Given name _____ Family name _____

Name as you wish it to appear on your badge (if different from above) _____

Membership number (if applicable) _____

Firm / Company / Organisation _____

Address _____

Tel _____

Fax _____

E-mail _____

Special Dietary Requirements

| Registration form and fees received: | On or before 31 March | After 31 March | Amount Payable |
|--------------------------------------|--------------------------|-------------------|----------------|
| IBA member/CLF Member | £420 | £520 | £ |
| Non member* | £520 | £620 | £ |
| Young lawyer | £315 | £620 | £ |
| Academic/Judge | £315 | £620 | £ |
| Corporate Counsel | £380 | £620 | £ |
| Conference Dinner | ___ tickets | £90 | |

The IBA offers senior lawyers a discounted registration fee. Please contact the IBA office for further information.

TOTAL AMOUNT PAYABLE _____ **£**

Please note that registrations are not transferable

* Join the IBA today to book at the discount rate. Please find the IBA membership application on www.ibanet.org

Continued overleaf

For office use only

Payment _____ Banked _____ Processed _____

Payment details

- I enclose a cheque / bank draft made payable to the IBA for the total amount payable.
- I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.
- Please charge the total amount due to my Visa / MasterCard / American Express / Diners (*Other cards are not accepted*).

Card number _____ Expiry date _____

Name of card holder _____

Signature _____ Date _____

Where did you first hear about this Conference?

- IBA CONFERENCE OTHER CONFERENCE DIRECT MAIL INTERNET ADVERTISEMENT
- E-MAIL EDITORIAL RECOMMENDATION OTHER

Please provide further details, quoting code (if applicable)

IBA listings are provided to third parties, are used for marketing purposes and are published on the internet and other internationally available networks and media. The IBA will treat your personal information with the utmost respect and in accordance with UK data privacy laws.

If you do not want your details to be passed on, please tick the box

Please send the completed form to:

Susie Leuty

International Bar Association

10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom

Tel: +44 (0)20 7691 6868. Fax: +44 (0)20 7691 6545. Fax: +44 (0)20 7691 6544.

e-mail: susie.leuty@int-bar.org. website: www.ibanet.org



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the legal profession

International Bar Association the global voice of the legal profession

In its role as a dual membership organisation, comprising 20,000 individual lawyers and over 195 Bar Associations and Law Societies, the International Bar Association (IBA) influences the development of international law reform and shapes the future of the legal profession. Its Member Organisations cover all continents and include the American Bar Association, the German Federal Bar, the Japan Federation of Bar Associations, the Law Society of Zimbabwe and the Mexican Bar Association.

Grouped into two Divisions – the Legal Practice Division and the Public and Professional Interest Division – the Association covers all practice areas and professional interests. It provides members with access to leading experts and up-to-date information as well as top-level professional development and network-building opportunities through high quality publications and world-class Conferences. The IBA's Bar Issues Commission provides its Member Organisations with substantive programmes and social activities in and between meetings and the IBA's Human Rights Institute works across the Association, helping to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

Litigation Committee

The Litigation Committee is part of the Dispute Resolution Section and has a membership of over 1,700 in 120 countries. It focuses on legal and practical issues involved in conducting litigation at an international level, including issues such as: jurisdiction, choice of law and the role of international judicial assistance in dispute resolution. The Committee provides an excellent forum for practitioners involved in the business of international litigation to debate topical issues and share their experiences of handling and solving the problems arising from transactional disputes. It supports this by holding regular specialist Conferences and through the distribution of its Committee newsletter.

For further information please contact:

International Bar Association

10th Floor, 1 Stephen Street, London W1T 1AT, United Kingdom

tel:+44 (0) 20 7691 6868 fax:+44 (0) 20 7691 6544 e-mail: member@int-bar.org website: www.ibanet.org

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