

26 DECEMBER 2012

SLYNN FELLOWSHIP 2012

REPORT OF THE SLYN FELOWS MILAN NIKOLIC AND MIHAILO PAVLOVIC

1. INTRODUCTION

Serbian lawyers Milan Nikolic and Mihailo Pavlovic have been selected as Slynn Foundation Fellows for 2012. Their Fellowship Programmes took place in London from mid-September to mid-December. The main purpose of the Programmes was to provide them with the opportunity to get acquainted with the English legal system. Reports on their respective activities are given below.

2. GENERAL REMARKS

Ms Marie Demetriou QC was in charge of preparing and organizing 2012 Fellowship Programmes. The impression of both Fellows is that Ms Demetriou made excellent plans, since Programmes were tailored to perfectly match our respective interests. The placements were carefully chosen to facilitate work with some of the leading experts in the field of commercial law. We found that interaction with selected English judges, barristers and solicitors improved our understanding of common law systems, as well as our general legal knowledge.

3. ADMINISTRATION

During preparations for the visit and our stay in London, we experienced no problems regarding any administrative issue. Mr. Ruth Eldon was most welcoming and helpful regarding any questions we had from the time we required documents for visa application until the last day of our stay.

We received funds (7000 GBP for each of the Fellows) in two installments from Mr Stephen J. Lewis and Ms Tina Morgan. These financial means were sufficient for decent living standard during our 3 months stay in London.

Special thanks to Ms Ruth Eldon who was always available to help with any question we had and for including us in various social events such as, Slynn Foundation Annual Lecture, Meeting of the Slynn Foundation Trustees etc.

4. MILAN NIKOLIC – REPORT ON ACTIVITIES 17 September 2012- 11 December 2012

- DLA PIPER UK LLP; 17 September 2012 – 16 November 2012

During the period in DLA, I cooperated with solicitors in Litigation & Regulatory department, mostly with Mr Nick Marsh. I had the opportunity to work on international arbitration cases, mostly on cases of shareholder disputes, but also on other sorts of commercial litigations. Furthermore, very valuable experience was the work with the competition team, especially Ms Michelle Boles. I worked on cases that had EU competition law elements and drafted various research notes regarding EU legislation and case law of European Court of Justice, and analyzed EC decisions in merger clearance cases. I also attended meetings with clients, and participated in the process of selection of suitable expert witnesses and preparation of their statements. I must point out that, thanks to Mr Marsh, I have really felt as part of the DLA team and was actively involved in working on cases, which I consider the best method for learning and acquiring new knowledge. Apart from learning about substantive and procedural law, I also learned a lot about team work, organization and management in big international law firms. I am very grateful for the opportunity to work with such highly ranked solicitors and great group of people.

- High Court, Chancery Division, Mr Justice Geoffrey Vos; 19 November 2012 – 23 November 2012

During the one week in High Court, I attended a trial in a case regarding fiduciary duties of company directors. Mr Justice Vos dedicated significant amount of his time to discuss relevant legal issues with me and show me applicable case law. After each of the witness hearings, Mr Justice Vos would point out to me significant parts of replies obtained in cross examination, and then analyze with me the potential impact of witness statements on his final decision in the case. After the week spent in the court, Mr Justice Vos met both Slynn Fellows and gave us updates from the trial and newly discovered circumstances that might influence his decision. I am very grateful for the opportunity to work with an experienced and knowledgeable lawyer such as Sir Geoffrey. He thought me not only parts of substantive law of England and Wales, but also how a judge should manage the case, follow procedure and behave both in and outside the courtroom.

- Brick Court Chambers; 26 November 2012 – 7 December 2012

The first week in the Brick Court Chambers I spent with Mark Brealey QC. This experienced barrister works mostly on competition law cases; hence, this placement was a perfect match to my professional interests. Every day Mr. Mark Brealey QC would present me one of his pending

cases, and I would read the relevant documents from the case file, such as OFT or EC decision, statement of case, defense's response and witness statements. At the end of the day we would discuss legal issues in the case, the strongest arguments and the weak points in clients claim/defense. Mr Mark Brealey QC devoted significant portion of his working hours to answer my questions regarding his cases, but also to point out some of the current trends in EU competition law. In relation to that, he showed me a few articles in the most prominent law magazines that answered some of my questions. He was also willing to hear my thoughts on particular issues and to learn more about my future interests. Furthermore, Mr Brealey shared couple of advices with me on how to start a career in EU competition law. I also had the pleasure to spend couple of afternoons with him and Mr Neil Calver QC in the Inns of Court where they explained to me some of barristers' traditions, admittance procedures and ethics rules.

The second week I spent with Mr Daniel Piccinin, a junior barrister in the Brick Court Chambers. Being competition lawyer himself, Mr Piccinin's work perfectly matched my interests. The method of work was similar to the interactive work I had with Mr. Mark Brealey QC. Each day I would go through a case file and during the day we would discuss the crucial points in the case and possible outcomes. Mr Piccinin showed interest in my specialization – vertical restraints in competition law, and shared some interesting developments in England regarding this particular area of law. Mr Piccinin also took me for a meeting with clients where he collected relevant information regarding clients' business conduct on the market. He explained me his method of preparing cases and drafting pleadings. In spite of being only at the beginning of his barrister career, Mr. Piccinin was exposed to some of the cutting edge competition law cases and acquired great knowledge which he unselfishly shared with me. He showed similar interests to those I have, and was always available and prepared to discuss the questions and ideas I had.

- Court of Appeals, Lord Patrick Elias; 11 December 2012

Thanks to Sir Henry Brooke of Slynn Foundation, I had the pleasure to spend a day with Lord Justice Patrick Elias in the Court of Appeals. I attended the hearing in a high profile judicial review case regarding GCSE grading system which caused lot of controversy in public of England and Wales. I heard the introduction of the plaintiff's counsel and their main arguments. I also looked through the statement of case. At the end of the day, I had the opportunity to discuss with Lord Elias the main legal issues and his view on the case. It was a real honor spending a day and learning from a judge of such experience, intelligence and knowledge.

5. MIHAILO PAVLOVIC – REPORT ON ACTIVITIES 17 September 2012- 07 December 2012

- Clyde&Co 17 September; 2012 – 26 October 2012

During this six weeks, I had chance to work with great solicitors in Litigation, Insurance and Reinsurance departments. The vast majority of my time I have spent with Mr Simon Kemp who was in charge of my programme. I have worked in different kind of cases, especially international Insurance and Reinsurance cases. I was involved in preparing evidences for the future litigations and I had opportunity to read cases which are in progress. I also had chance to see how solicitors prepare the Witness statement and to attend the meeting with expert witness. Beside these, I had chance to attend different kind of lectures which were organized in Clyde&Co for solicitors or trainees. I have to emphasize that I owe gratitude to the people at Clyde&Co because they provide me opportunity to become a part of the team in this six weeks and for sharing they knowledge and experience with me. I have learnt the importance of the team work, especially in such large law firm. At the end, I would like to thank Mr Simon Kemp for his time and experience which he shared with me and the great people form Clyde&Co for the opportunity to work with them.

- Clifford Chance; 29 October – 9 November 2012

After Clyde&Co, I spent two weeks in Clifford Chance working in Litigation department with Mr Julian Acrapotulo. In this period of time, I have read few very interesting commercial cases which were in progress and I attended a conference meetings with expert witness. Beside this, I had chance to hear a lecture which has been delivered by professor Richard Whish related to the Competition Law. I have to emphasize that, thanks to Mr Julian Acrapulto and Ms Hannah Veitch, my time in the Clifford Chance was well planned and organized and I owe them a gratitude for their time and experience. Bearing in mind that Clifford Chance is a huge law firm, I had the opportunity to see how it looks managing so many people and how to create a great team of lawyers.

- High Court, Chancery Division, Mr Justice Geoffrey Vos; 12 November – 16 November 2012

After the previous two solicitor firms, I spend a week in Chancery Division working with Mr Justice Vos. It is difficult to express how great and useful were these five days. I had chance to start a trial related to breaching of fiduciary duties of director, to hear opening submissions of the both barrister and a start of cross examination of the witness. I have to point out that Mr Justice Vos is a great judge, very experienced and patient. He shared with both Slynn Fellows his thinking about the case, legal questions which should get the answer at the end of the dispute and the most significant things of the witness testimony during the cross examination. Beside this, he updated us about the case after we finished our weeks in Chancery Division for

which we are very grateful. Bearing in mind that this is the first time we are faced with English Legal System, I could say that we couldn't get a better Judge to show us how it works in practice, how the Judge is dealing with both relevant law and litigants.

- Brick Court Chambers; 19 November – 30 November 2012

My first week in Brick Court Chambers I spent with Neil Calver QC. This was one of the most interesting weeks in my journey through the English Legal System. I had chance to read some of the famous commercial disputes, especially the relevant documentation and pleadings of the both litigants. Mr Neil Calver QC shared his knowledge and experience with me showing me the role of the Barrister in the legal system. He was interested to hear my opinion about the cases I read and to discuss the relevant legal questions in a specific situation. Beside this, he explained us the way how to become the Barrister in UK, the tradition and the history of the Temple. Also, thanks to Mr Neil Calver and Mr Alex Southern, one of the Clerk in Brick Court Chambers, I had chance to see the Central Criminal Court, known as Old Bailey court, and to hear one of the criminal trial.

My second week in Brick Court Chamber I spent with Mr Jasbir Dhillon. This was also a great experience, bearing in mind that I had the opportunity to read a case related to completely different legal systems. I had a great discussion with Mr Dhillon about the relevant law in this specific case, he wanted to know my opinion about it and he was willing to take the time to explain me some of the important things of the dispute. Given the fact that Mr Dhillon worked in New York as a lawyer, I had chance to hear his experience from USA and differences between the US and UK Legal System. I had impression that Mr Dhillon is a very experienced Barrister, especially in Banking and Finance disputes which I had privilege to read.

- 20 Essex Street; 03 November – 07 November 2012

The last week of my fellowship I spent in 20 Essex Street Chamber, working with Mr Michael Ashcroft QC and Mr Stephen Atherton QC. With Mr Ashcroft, I had got the possibility to see one of the Arbitration cases related to the shipping. Given the fact that this was my first experience in Arbitration, I could say that this way of resolving the disputes has become one of my favorite. I had chance to see how it looks the preparation of pleadings, cross examinations of expert witnesses and opening and closing submissions of the Barristers. Also, It was my first time to see the role of the Arbitrator and how he managed the case and follow the procedure. Mr Ashcroft explained to me everything about this kind of resolving disputes, the advantages and disadvantages of Arbitration and role of the Barrister.

My last day of programme, I had chance to spent with Mr Stephen Atherton QC in the Court room, listening the closing submissions in the case related to breaching of fiduciary duties of director. It was the last day of the trial which provide me the opportunity to see how the final

day looks. This was the possibility to understand the importance of the final words of the Barristers and how they trying to point out on significant part of the case.

Beside this, thanks to Sir Henry Brooke, I spent one day (06 December 2012) with Lord Justice Elias in the Court of Appeal. I have got the chance to hear the introductions and the arguments of the Appellants and to see how the judge panel resolving the cases. I had a privilege to listen very experience judges, their thinking about the cases and way of resolving it. This was incredible experience and I would like to thank the Judges and Sir Henry Brooke for their help to arrange this for us.

6. CONCLUSION

We believe that the Fellowship Programme fulfilled all its goals. Both Slynn Fellows had the opportunity to closely observe English legal system and learn many new solutions that could be implemented in Serbia and gradually improve its legal system. This Program will most certainly advance our careers and positively influence directions of our professional activities in the future.

We owe a gratitude to people from Slynn Foundation for their enormous help in arranging the visit and for all their help during our stay in London.

We would like to encourage young lawyers from other countries to apply for the Slynn Fellowship as this programme will enable them to gain different kind of experience and knowledge, and ultimately, enhance their own careers and improve legal systems in their home countries.