

COMBAR: North American Meeting, Venice 2016

On the afternoon of 30 March 2016 nearly 100 Combar members and lawyers from across the world arrived in Venice for Combar's annual North American Meeting.

The setting for the conference was magnificent, as was each evening's entertainment. The second evening particularly stood out: we were hosted by the Scuola Grande di San Rocco - one of Venice's ancient guilds. The Scuola Grande's walls and ceiling were adorned with frescos painted by Titian. We were told that Titian initially agreed to paint one panel, then a second, then a third at no charge. The Scuola Grande was so impressed by his work that upon Titian offering to paint the entire hall in exchange for a pension – they accepted immediately.

Quite apart from the glamour of Venice, the substance of the conference was engaging and lively.

The first discussion was on banking and securities law. It featured an update on contractual estoppel in English law, securities class actions in the US and a critique of the UK Supreme Court's approach to unjust enrichment in *Menelaou*.

Thereafter there were discussions on the influence of shipping law on commercial law, and the international enforcement of judgments.

Of particular interest to me was the debate around effective trial preparation. It was fascinating to hear how the US system of depositions worked in practice. I learnt that for US trial attorneys depositions were essentially an opportunity to cross examine before trial. We also heard how US attorneys use mock trials, held before a mock jury, to test how 12 ordinary men and women would react to submissions in complex commercial litigation.

On the final morning we were given an update on international bribery and corruption legislation. We heard about the strict liability offence introduced by our Bribery Act and the long arm of the Department of Justice when enforcing the Foreign and Corrupt Practices Act.

The last discussion of the conference, chaired by Lord Thomas, was particularly lively. There was a debate as to the merits of specialist courts (such as the Commercial Court, or the Financial List) as well as a debate around the use of test cases for class actions. We heard about the limited oral submissions US attorneys were permitted to make,

for example in the US Supreme Court oral submissions are usually limited to 30 minutes. Finally, there was a critique of the cost and volume of disclosure, with one delegate noting that civil law disclosure was considerably more circumspect without this causing obvious injustice.

Throughout the conference there was fascinating substantive debate and discussion, along with the opportunity to meet and benefit from the experience of foreign lawyers. I am grateful to Combar and the Bar Council for providing a grant to assist my attendance at the conference.