



International Commercial Litigation

Richard Fentiman

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The new edition of this highly regarded work has been fully updated to reflect current trends and concerns in commercial litigation practice. It considers significant changes in the law, and how they affect both the structure and drafting of commercial transactions, and the strategic choices of litigants. It includes extensive treatment of the recast Brussels I Regulation which is in force from January 2015 and which will substantively affect the treatment of contractual jurisdiction clauses, and incorporates analysis of important recent decisions including *VTB v Nutritek*, *The Alexandros T*, and *Star Reefers v JFC*.

The legal framework of cross-border commercial disputes is important and complex in practice. This book is a definitive account of the law and practice relating to such disputes in English law, and in particular in the London Commercial Court, which describes the law in detail and articulates its underlying principles. The majority of cases before the Commercial Court involve non-UK parties and it is intended to be of value to lawyers throughout the world concerned with cross-border transactions and litigation.

The book offers an account of the subject which is comprehensive, sophisticated in its analysis, but firmly grounded in addressing the challenges and concerns facing practitioners. The role of commercial litigation is examined, not merely in the resolution of disputes, but as an aspect of commercial practice. A feature of the book is its emphasis on evolving areas of practice, and issues of difficulty, with an emphasis on problematic decisions, and legislative changes. Particular emphasis is placed on how the principles established by the higher courts are applied in the Commercial Court. Where the law is uncertain or controversial, the rival arguments are examined and solutions considered. Particular emphasis is given to the impact of litigation on cross-border transactions, and its effect on legal risk. Mechanisms for managing the risks associated with cross-border litigation are extensively discussed, with particular emphasis on the drafting of effective jurisdiction and governing law clauses. The first edition was highly regarded and was cited with approval by the courts in a number of key decisions including *Blue Sky One Ltd v Mahan Air* (March 2010), *Royal & Sun Alliance plc v Rolls Royce plc* (July 2010), *Sebastian Holdings Inc v Deutsche Bank AG* (Aug 2010, Court of Appeal), *Glacier Reinsurance AG & v Gard Marine & Energy Ltd* (Oct 2010, Court of Appeal), *Faraday Reinsurance Co Ltd v Howden North America Inc* (Nov 2011, Commercial Court), *Mauritius Commercial Bank Ltd v Hestia Holdings Ltd* (May 2013, Commercial Court), *Antonio Gramsci v Lembergs* (June 2013, Court of Appeal), and *The Alexandros T* (6 Nov 2013, Supreme Court).

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