

Corporate, Commercial & Financial Disputes

Training Opportunities 2023

As dispute resolution lawyers, our expertise is in helping clients navigate complex issues to reach the best possible outcome. We recognise that part of that role is in helping you be in the best position to address those issues as they arise, or, better yet, avoid them altogether.

To help with that, we have designed a series of talks, covering a range of topics, on the issues we see arising most frequently in practice. We can deliver any of these talks at your office, our office, or virtually, at a time to suit you.

Please get in touch with your usual contact at the firm or your local programme coordinator to arrange a talk or find out more:



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Contents

Commercial Updates	1
Disputes Knowhow	2
Contentious Topics in M&A	4
Handling Investigations	5
Finance and Regulatory Issues	6
2023 Hot Topic – Supply Chain Issues	7
Data, Media and Brands	8
Create Your Own Talk	9

Commercial Updates

Key Commercial Law Developments – What Do You Need To Know?

The law is ever changing, with developments that will have an impact on the business community. Our expert team will bring you up to date on the key changes of the past year, and how they might affect your business. This fast-paced, interactive session will make sure you stay in the know.

Interpreting Contracts – The Current State of Play

In-house lawyers are routinely asked to negotiate and interpret key provisions in contracts. Make sure your team is up to date on how courts are approaching interpretation issues with our practical, interactive training session.

2022 Top Talk

“It’s Not Me, It’s You” – Contracts and How To End Them

Many business disputes are triggered by the termination of a contractual relationship that has soured. This talk aims to help businesses navigate these situations effectively to get out of bad deals, avoid disputes and protect valuable legal rights.

“But They Can’t Do That!” – Spotlight on Restrictive Covenants

If you look at an employment contract, business sale agreement or agency arrangement, it will probably contain a range of restrictive covenants preventing parties from taking competitive actions. In this talk, we provide a run-down on the current state of play for the enforceability of these clauses, how to update them as time passes, and what to do when your counterparty ignores them.

“Let’s Not Fight” – Drafting to Avoid Disputes

So many of the disputes we see boil down to disagreements over the interpretation or operation of contracts. When it comes to drafting issues, hindsight is 20-20, but there are ways to reduce the risk of a nasty surprise round the contractual corner right at the outset.

In this talk, a mix of our contracts and disputes experts will give our top tips for reducing your contractual litigation risk.

Disputes Knowhow

Deal or No Deal? – Negotiating a Great Settlement

Let's face it, very few businesses want to end up in court. In this talk, our experts look at how best to position yourself and your case to negotiate a great settlement and avoid walking through those courtroom doors. Drawing on experience of negotiating countless settlements, we consider tactics and strategy, key pressure points in disputes, settlement economics, use of mediation and different types of settlement offers to help you get a great deal.

The Smoking Gun – Don't Let your Documents be your Downfall

Disclosure in modern litigation can be onerous, and cases are often won and lost on the documents that come to light during the disclosure process.

The good news is there are steps that can be taken proactively by businesses to limit the risks of finding and having to hand over sensitive or highly damaging documents.

In this talk we give an overview of the disclosure obligations litigants now face, and practical tips and examples of what your business can do now to ensure that if litigation does arise, disclosure is pain-free and enhances rather than harms your position.


Get Me My Money Back! How to React to Fraud and Cybercrime

When a business is the victim of fraud or cybercrime, reacting swiftly and decisively is critical. In this talk, our team shares their real-world experience and practical tips for responding to fraud attacks on businesses, the tools available, and how to maximise the chances of securing and recovering lost assets.

Forum Shopping: Choosing the Right Dispute Resolution Clause in Commercial Contracts

The dispute resolution clause at the back of a commercial contract often receives little attention. But with business becoming ever more international, the wrong choice of law and forum can make disputes much slower and more costly to resolve.

In this talk, we look at the factors to think about when choosing governing law and jurisdiction clauses and how to pick the right options for your contracts. We will cover the pros and cons of arbitration versus litigation, alternatives to formal dispute resolution and the impact of Brexit on cross-border disputes.



Litigation Funding – Changing the Game?

Litigation funding is rapidly changing the commercial disputes landscape. The current rapid growth of funding, and related developments in the use of contingency fee agreements, ATE insurance and other innovative financing techniques, has far-reaching implications for how disputes arise, are brought and are resolved.

Our team has a unique perspective, having acted both for and against funded parties in disputes, and having advised both leading funders and claimants on their funding agreements. We share our insights into what funding means for your business, and how you can take advantage of the opportunities and mitigate the risks it presents.

Problems with your Accountant?

What to do When the Numbers Don't Add Up

Every business relies on sound advice from its accountants, and if that goes wrong it can be a difficult subject to broach and an even more difficult claim to quantify.

This talk on accountant and auditor professional negligence claims, from the team that advised on the leading Supreme Court case in this area, takes business through the key principles and provides tips and insights to help ensure that a claim of this type runs as smoothly as possible.

Time for a Challenge – Strategic Use of Public Procurement Litigation

Aimed at suppliers to the public sector, this talk covers how you can use public procurement litigation, or the threat of litigation, to challenge public sector buyers which you believe have engaged in partisan or unlawful procurement practice. How you can use the procurement rules to your advantage, how you can investigate a public sector buyer's conduct and how you can maximise your chances of a successful outcome.

Contentious Topics in M&A

2022 Top Talk

Buyer's Remorse

Despite best intentions, some company or business acquisitions do not turn out as planned. We consider what to do when considering how to mitigate the financial consequences of a poorly performing acquisition, including:

- Making warranty or indemnity claims under sales agreements
- Enforcing guarantees
- Dealing with material non-disclosures
- Other potential routes to recovery
- Quantifying losses

Directors' Duties in the Spotlight

Business disputes frequently involve allegations that directors have failed to fulfil their duties to the company, shareholders or other stakeholders. The repercussions for the individuals concerned and the business can be significant. This talk gives a practical refresher on the duties that directors need to keep in mind, how directors can protect themselves against claims, and tips for managing disputes if they do arise.

Skeletons in the Cupboard – Litigation Risk in Target Businesses

This talk looks at how to effectively assess the risk and impact of threatened and existing litigation within a target business, drawing on our experience of assessing and advising on the risk of litigation, both in the transactional context and in advising on pre- and post- transaction disputes. This interactive session will address what to look for when assessing litigation risk, assessing the risk and the protections available to reduce the impact of litigation within the target on the value of your acquisition.

Catering for Future Disputes in Transaction Documents

No one wants to think that an acquisition might not work as well as anticipated, but issues frequently do arise after the sale completes. This talk addresses the key points to consider before agreeing the deal, to effectively regulate the post-acquisition relationship.

Handling Investigations

An Inspector Calls – What To Do When the Regulator Knocks on Your Door

In an increasingly complex regulatory landscape, businesses need to understand what to do when the regulator comes knocking and how to be prepared for engagement with your regulator. With our experts in corporate crime, financial services and sports investigations this practical and interactive talk will be tailored to your business sector and will look to give you the foundations you need to react effectively to regulatory intervention.

Our talk includes:

- Initial reactions – steps for putting your immediate response in place
- Keeping the investigator onside while protecting your business's interests
- Preserving privilege in the investigatory context
- Post-visit considerations

Somebody Better Look Into That – A Guide to Effective Internal Investigations

Businesses regularly need to investigate internal issues ranging from employee misconduct, to fraud, to compliance issues. Doing so quickly, effectively, confidentially and with minimum disruption is often critical. Our expert team gives a practical guide to the “do’s and don’ts” of running internal investigations.

Finance and Regulatory Issues

Hot Topics in Regulation, Investigations and Enforcement

Our experts can bring you up to date on the current regulatory priorities of sector regulators from the FCA, the ICO to sports' governing bodies, how to build constructive relationships with your regulatory supervisors, and what to do if faced with hostile regulatory or police action. Contact our team to enquire about the latest regulatory update on your sector.

Investment Failures – Emerging Trends

A string of recent investment failures have triggered waves of mis-selling claims, FCA interventions, compensation scheme payouts, public scrutiny, independent inquiries and calls for reform. We share our learnings from advising firms on hundreds of claims, skilled person reviews, regulatory investigations and related issues. We look at the trends that have emerged, the latest developments, and how financial services firms can protect themselves.

Crypto-asset Regulation and Disputes – Key Trends

The crypto-bubble might have burst, but cryptoassets are still making waves as the sector gets to grips with how they fit in, and how to avoid the high-profile failures and frauds which have plagued the crypto-sector. We look at some of the actions taken by regulators and look at their future plans. We also look at some of the ways in which disputes over crypto-assets have been developing and the issues that can arise where the virtual world of crypto-assets meets the court system.

Funds in Focus – The FCA's Agenda for the Fund Management Industry

The fund management sector has been the subject of extensive regulatory scrutiny and FCA intervention recently. In this talk, we review the focus areas, our experience of how the FCA is engaging with firms in practice, and what firms should be doing now to keep in line with evolving regulatory expectations.

2023 Hot Topic – Supply Chain Issues

De-risking your Supply Chain

Supply chains are facing a fresh barrage of challenges. They were already under pressure as a result of delays in shipping, availability of materials, Brexit fallout and rising inflation. Add to that hikes in energy prices and fuel costs and the impact of the conflict between Russia and Ukraine, it is understandable that we are seeing significant supply chain stress and disruption.

In this talk, we will explore how to identify pinch points in your supply chain, how you can stress test your suppliers and ultimately how you can de-risk and manage supply chain stress, as well as steps you can take to protect your business against supplier insolvency.

Identifying and Managing Stress/Distress in Your Business

Businesses regularly need to investigate internal issues ranging from employee misconduct, to fraud, to compliance issues. Doing so quickly, effectively, confidentially and with minimum disruption is often critical. Our expert team gives a practical guide to the “do’s and don’ts” of running internal investigations.

When and Why is Restructuring a Good Thing?

Restructuring a business does not mean failure, in fact it can help a business grow and avoid failure. It could mean anything from refinancing existing borrowings, to ring fencing the profitable parts of a business or agreeing a structured plan to enable a business to get back on its feet.

There are many different options, and this talk is designed to give an overview of when and why restructuring is a good thing, and when it should be considered, with some real-life examples demonstrating how restructuring can (and does) work in practice.

Environmental, Social & Governance (ESG)

An aerial photograph showing a dense green forest on the left, a winding asphalt road with yellow and white markings on the right, and a turquoise-colored body of water in the bottom right corner. The image is used as a background for the text boxes.

ESG and supply chain risk management

An estimated 80% of global trade passes through supply chains. As supply chains fall outside of a company's core operations, they expose hidden and uncontrollable risks that are typically driven by ESG factors, such as natural resource depletion, human rights abuses, and corruption. These risks can cause significant reputational, operational, and financial impact. We will explore all of these issues and more in this talk.

Greenwashing: the risks and how to avoid them

Greenwashing is not a new concept, but consumers and regulators are increasingly taking action in this space. This problematic practice can lead to misunderstanding, confusion and lack of trust from consumers, and adversely impacts all brands trying to engage on environmental matters- even those that are well intentioned. In this session we will explore these risks and ways in which to mitigate and manage them.

Managing environmental issues: practical guidance

Environmental issues can take many forms, but often they occur suddenly and unexpectedly and require careful management to minimise the environmental, legal and commercial consequences. This talk explores different types of environmental issues and liabilities, including fines, penalties and enforcement in respect of any offences, and provides practical guidance on how to deal with them.

Data, Media and Brands

2022 Top Talk

Trends and Tactics in Data Privacy Claims

Since the advent of the GDPR, there has been a proliferation of claims against businesses for distress caused by breaches of data privacy legislation. While the ability to seek redress for harm suffered is of public importance, many data privacy infringements are minor and can result in nuisance claims that clog up the court system and require a costs expenditure wholly disproportionate to claim value.

In this session, we look at trends in data protection claims, damages levels and tactics for both minimising the risk of claims arising in the first place and dealing with claims once made.

An Introduction to Intellectual Property Litigation

Intellectual property – whether that be brands, inventions, designs or confidential information – can be critical to a business's success. When that is threatened, the right action, taken swiftly and decisively, is often key to a successful outcome, and can be an opportunity to be seized, as well as a risk to be managed. In this highly practical talk, our intellectual property specialists take you through the options and strategies to consider, to be ready in a time of need.

An Introduction to Defamation and Reputation Management

A company's reputation can be threatened in an instant by false claims in a news story, or comments by a competitor, a disgruntled ex-employee or a dissatisfied customer – or by the fallout from an investigation.

Defamation claims to seek redress for a damaged reputation can be very high profile – and may be unavoidable – but, managed quickly and effectively from the outset, can often be dealt with quickly and cost-effectively.

In this session, our reputation management team provides insight gleaned from its wide, cross-jurisdictional experience of dealing with reputation management issues, to give you the know-how to help ensure that you are well placed to deal with these issues when, and as soon as, they arise.

Create Your Own Talk

What are the issues that keep you up at night? What are your team's blind spots? What issues take up too much of your time or seem to keep coming back? Our global cross-practice platform means that where you have a problem, we probably know someone who can help. If your department or business would like an update or training on a bespoke topic, get in touch to discuss your requirements.



Who We Are

With more than 240 commercial litigators around the globe, combined with our other advocacy colleagues our global litigation and dispute resolution profile includes more than 550 lawyers across four continents, providing unrivalled access to expertise.

Our litigation practice is dedicated to providing clients with strategic and creative advice on their most complex litigation and dispute resolution needs.

Globally, our skills and commitment to clients has been recognised by the Centre for Effective Dispute Resolution, the International Academy of Trial Lawyers, the International Society for Barristers and the American College of Trial Lawyers, as well as by numerous publications, including *The Legal 500*, *Global Arbitration Review*, *American Lawyer*, *Best Lawyers* and *Chambers*.

“The lawyers have an impressive core of clients from around the world and are tenacious and committed to their clients.”

“Outstanding on strategy, tactics and execution.”

The Legal 500 2023

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