

Contract Law for Litigators 2010

Hot Topics and Latest Developments: From Drafting to Damages

24 June 2010, London

“A perfect opportunity to keep on top of the latest and biggest issues”

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9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

David di Mambro, Radcliffe Chambers

9.45 A Review of Recent Commercial Contract Cases as at the Date of the Conference

Richard Samuel, 3 Hare Court

10.30 Contract Formation and Drafting

- Distinguishing a “deal” from a binding contract
- Use and meaning of phrases such as “subject to contract”, “without prejudice”
- What rights and liabilities arise where performance begins without a proper contract?
- Problems of certainty and intention when there are gaps in the agreement
- When and how will the court fill a gap?
- Common drafting problems

David di Mambro, Radcliffe Chambers

11.15 Coffee

11.30 Drafting Commercial Agreements with Competition Law in Mind

- Exclusivity - duration; territory; customer
- Non-compete
- Pricing and payment
- Promotional activities
- Post-termination
- Boiler plate

Pat Treacy, Bristows

12.15 Altering and Terminating: Making the Difficult Seem Harder

- Discharge by means of a clause in the contract itself: construing the contract
- Repudiating on the grounds of delay
- What amounts to affirmation
- Effect of incorrectly asserting repudiation: is

so doing a repudiation itself?

- Estoppel and waiver, an update on the cases

David di Mambro, Radcliffe Chambers

1.00 Lunch

2.00 Limitation of Actions: What's the Limit?

- General principles relating to the law of limitation of actions
- Use of statutory provisions to extend time limits
- Using continuing duties to postpone the start of limitation periods
- The date when economic loss is suffered
- Time limits on claims for specific performance

Dov Ohrenstein, Radcliffe Chambers

2.50 Damage, is there More?

- When will the courts award restitutionary damages
- When will the courts' order an account of profits?
- When is compound interest recoverable?
- The problems of recovering the cost of management time and in house legal fees

David di Mambro, Radcliffe Chambers

3.40 Tea

3.55 Workshop Session

- Group sessions providing the opportunity to examine key issues and problem areas
- Report back from workshop

Richard Samuel, 3 Hare Court

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Contract Law for Litigators

This conference examines key issues in current contract law, from an update on the case law on estoppel and waiver to the problems of certainty and intention when there are gaps in the agreement. The conference provides an invaluable opportunity for busy commercial litigators to keep fully up to date with this most important and fundamental of areas.

Amongst the major issues that the speakers will be covering are:

- A review of recent commercial contract cases
- Contract formation and drafting
- Drafting Commercial agreements with competition law in mind
- Altering and terminating: making the difficult seem harder
- Limitation of actions: what's the limit?
- Damage, is there more?

Chairman:

David di Mambro practises at Radcliffe Chambers in Lincoln's Inn. His commercial practice includes commercial contracts, construction of contracts, jurisdictional and applicable law problems. His property practice includes mortgages, landlord and tenant, easements, restrictive covenants, contracts for the sale of land and associated professional negligence. He is a Chartered Arbitrator and accredited mediator.

Speakers:

Dov Ohrenstein is a barrister in Radcliffe Chambers. His practice focuses on litigation and dispute resolution in a wide range of commercial law areas including companies, guarantees, partnerships, banking and insolvency.

Richard Samuel is a barrister in chambers at 3 Hare Court. He practises in business law, encompassing employment and commercial work, focusing on the resolution of business disputes, often at senior employee or director level. He covers a wide range of commercial and employment law issues, from substantial intercompany commercial disputes on behalf of entrepreneurs and listed companies to discrimination against employees, TUPE and redundancy.

Pat Treacy is a partner with Bristows. She advises on competition law issues in complex agreements and has an exceptional degree of expertise in the application of competition law to intellectual property and its role in high technology industries including the biotechnology, medical devices and IT sectors. She is a member of the Solicitors European Group, of the British Institute of International and Comparative Law, and of the Competition Law Association and is also on the editorial board for the *Journal of Intellectual Property Law and Practice*.

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Contract Law for Litigators 24 June 2010, London

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