

Civil Conference 2013

recent developments in law and practice

1st November 2013

4 hours CPD over 3 workshops for just £40



In association with



Begbies Traynor and

HughesEllard

Covering:
Civil Procedure
Landlord & Tenant
Commercial Law & ADR
Insolvency
Trusts & Tolata
Wills, Probate & Inheritance



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Our Civil Conference 2013 will cover a diverse range of subjects and is aimed at all those practising and otherwise interested in civil, chancery or property law. We are planning an informative and social day at a bargain £40 for 4 hours CPD. The conference will be supplemented with an in-depth information pack.

PROGRAMME

10.30 -11.15am - Registration & Coffee

11.15 to 12.45am

Civil Procedure Overview and Update

Derek Marshall (1980)

Derek Marshall is a civil law practitioner with particular interest in contract and tort based claims and deals with large commercial matters. He has a substantial personal injury and insolvency practice. He is a very experienced civil dispute mediator.

This lecture will focus on the most recent changes to civil procedure, the emphasis will be on what is current. Since the rules are likely to have changed at least three times between publication of this flyer and delivery of the lecture an outline of the presentation is as follows:

- The new overriding objective
- Pre-action protocols and mediation?
- The new costs rules and the costs budgeting regime
- Obtaining security for costs
- The new Part 36 regime
- Trial planning and the control of evidence
- Enforcement and insolvency issues

12.45 -2.00pm - Lunch

2.00 – 3.15pm - *Workshop Session

A choice of one of the below

W1 - "Probate and Grieving Survivors"

Carol Davies (1995)

Carol deals with probate and inheritance matters with the aim of assisting families and close friends of the deceased to find the most cost-efficient and sensitive way of dealing with their disputes.

This workshop will deal with three main areas providing an update of the law in each and practical guidance as to how to deal with disputes, the realistic options and general approach particularly in terms of alternative dispute resolution.

The headline topics are:

1. Wills - validity due to capacity - update
 1. Spotting in capacity
 2. Dementia and its impact on incapacity
 3. Safeguards
 4. Statutory wills
2. Administration - What to do about executors who do not see eye to eye
 1. Executors not engaging
 2. Options
 3. Court's approach
3. Inheritance (Provision for Family & Dependents) Act 1975 - update
 1. Spouses and the divorce fiction
 2. Adult children
 3. Dependants

W2 - Arbitration, Mediation and Other Forms of ADR in Commercial Litigation: Navigating Around the Point of No Return

Jason Nickless (2001)

Jason Nickless has extensive experience in commercial and civil litigation; he provides advocacy and advice in fields such as agency, contract, consumer credit and partnership as well as the sale of goods and supply of services. He finds this area of law fascinating but is fully aware of the realities of business and the need to maintain good commercial relationships whenever possible.

In recent years litigants have faced increasing pressure to deal with their disputes before reaching the courtroom. This pressure has been applied by the legislature within the Civil Procedure Rules, the judiciary through its extensive powers of case management and finally by an economic climate where significant litigation costs simply have to be avoided. It is important for commercial litigators to appreciate the range of ADR available and how they can best assist their clients in this emerging arena. This presentation deals with some of the more popular alternatives to determination at trial. It will consider when arbitration is available and the pros and cons of such a route as well as the prospects of appeal should your client be unhappy

with result. Jason will also address important issues in respect of mediation. He will discuss the lawyer's role in the mediation process as well as how to prepare your client for mediation. Finally some thought will be given to other forms of alternative dispute resolution such as joint settlement meetings.

W3 - Cohabitation and Co-ownership: an update

Sian Gough (2003)

Siân Gough has significant experience in dealing with property disputes relating to the homes of cohabiting couples and those which involve properties purchased for investment or commercial purposes. She has a strong academic interest in this area which she applies alongside a practical approach there by providing her clients with clear no-nonsense advice from the outset through to trial.

This workshop will provide an overview and update on the law relating to co-owned properties. It will focus on the different approaches taken by the courts in relation to properties purchased as family homes and those properties purchased for commercial purposes. In addition it will explore the ways in which the courts apply principles of partnership law in cases involving cohabiting couples as compared with business partners. The workshop will also examine the importance of ADR and the ways in which this can be usefully and most effectively used in the context of disputes involving co-owned properties.

W4 - Landlord and Tenant Update

David Pugh (2008) and Stephen Downham of Hughes Ellard

David Pugh regularly appears in a wide range of civil proceedings. He has represented both claimants and defendants in possession proceedings, and provides advice and representation in relation to social housing claims, private tenant claims and mortgage possession claims.

This workshop will address developments in law and procedure, together with commercial considerations relevant to those involved in landlord and tenant claims. The workshop will be broadly split into two halves.

David will present an update focusing on private tenant claims and the amendments to the Housing Act 2004 by the Localism Act 2011, with reference to the impact of the decision of the Court of Appeal in *Superstrike Ltd v Rodrigues* on long-term tenancies, which have reverted to statutory periodic tenancies.

The second half of the workshop will be presented by Stephen Downham of Hughes Ellard. Stephen Downham is a fellow of the Royal Institution of Chartered Surveyors and Secretary of Arbrix Conferences, a company set up to provide independent training to Arbitrators and Independent Experts appointed by the RICS. He has nearly 40 year local experience in local property matters across a range of property types and is himself regularly appointed by the RICS and privately to resolve property disputes. Stephen will provide guidance on hypothetical lease terms and how they might affect value in today's commercial property market.

W5 - Insolvency Update

Daniel Piddington (2008) and Gavin Savage of Begbies Traynor

Daniel Piddington has a strong civil practice incorporating all aspects of property and commercial litigation including insolvency proceedings. He has experience in both company and personal insolvency and is willing to advise in writing, in conference and appear on behalf of businesses and individuals alike.

This will be a helpful refresher on the principles governing the 'piercing of the corporate veil' in insolvency proceedings with specific consideration given to the Supreme Court decision in *Prest v Petrodel Resources* [2013] UKSC 34.

In collaboration with Begbies Traynor this session will be of interest to newly qualified and experienced practitioners alike.

Gavin Savage is a licensed Insolvency Practitioner and heads up the Southampton office of Begbies Traynor. Gavin has extensive experience in corporate and personal insolvency and has been involved in large corporate insolvencies covering a wide range of industrial sectors. Gavin will be providing an illuminating insight into the restructuring of insolvent business Partnerships, with particular focus upon solicitors' firms.

3.15 -3.30pm - Tea

3.30 -4.45pm - *Workshop Session a choice of one of the above

*Please note all 5 workshops will run twice, once in each session

4.45pm - Close

Venue

The conference will take place at the Jurys Inn Southampton.
For directions, visit <http://southamptonhotels.jurysinns.com/>

CPD

The Event is accredited for 4 hours CPD

Please quote CPD Ref: CC/CivilOne

Price £40 inc Vat per delegate – cheques made payable to 'College Chambers'

VAT no. 876446018

For further information about the conference please contact Sophie Lanzoni

College Chambers
19 Carlton Crescent
Southampton
Hampshire
SO15 2ET

Tel: 023 8023 0338
Fax: 023 8023 0376
DX: 38533 Southampton 3
Email: slanzoni@college-chambers.co.uk
Web: www.college-chambers.co.uk

VAT no.876446018

Booking Form

Please fill in the details below for each delegate attending the conference.

College Chambers, 19 Carlton Crescent, Southampton, SO15 2ET DX: 38533 Southampton 3

Please complete and return to:

Delegate Name	Position	Email Address	Choose 2 Workshops	Any special dietary requirements	Cost
					£40.00 inc VAT
					£40.00 inc VAT
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I enclose a cheque for the total amount

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