

LSLC

The Forum for Shipping,
Commercial Law & Dispute Resolution

Linklaters

LSLC/LINKLATERS LIVE WEBINAR ON: WEDNESDAY 16 SEPTEMBER 2020 12.30 UK TIME

THE GOOD FAITH DEBATE: ENGLISH LAW AND THE INTERNATIONAL TIDE

Introduction

Good faith is a hot topic in English law about which it is not unusual for members of the profession to hold strong and diametrically opposed views. It is an issue which may yet prove to be relevant in disputes triggered by the COVID crisis, which will be determined in arbitration and the English courts. A strong proponent of good faith (Lord Leggatt) has recently joined the Supreme Court. This webinar will consist of a round table discussion by leading experts from a range of specialisms: maritime, commercial, and financial.

We are delighted that Sir Bernard Eder has agreed to chair and moderate the debate: the subject is one in which Sir Bernard has a special interest and was the subject of his keynote address "The Relevance of Good Faith in Shipping Disputes" which he gave at the 44th Annual MLAANZ Conference.

Amongst matters to be discussed (and debated) will be:

- Recent developments in English law, including *Taqva Bratani Limited v Rockrose* [2020] EWHC 58 (Comm)
- Changes overseas, including in Canada where two decisions are pending in the Supreme Court on the issue of good faith;
- Whether adoption of good faith as an incident of contractual performance is either necessary or desirable?

LSLC is a specialist Centre of excellence for continuing education, debates on pivotal issues in Maritime and Transport Law, Environmental Shipping Law, Marine insurance, E-Commerce and new Technologies, Finance and other related practical subjects.

Link to the Booking Form for this event:

<https://www.shippinglbc.com/events/webinar-the-good-faith-debate-english-law-and-the-international-tide/>

CHAIR/MODERATOR AND SPEAKERS



Sir Bernard Eder (Moderator)

Sir Bernard Eder accepts appointments as an arbitrator, mediator and as an expert on English law and is based at 24 Lincolns Inn Fields. He has been appointed as arbitrator in over 300 international arbitrations. Sir Bernard was formerly a barrister at 4 Essex Court/Essex Court Chambers (1975-1990) and High Court Judge (2011-2015) where he sat mainly in the Commercial Court in London. Sir Bernard was first appointed by the President of Singapore as an International Judge of the Singapore International Commercial Court in 2015. A recent Judgment of his in that Court on a derivatives point (Macquarie Bank Limited v Graceland Industry Pte Ltd (2018)) was the subject of a detailed (but supportive) analysis at a Linklaters/ LSLC meeting last year. Sir Bernard is a member of the Institute of Maritime Law at the University of Southampton. He was elected a member of the Baltic Exchange in 2020. Sir Bernard was formerly lead editor of Scrutton on Charterparties and Bills of Lading.



Simon Firth

Simon Firth is a partner at Linklaters LLP and a leading authority on English derivatives law. He has been ranked by Chambers & Partners as the leading capital markets expert in the United Kingdom, and as one of the ten leading UK business lawyers. Simon is a member of the Financial Markets Law Committee, one of whose functions is "to act as a bridge" between practitioners in the wholesale markets and the judiciary. He is the author of Firth: Derivatives Law and Practice (Loose-leaf: 46th update-June 2020) which has a chapter on commodities. Simon's book has been cited with approval by judges in the United Kingdom and overseas, and he is currently editing the third edition of Gough on Company Charges.



Vasanti Selvaratnam QC

Vasanti Selvaratnam is a senior Silk practising as both Counsel and International Arbitrator at 36 Stone, part of The 36 Group of which she is a joint Head of Chambers. Vasanti has an international practice with a particular specialism in shipping, commodities and trade finance. She was recognised as a leading UK Counsel in 'Top 100 Women in Shipping' in 2019, the same year in which she was shortlisted by Chambers and Partners as Shipping Silk of the Year, and has been consistently rated in Chambers & Partners and Legal 500 since commencing practice at the Bar over 30 years ago. She has considerable experience as a Recorder (1999-2018). She is Chair of the Education Sub-Committee of the LSLC and in 2020 was elected a member of the Institute of Maritime Law, University of Southampton. In November last year, she gave the prestigious annual Donald O'May lecture to the shipping industry: "Good faith-is English law swimming against the international tide?", the text of which was subsequently published in the May 2020 volume of the Lloyds Maritime and Commercial Law Quarterly.



Philip Wood CBE QC (Hon)

Former Head, Global Law Intelligence Unit, Special Global Counsel, Allen&Overy LLP; Yorke Distinguished Visiting Fellow, University of Cambridge; Former Visiting Professor, International Financial Law, University of Oxford; former Visiting Professor, Queen Mary University, London; author of over 20 books (many ground breaking) including the nine volumes in the Law and Practice of International Finance series published in 2019 which cover the whole gamut of topics, including asset and shipping finance. He is a specialist in comparative financial law and has published the well-known colour-coded maps of world financial law. Philip's student textbook on legal aspects of international finance is prescribed reading on many post-graduate courses in the UK and overseas and has been translated into Chinese, Japanese and Korean.



Richard Firth

Richard Firth is currently a legal editor, mentor and trained mediator. He had a challenging and most enjoyable career for some thirty-five years working as a Director in several of the world's most prestigious institutions where he executed major transactions (USD 750m-1 billion) in derivatives and commodities, together with financings in emerging markets. As Chief Legal Officer to a European banking institution he piloted, under the guidance of Jonathan Sumption QC (as he then was) and others, a private Act in the UK Parliament which effected a novel cross-border merger. He was, together with Professor Sir Roy Goode CBE, the prime mover behind the first Plain English Drafting course in the UK for commercial lawyers. Richard's first job on qualifying as an English solicitor was as a welfare lawyer and part of the team acting in the landmark domestic violence case of Davis v Johnson (1979) which was one of the very few occasions Lord Denning MR sat en banc. Richard's final position in full-time practice was as a Senior Consultant in the Hong Kong (PRC) office of Linklaters LLP.