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BIOGRAPHY

Megan is an associate in the firm's Business and Commercial Disputes department. Megan advises a variety of clients from financial institutions to high net worth individuals on a wide range of general commercial and contractual disputes, as well as regulatory matters. Megan has experience of financial litigation and fraud, and advises on breach of privacy, defamation and reputation management. She has experience in internal investigations for large financial institutions, and is experienced in freezing injunctions and other interim relief.

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Looking Forward - the future of (compulsory) ADR in business disputes and the impact of Churchill v Merthyr Tydfil

Considered as a cheaper, quicker and less stressful mode of dispute resolution, alternative dispute resolution ("ADR") is no longer seen as an "alternative", and indeed has been re-named "NDR" (negotiated dispute resolution) to reflect that. Instead, it is becoming an integral part of the dispute resolution process – one which is focussed on achieving earlier and less costly resolution over which parties have control rather than engaging in an often expensive, drawn-out dispute before the court with an uncertain outcome. Here we explore where its future lies and what this means for your business.

Insights

Oct 26, 2023

Disputes in Focus: Quick Q&A on Civil Restraint Orders

Commercial disputes between individuals and/or companies often involve complex issues and debate. Sometimes, however, a claim is made without any legal and/or factual basis and, despite best efforts, the claimant is persistent in pursuing it. This can lead to the defendant incurring significant unnecessary wasted time and costs. In this blog, Clare Reeve Curatola outlines what Civil Restraint Orders are and how they can be used in commercial litigation when a company is facing persistent unfounded claims. Clare asks her Litigation and Investigations colleague, Associate Megan Smith, about her recent experience and she offers some great tips on how companies can mitigate risk and address vexatious litigants. Short on time? Jump to our top tips for responding to vexatious or meritless claims.

Insights

Feb 21, 2023

Catch me if you can: How the English Courts are adapting to remain an effective jurisdiction to combat crypto fraud

The English courts have sought to lead the way in adjudicating crypto-related disputes and other technological matters in an international context. Recent decisions have demonstrated the English courts' willingness to assist victims of crypto theft, and the ability of the English legal system to adapt in order to remain an effective jurisdiction for cases involving crypto fraud. In particular, recent decisions have established that: Software developers may owe a fiduciary duty to owners of crypto; New jurisdictional gateways are effective to expand the English courts' jurisdiction to allow claimants to secure information orders against non-parties based overseas; and Service out of the jurisdiction may be permitted where there is a theft of crypto assets originally located in England but subsequently transferred abroad.

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PCP V BARCLAYS : ENGLISH HIGH COURT CLARIFIES WHAT CONSTITUTES A WAIVER OF PRIVILEGE. THE ANSWER - IT ALL DEPENDS ...

The Commercial Court has held that a bank waived privilege in all contemporaneous communications with its lawyers relating to particular transactions, as the bank had referenced and deployed certain documents containing legal advice in order to support a certain part of its case on the merits. This case is relevant whenever making a reference to legal advice in third party communications is contemplated, including in the context of providing privileged material on a limited waiver basis. The Judge examines the "cherry picking" concept, what constitutes a waiver of legal privilege, and the principles that the Court will consider when deciding whether legal privilege has been waived. (1) PCP Capital Partners LLP (2) PCP International Finance Ltd v Barclays Bank Plc [2020] EWHC 1393 (Comm)

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BCLP wins first contested application to use Predictive Coding technology in disclosure

BCLP has won the first contested application to use Predictive Coding as part of a substantial document review exercise. BCLP is one of only a few firms with in-house data processing, hosting and document review capabilities, and virtually unique in having in-house Predictive Coding technology. This order is a significant win for the client and the team, and an excellent demonstration of the value of this technology.