**Report on the COMBAR North American Meeting 2019**

I immensely enjoyed attending COMBAR’s North American Meeting 2019 in New Orleans between 29 and 31 May 2019.

The conference began with a drinks reception for the participants and their families in the beautiful setting of the Riverview Room of Hotel Monteleone overlooking the Mississippi. In addition to members of the COMBAR and several New Orleans lawyers, the reception was attended by Mr Justice Teare (Judge in charge of the English Commercial Court) and Chief Judge Carl E Stewart (United States Court of Appeals, Fifth Judicial Circuit, Louisiana).

The first session the next morning was entitled ‘Recent Developments in Commercial Litigation’ and it shed light on many current issues that commercial lawyers in England and in the United States are grappling with. The presentations in this session focused on a variety of themes including the English courts’ approach to implied fraudulent misrepresentations in view of the recent decision of the English Commercial Court in *Marme Inversiones v Natwest Markets Plc* [2019] EWHC 366 (Comm), the effectiveness of anti-oral variation clauses in English law (in the context of the UK Supreme Court’s decision in *Morris-Garner v One Step (Support) Ltd* [2018] UKSC 20)and the US Courts’ approach to the recoverability of loss suffered extra-territorially in claims for statutory breach of duty.

The second pre-lunch session on the first day was about interlocutory relief. In this session, the speakers addressed a wide range of topics including recent developments in the judicial approach to summary judgment applications in Canada and the approach to freezing injunctions among the British Overseas Territories. It was evident from the discussions that followed the presentations in this session that commercial practitioners in England and the United States are dealing with remarkably similar problems and that the legal solutions to these problems in either side of the Atlantic were more similar than different.

The first day of the conference featured two afternoon sessions, the first focusing on cross-border proceedings and the second, on ‘unusual things which can arise in commercial litigation’. Topics covered in the session on cross-border proceedings included the judicial approach to English depositions in support of foreign proceedings, recent developments in commercial litigation before the courts of Bermuda and recent developments in cross-border proceedings arising from chapter 15 of the US Bankruptcy Code.

The first day concluded with a lovely 2-hour cruise and reception on the Mississippi on board the ‘Creole Queen’.

The second day, and perhaps the highlight of the conference, was 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 prefaced by addresses from Professor Martin Conway (City University, London) and Dr Douglas Green (Douglas Green Associates, Inc, Covington), both experts on the psychological aspects of the reliability of witness memory. In addition to the speakers for and against the motion, the debate also featured many insight contributions from the floor.

The conference concluded with a reception and dinner in the Great Hall of the United States Court of Appeals (5th Circuit) Building including a visit to Chief Judge Carl E Stewart’s court-room (which hosts hearings before a 17-judge bench!)

Overall, I found the conference to be an educational and enjoyable experience. I am grateful to COMBAR and to the Bar Council’s International Legal and Professional Grant Programme for the opportunity to attend it.