**COMBAR North American Meeting, New Orleans 2019**

On Wednesday 29 May 2019, the COMBAR delegates arrived in New Orleans for the COMBAR North American Meeting 2019. The conference was held at the Hotel Monteleone, a beautiful hotel in the French Quarter, replete with rooftop swimming pool and rotating Carousel bar, and host to the likes of Truman Capote and Tennessee Williams.

After a welcome reception at the hotel on the Wednesday evening, the conference kicked off in full on Thursday morning, with delegates being greeted on arrival by a silver tureen of beignets (the famous New Orleans doughnuts) complete with praline sauce.

Thursday featured four sets of panel discussions: Recent developments in commercial litigation; Interlocutory Relief; Cross-border proceedings; and an amusing session on “Unusual things which can arise in commercial litigation”. The speakers (like the delegates) were from a wide range of jurisdictions, including the US (including New York, Washington DC and Houston), the BVI, Cayman, Bermuda, Canada and Mexico. The talks ranged from a critique of the recent decision of Picken J in *Marme Inversiones v Natwest Markets & ors* [2019] EWHC 366 to a summary of the recent developments in the test for summary judgment in Canada.

On Thursday evening, the delegates and their families boarded the Creole Queen (an authentic paddlewheeler) for a cocktail and canapé cruise along the Mississippi. After docking at 9pm, those with stamina went out for dinner and jazz.

Friday began with more beignets, before a debate on the motion “This house believes that cross-examination of factual witnesses merits its central place in the trial process in commercial cases”, chaired by Mr Justice Teare. The debate was preceded (and informed) by two fascinating talks. The first was given by Professor Martin Conway (of City University, London), an expert on memory, on “Memory and the Law” who expounded the numerous defects in the human memory and its potential impact on the value of witness evidence. A notable takeaway was his opinion that the more detailed the memory, and the more confident a person of the reliability of that memory, the less likely it is to be accurate. He recommended that, to get the most reliable account from a witness, one should simply ask them what happened, allow them to talk freely, and ask no further questions. The second talk was given by Dr Douglas Green, a trial consultant, on “Witness Credibility” who brought a different perspective with his belief and experience that juries (and by extrapolation judges) are able to tell when a witness’ memory and testimony is reliable and should be believed. The subsequent debate was hard-fought, with a number of differing approaches, some more reliant on science and some more reliant on the witness handling prowess of Jim Carrey (in Liar Liar)and Tom Cruise (in A Few Good Men). In the end, Mr Justice Teare had no need to give judgment as the motion was overwhelmingly passed. He did, however, reveal after dinner that evening that, despite its flaws, he believes that factual witness evidence does still have a central place in commercial litigation.

Friday afternoon was free for sightseeing and taking plantation and swamp tours. The conference ended with a dinner that evening hosted by Chief Judge Carl E. Stewart (Chief United States Circuit Judge of the US Court of Appeals for the Fifth Circuit) at the beautiful John Minor Wisdom U.S. Court of Appeals Building. Before dinner, the Chief Judge gave the delegates a tour of the court, focusing on the En Banc courtroom, where all 17 judges of the Fifth Circuit (comprising Louisiana, Mississippi and Texas) sit together on the most important cases of the year. On such cases, each advocate has 30 minutes to make oral submissions, but only the first 15 minutes can (by election) be free from questioning. After that, questions are fired from 17 directions, with the Chief Judge in the middle acting, as he put it, as a “traffic cop”.

Overall, the conference was a very worthwhile and enjoyable experience, which I would recommend to all. I am very grateful to COMBAR and the Bar Council for providing a grant to enable my attendance.