

Adam Kramer

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Year Of Call: **2004**



Adam is Chambers & Partners' Commercial Junior of the Year 2017. The directories say he is '*a legend in the making*', '*a senior-junior superstar*', '*one of the brightest juniors of his generation*', '*unbelievably intelligent, incisive, quick-witted and great on his feet*', '*a go-to person for heavy disputes*' with '*a great sense of humour and a strong teamwork ethic*'.

He is an experienced commercial litigator, including in large-scale high-profile disputes (such as the *RBS Rights Issue*, *VW Diesel Scandal*, *Holyoake v Candy brothers*, Russian frauds). He is equally comfortable as senior junior and as sole advocate, often appearing against silks, and is an expert in damages—he is the sole author of the leading practitioner text on contract damages. Adam seeks to attack complex disputes proactively, creatively and quickly, to never be beaten on the law, and to argue forcefully but with charm.

Adam was Chambers & Partners' Banking Junior of the Year 2015, is ranked in the directories in six areas, and has been listed in the top 100s (Chambers 100 juniors, Lawyer's Hot 100 lawyers).

Directory Quotes

"First class; easily capable of carrying a large banking dispute with minimal silk input."

Legal 500 UK 2014

"He is technically strong, and has a client-friendly, pragmatic, responsive and commercial approach."

Chambers & Partners UK 2016

Expertise

Aviation

An increasing amount of Adam's time is taken up with aviation disputes or commercial matters with an aviation aspect.

Highlights:

An LCIA arbitration relating to the provision of space satellite services to a foreign government.

A share purchase warranty dispute arising out of sale of a private jet charter and aircraft management services company.

Ryanair Ltd v Hertz Europe Ltd - Commercial Court, 2015-16. Dispute arising out of termination of a car rental services marketing agreement with an airline. (Led by Andrew Sutcliffe QC.)

Challinor v Juliet Bellis & Co - Chancery Division: [2013] EWHC 347 & 620 (Ch), Court of Appeal: [2015] EWCA Civ 59. Represented the claimant investors in a Guernsey unregulated collective property investment scheme into airfields, arguing that investment monies were held on Quistclose trust by the defendant solicitor. Succeeded after a four week trial, but overturned on appeal. (Led by Andrew Sutcliffe QC.)

Banking & Finance

Adam has extensive banking litigation experience for and against banks, ranked in the top band of leading juniors by Chambers & Partners UK, Legal 500 and Who's Who Legal, one of the five 'most highly regarded' and, awarded Chambers & Partners' Banking Junior of the Year 2015. He has particular experience of disputes in relation to note structures and loan facilities, investment advice, money tracing, and group banking actions.

Adam was involved at the start of his career in the ground-breaking bank charges test case (for a bank), and was recently a senior junior in the equally ground-breaking RBS 2008 Rights Issue litigation (for the claimants), the latter of which provided a broad education in all aspects of investment bank structured credit products, liquidity, regulatory capital, and other matters.

It has been said that he is '*easily capable of carrying a large banking dispute with minimal silk input*' (Legal 500) and '*one of the most talented and impressive banking litigators at the junior Bar*' (Who's Who Legal). He is one of the authors of Paget's Law of Banking, and has given evidence on English law in foreign proceedings.

Highlights:

JSC BM-Bank v Vladimir Kekhman – Commercial Court, 4 week trial autumn 2017. Acting for the claimant Russian bank in this \$150m fraud claim against 'The Banana King'. (Led by Alan Gourgey QC.)

Portland Stone Firms Ltd v Barclays Bank plc and KPMG – Queen's Bench Division. Sole advocate for the bank defending a claim arising out of commercial lending, ongoing.

Sole counsel for the bank in an £multi-million international factoring dispute, 2017, settled.

Royal Bank of Scotland's 2008 Rights Issue prospectus claim - Chancery Division, 2013-16, settled. Acted for one of the institutional lead claimant groups (that represented by Stewarts Law) in this £multi-bn s90 FSMA GLO claim that the prospectus in the spring 2008 £12bn rights issue was misleading, for over three years until settlement in December 2016. Main focus was on structured credit issues especially CDOs, MBSs and monoline insurance. (Led by Andrew Onslow QC.)

Holyoake v Candy brothers and others - Chancery Division. Represented the Candy brothers and other defendants in the interim stages of this £130m conspiracy, duress and fraud dispute arising out of the financing of the Grosvenor Gardens House property development. Appeared at first instance [2016] 3 WLR 357, and prepared written appeal submissions [2017] EWCA Civ 92, in the 'notification injunction' proceedings. (Led by Ewan McQuater QC.)

Astle et al v CBRE et al. Chancery Division, 2016, settled - £27m claim by 128 claimants against valuers and others in relation to an information memorandum for a unit trust and loan note property-development vehicle. Failed strike out on SAAMCo scope of duty: [2016] PNLR 16. Sole counsel for the valuers.

Faisal Islamic Bank v Satellite Communications Network Ltd - Court of Appeal, 2016, settled after permission to appeal obtained. Sole advocate for the appellant bank seeking to set aside a registration order on grounds of fraud.

Renaissance Capital Ltd v African Minerals Ltd - Chancery Division: [2014] EWHC 2004 (Comm), Court of Appeal: [2015] EWCA Civ 448. Represented the claimant investment bank in this \$100m+ claim for success fees from Chinese investments

into the defendant's iron ore mine in Sierra Leone. Succeeded at trial but partly overturned on appeal. (Led by Michael Brindle QC.)

Challinor v Juliet Bellis & Co - Chancery Division: [2013] EWHC 347 & 620 (Ch), Court of Appeal: [2015] EWCA Civ 59. Represented the claimant investors in a Guernsey unregulated collective property investment scheme into airfields, arguing that investment monies were held on Quistclose trust by the defendant solicitor. Succeeded after a four week trial, but overturned on appeal. (Led by Andrew Sutcliffe QC.)

Molton Street Capital LLP v Shooters Hill Capital Partners LLP - Commercial Court, 2014-15, settled (but other parties continued to trial: [2015] EWHC 3419 (Comm)). Sole counsel for the arranger in a bond sale dispute.

Sisters of Charity of Jesus and Mary et al v Morgan Stanley & Co International - Commercial Court, 2010-12, settled. Acted for a group of 132 noteholders under an ISDA swap, with claims of over \$20m based on delay in termination for downgrade. (Led by Andrew Sutcliffe QC.)

Hall v RBS Plc - Queen's Bench Division [2009] EWHC 3163 (QB). Obtained summary judgment for the bank in relation to an agricultural overdraft and allegations that the bank owed a duty of care.

Job v Halifax Plc - Nottingham County Court, 2009 (Lawtel AC0122846). Appeared for the bank in the first English trial on debit card cloning and ATM use.

Bank charges test case - Commercial Court, [2008] EWHC 875, 2325 (Comm). Test case on overdraft charges, penalty clauses, and the Unfair Terms in Consumer Contracts Regulations 1999. Appeared at the trial for Clydesdale plc. (Led by Richard Salter QC and John Odgers.)

Civil Fraud

Fraud has long been one of Adam's principal areas of practice, with court experience ranging from freezing orders to long trials and Court of Appeal hearings, and he is ranked as a leading junior in this area by Chambers and Partners UK (band 3). He has particular experience of fraud in the context of SPAs, and fraudulent document-creation in a variety of complex transactions, with Court of Appeal experience of both dishonest assistance and deceit. He also brings his expertise in damages to bear in the fraud field (see e.g. 'Deceit, Difference in Value and Date of Assessment' (2017) 133 LQR 41-36).

Highlights:

Auden McKenzie (Pharma Division) Ltd v Patel – Commercial Court, ongoing. Acting for the first defendant in this over £200m deceit claim arising out of a share sale of a pharmaceutical group. (Led by Jonathan Adkin QC.)

Volkswagen Diesel Emissions Scandal class action – Queen's Bench Division, ongoing. Acting for a claimant group. (Led by Tom de la Mare QC and Ben Jaffey QC.)

JSC BM-Bank v Vladimir Kekhman – Commercial Court, 4 week trial autumn 2017. Acting for the claimant in this \$150m fraud claim against the Russian 'Banana King'. (Led by Alan Gourgey QC.)

Addlesee & others v Dentons Europe LLP – Chancery Division, ongoing. Defending the lawyers in this deceit and negligence claim by 200 claimants in relation to the 'Anabus' gold trading scheme.

Advising on claims arising out of a major international fraudulent commodity trading investment scheme primarily operated out of the Cayman Islands. Sole advocate for the claimants.

Disputing insurer avoidance for fraud in £14m professional indemnity policy claim. Sole advocate for the claimant.

Holyoake v Candy brothers and others - Chancery Division. Represented the Candy brothers and other defendants in the interim stages of this £130m conspiracy, duress and fraud dispute arising out of the financing of the Grosvenor Gardens House property development. Appeared at first instance [2016] 3 WLR 357, and prepared written appeal submissions [2017] EWCA Civ 92, in the 'notification injunction' proceedings. (Led by Ewan McQuater QC.)

Faisal Islamic Bank v Satellite Communications Network Ltd - Court of Appeal, 2016, settled. Sole advocate for the appellant bank seeking to set aside a registration order on grounds of fraud.

BP Oil Ltd v Bankers Petroleum Ltd - Commercial Court, 2014-15, settled. \$37m Albanian crude oil sale dispute, with allegations of dishonest invoice-raising. (Led by Ali Malek QC.)

Seaton Trustees v Schneider Electric FZE - Commercial Court, 2014, settled. Acted for the sellers in a £10m fraud, SPA warranty and mismanagement dispute following sale of a Dubai electronic solutions company. (Led by Andrew Onslow QC.)

The Ablyazov dispute - Chancery Division, 2011. Acted for Mr Ereshchenko in one of the Ablyazov actions. (Led by Paul Lowenstein QC.)

Parabola Investments Ltd v Browallia Cal Ltd - Court of Appeal: [2011] 1 QB 477. Appeared for the defendant stockbroker at the appeal against a £19m award turning on the measure of lost opportunity damages in deceit. (Led by Ali Malek QC and Jeffrey Chapman.)

SITA v Serruys - Queen's Bench Division, 2010, settled after 10 weeks of trial. Appeared for the defendants in £90m deceit and SPA warranty action arising out of sale of Easco national scrap metal business. (Led by Adrian Beltrami QC and David Head.)

Attorney General of Zambia v Meer Care & Desai - Chancery Division: [2007] EWHC 952 (Ch), Court of Appeal: [2008] EWCA Civ 1007. Dishonest assistance and conspiracy, embezzlement of \$55m by the former President of Republic of Zambia, appeared for 1st defendant solicitors firm through whose client account the money was laundered, 11-week trial and then successful appeal. (Led by David Head at trial; Andrew Onslow QC on appeal.)

HSBC v 5th Avenue - Commercial Court, 2006. Acted at freezer and other interim hearings early on in this investment fraud litigation. (Led by Gregory Mitchell QC and Ian Wilson.)

Commercial Dispute Resolution & Arbitration

Adam practices in a broad range of commercial disputes — he is Chambers and Partners Commercial Junior of the Year 2017 and is ranked in six areas across the directories — with particular experience of complex financial transactions, SPAs, sale of goods and property investments (as well as the other areas listed on this website). He has been ranked as a leading junior for commercial disputes since 2010 (when he was six years call), and is listed in Chambers and Partners UK (band 1) & Global (band 1) and Legal 500 (band 2). Adam is an expert in contract and tort damages and contract interpretation (see his Publications list), and has a developing specialism in group litigation (including from his roles in the *RBS Rights Issue and VW Diesel Emissions Scandal* litigation).

Highlights (and see other specialism sections for more examples):

Volkswagen Diesel Emissions Scandal class action – Queen's Bench Division, ongoing. Acting for a claimant group. (Led by Tom de la Mare QC and Ben Jaffey QC).

Auden McKenzie (Pharma Division) Ltd v Patel – Commercial Court, ongoing. Acting for the first defendant in this over £200m deceit claim arising out of a share sale of a pharmaceutical group. (Led by Jonathan Adkin QC.)

An LCIA arbitration relating to the provision of space satellite services to a foreign government.

JSC BM-Bank v Vladimir Kekhman – Commercial Court, 4 week trial autumn 2017. Acting for the claimant in this \$150m fraud claim against the Russian 'Banana King'. (Led by Alan Gourgey QC.)

£1.5m SPA tax warranty claim arising out of acquisition of a construction company. Sole counsel for the vendors, ongoing.

Canouan Resorts Development Ltd v CDCH Ltd – Chancery Division. Acted for the defendant in this dispute under shareholders' agreements relating to an island resort and club development in the Grenadines Islands. (Led by Andrew Fletcher QC.)

Royal Bank of Scotland's 2008 Rights Issue prospectus claim - Chancery Division, 2013-16, settled. Acted for one of the institutional lead claimant groups (that represented by Stewarts Law) in this £multi-bn s90 FSMA GLO claim that the prospectus in the spring 2008 £12bn rights issue was misleading, for over three years until settlement in December 2016. Main focus was on structured credit issues—especially CDOs, MBSs and monoline insurance. (Led by Andrew Onslow QC.)

Holyoake v Candy brothers and others - Chancery Division. Represented the Candy brothers and other defendants in the interim stages of this £130m conspiracy, duress and fraud dispute arising out of the financing of the Grosvenor Gardens House property development. Appeared at first instance [2016] 3 WLR 357, and prepared written appeal submissions [2017] EWCA Civ 92, in the 'notification injunction' proceedings. (Led by Ewan McQuater QC.)

Ryanair Ltd v Hertz Europe Ltd - Commercial Court. Dispute arising out of termination of a car rental services marketing agreement. (Led by Andrew Sutcliffe QC.)

Astle et al v CBRE et al - Chancery Division, 2016, settled. £27m claim by 128 claimants against valuers and others in relation to an information memorandum for a unit trust and loan note property-development vehicle. Failed strike out on SAAMCo in the context of this structure: [2016] PNLR 16. Sole counsel for the valuers.

Renaissance Capital Ltd v African Minerals Ltd - Chancery Division: [2014] EWHC 2004 (Comm), Court of Appeal: [2015] EWCA Civ 448. Represented the claimant investment bank in this \$100m+ claim for success fees from Chinese investments into the defendant's iron ore mine in Sierra Leone. Succeeded at trial but partly overturned on appeal. (Led by Michael Brindle QC.)

BP Oil Ltd v Bankers Petroleum Ltd - Commercial Court, 2014-15, settled. \$37m Albanian crude oil sale dispute. (Led by Ali Malek QC.)

Technology SPA earn-out and warranty dispute - 2014-15, settled. (Led by Paul Lowenstein QC.)

Benedetti v Sawiris - Supreme Court, 2013. Acted for the trust defendants in this leading case on the law of unjust enrichment, which arose out of a telecomms deal commission claim. Appellant discontinued against these defendants just before the hearing. (Led by Adrian Beltrami QC.)

GDF Suez International Holdings BV v Teesside Power Holdings Ltd - Technology & Construction Court, 2013, settled. £100m share warranty claim in relation to defects in Teesside gas power station, including insurance warranty claim. (Led by Martin Bowdery QC and Jonathan Davies-Jones QC.)

Kudos Catering (UK) Ltd v Manchester Central Convention Centre - Queen's Bench Division: [2012] EWHC 1192 (QB), Court of Appeal: [2013] 2 Lloyd's Rep 270. Construction of an exclusion clause in a catering services contract. (Led by Stephen Phillips QC.)

Ener G Holdings v Hormell - Commercial Court: [2011] EWHC 3290 (Comm), Court of Appeal: [2012] EWCA Civ 1059. Construction of a service of notice provision in an energy company SPA. (Led by George Bompas QC.)

Major recording artist v major label - 2011. Acted for a major music artist in a £multi-million recording contract dispute in relation

to digital music royalties. (Led by Andrew Sutcliffe QC.)

SITA v Serruys - Queen's Bench Division, 2010. Appeared for the defendants in £90m deceit and SPA warranty action arising out of sale of Easco national scrap metal business. Settled in week 10 of trial. (Led by Adrian Beltrami QC and David Head.)

SPA dispute - 2009, settled. £50m misrepresentation, deceit and tax and related warranty claims under a publishing company SPA. (Led by Andrew Onslow QC.)

Energy & Natural Resources

Adam has developed a specialisation in energy and natural resources disputes of all stripes, both led and, more frequently, as sole advocate. Includes oil trading, drilling and well damage; iron ore mining; gas power generation. He is ranked by Chambers and Partners UK (band 2) & Global (band 2) as a leading junior, which said '*Noted for his academic rigour and robust courtroom demeanour, he is frequently involved in energy cases and has a depth of experience in oil and gas cases*'.

Oil Highlights:

Offshore oil field support services company share purchase agreement dispute, ongoing.

Crude oil supply dispute, 2016, settled. (Led by Ali Malek QC.)

BP Oil Ltd v Bankers Petroleum Ltd. Commercial Court, 2014-15, settled. \$37m Albanian crude oil sale dispute. (Led by Ali Malek QC.)

Geophysical Service Centre Company Ltd v Dowell Schlumberger (Middle East) NV - Technology and Construction Court, 2012-13, settled. Acted for seismic oil exploration services company in a JV dispute arising out of a Jordanian project. (Led by Gregory Mitchell QC.)

Gard Marine & Energy Ltd v Lloyd's Syndicate 780 et al - Commercial Court: [2011] EWHC 1658 (Comm). Appeared for the brokers in this \$10m two-week trial turning on an excess of loss clause in an energy facultative r/i policy, following oil well damage caused by Hurricane Rita. (Led by Tom Weitzman QC.)

Other Energy Highlights:

GDF Suez International Holdings BV v Teesside Power Holdings Ltd - Technology and Construction Court, 2013, settled. £100m share warranty claim in relation to defects in Teesside gas power station, including insurance warranty claim. (Led by Martin Bowdery QC and Jonathan Davies-Jones QC.)

Ener G Holdings v Hormell - Commercial Court: [2011] EWHC 3290 (Comm), Court of Appeal: [2012] EWCA Civ 1059. Dispute about compliance with a service of notice provision in an energy SPA. (Led by George Bompas QC.)

Mackenzie and Hassoport Ltd v Sharratt - Chancery Division, 2008. Contract and trusts dispute arising out of the 2004 sale of Italian energy group Elettra. (Led by Andrew Onslow QC.)

Natural Resources and Commodities Highlights:

Addlesee & others v Dentons Europe LLP – Chancery Division, ongoing. Defending the lawyers in this deceit and negligence claim by 200 claimants in relation to the 'Anabus' gold trading scheme.

Advising on claims against professionals arising out of a major international fraudulent commodities trading investment scheme primarily operated out of the Cayman Islands.

Fraud by employees of a scrap metal and waste services business.

Portland Stone Firms Ltd v Barclays Bank plc and KPMG – Queen's Bench Division. Stone quarrying financing dispute.

Renaissance Capital Ltd v African Minerals Ltd - Chancery Division: [2014] EWHC 2004 (Comm), Court of Appeal: [2015] EWCA Civ 448. Represented the claimant investment bank in this \$100m+ claim for success fees from Chinese investments into the defendant's iron ore mine in Sierra Leone. Succeeded at trial but partly overturned on appeal. (Led by Michael Brindle QC).

SITA v Serruys - Queen's Bench Division, 2010. Appeared for the defendants in £90m deceit and SPA warranty action arising out of sale of Easco national scrap metal business. Settled in week 10 of trial. (Led by Adrian Beltrami QC and David Head.)

Insurance & Reinsurance

Adam regularly advises and acts in insurance and reinsurance disputes, for insurers, insureds and especially brokers. He is ranked in three directories in this field (Chambers and Partners UK band 3, Legal 500 band 4, and Legal Experts), described in one as 'a very strong character in this market'.

Highlights:

Brightside Group Ltd v AIG Europe Ltd – Commercial Court, ongoing - £14m claim under valuers' professional indemnity policy, disputing avoidance for fraud, using third party rights act, ongoing.

Sole advocate for the claimant.

Dispute as to the valuation of an outgoing co-owner's share of an insurance brokerage, settled 2018.

Sole counsel for the brokers in a £1.5m professional indemnity policy dispute with various insurers, ongoing.

Corporate acquisition warranties and indemnities policy coverage dispute, ongoing.

£2m broker's negligence claim arising out of business interruption underinsurance, acting for the arranger/broker, ongoing.

AIG Europe Ltd v Bank Leumi Le-Israel BM – Commercial Court, 2017, settled. £½m reinsurance dispute, defending Bank Leumi's captive reinsurer from a claim arising out of D&O insurance. Sole advocate for the defendant.

Holyoake v Candy brothers and others - Chancery Division. New law on whether a 'cross-undertaking liability' policy can provide good fortification for a cross-undertaking to an interim injunction. Appeared at first instance and prepared written appeal submissions [2017] EWCA Civ 92. (Led by Ewan McQuater QC.)

Professional sportsperson's income protection policy coverage dispute - 2015, settled.

GDF Suez International Holdings BV v Teesside Power Holdings Ltd - Technology and Construction Court, 2013, settled. £100m share warranty claim in relation to defects in Teesside gas power station, including insurance warranty claim. (Led by Martin Bowdery QC and Jonathan Davies-Jones QC.)

Geophysical Service Centre Company Ltd v Dowell Schlumberger (Middle East) NV - Technology and Construction Court, 2012-13, settled. The extent to which ATE insurance is satisfactory security for costs: [2013] EWHC 147 (TCC). (Led by Gregory Mitchell QC.)

Manorview Estates Ltd v Lansdown Insurance Brokers - London Mercantile Court, 2012, settled. Acted for the claimants in a four-party £½m claim against development property insurance brokers and others.

Gard Marine & Energy Ltd v Lloyd's Syndicate 780 et al - Commercial Court: [2011] EWHC 1658 (Comm). Appeared for the brokers in this \$10m two-week trial turning on an excess of loss clause in an energy facultative r/i policy, following oil well damage caused by Hurricane Rita. (Led by Tom Weitzman QC.)

Jooste v Hamilton Fraser Insurance plc - Queen's Bench Division, 2011. Obtained a strike out of a £multi-million claim against packagers of a cosmetic malpractice insurance policy.

HIH Casualty & General Insurance Ltd v JLT Risk Solutions Ltd - Commercial Court: [2006] Lloyd's Rep IR 493, Court of Appeal: [2007] 2 Lloyd's Rep 278. Appeared for brokers in this \$42m film finance insurance dispute, the leading authority on reinsurance brokers' post-placement duties, causation and contributory negligence. (Led by Tom Weitzman QC and Jonathan Davies-Jones).

Media, Entertainment and Sport

Broad experience of contractual and related disputes in the media, entertainment and sport fields, including:

A £12m investment dispute arising out of a UK film tax scheme.

A \$1.5m commercial dispute arising out of the provision of video delivery hardware and software.

Acting for a supermodel in her dispute relating to a promotion agreement.

Acting for a brand management company in its contractual dispute with a Formula 1 driver.

Advising an international pop star on royalties in relation to Spotify and other online platforms.

Acting for a former rugby international in his claim against his income protection insurer following professional injuries.

Professional Negligence

Extensive experience of professional negligence disputes, on both sides, which play to Adam's strengths as a damages expert. Particular experience of solicitor and valuer negligence claims arising out of property transactions (especially complex commercial transactions), and insurance broker claims. Ranked as a leading junior by Legal 500 (band 5).

Highlights:

Addlesee & others v Dentons Europe LLP – Chancery Division, ongoing. Defending the lawyers in this deceit and negligence claim by 200 claimants in relation to the 'Anabus' gold trading scheme.

Advising on claims against professionals arising out of a major international fraudulent commodities trading investment scheme primarily operated out of the Cayman Islands.

£14m claim under valuers' professional indemnity policy, disputing avoidance for fraud, using third party rights act, ongoing. Sole advocate for the claimant.

£1.8m claim for negligent provision of logistics consultancy services, sole advocate for the defendant, ongoing.

£1m commercial valuer negligence claim, sole advocate for the lender claimant, ongoing.

£2m broker's negligence claim arising out of business interruption underinsurance, sole advocate for the arranger/broker, ongoing.

Astle et al v CBRE et al - Chancery Division, 2016, settled. £27m claim by 128 claimants against valuers and others in relation

to an information memorandum for a unit trust and loan note property-development vehicle. Failed strike out on SAAMCo in the context of this structure: [2016] PNLR 16. Sole counsel for the valuers.

Challinor v Juliet Bellis & Co - Chancery Division: [2013] EWHC 347 & 620 (Ch), Court of Appeal: [2015] EWCA Civ 59. Represented the claimant investors in a Guernsey unregulated collective property investment scheme into airfields, arguing that investment monies were held on Quistclose trust by the defendant solicitor. Succeeded after a four week trial, but overturned on appeal. (Led by Andrew Sutcliffe QC.)

O'Brien v De Pinna - Queen's Bench Division, 2012-13, settled. £4m claim against an English notary in relation to French property transaction.

Gard Marine & Energy Ltd v Lloyd's Syndicate 780 et al - Commercial Court: [2012] Lloyd's Rep IR 1. Appeared for the brokers in this \$10m two-week trial turning on an excess of loss clause in an energy facultative r/i policy, following oil well damage caused by Hurricane Rita. (Led by Tom Weitzman QC.)

£40m claim against solicitors and tax accountants arising out of an SPA - 2011, settled. (Led by Andrew Onslow QC.)

Parabola Investments Ltd v Browallia Cal Ltd - Court of Appeal: [2011] 1 QB 477. Appeared for the defendant stockbroker at the appeal against a £19m award turning on the measure of lost opportunity damages in deceit. (Led by Ali Malek QC and Jeffrey Chapman.)

Bank of Scotland plc v Dundas & Wilson LLP - Commercial Court, 2011, settled. Sole advocate for the third defendant solicitors in this £18m multi-party dispute arising out of a secured loan.

Pearson Education Ltd v The Charter Partnership Ltd - Court of Appeal: [2007] BLR 324. Siphonic drainage case, the leading authority on the relevance to duty of care of a reasonably foreseeable opportunity for intermediate inspection. (Led by Colin Edelman QC.)

HIH Casualty & General Insurance Ltd v JLT Risk Solutions Ltd - Commercial Court: [2006] Lloyd's Rep IR 493, Court of Appeal: [2007] 2 Lloyd's Rep 278. Appeared for brokers in this \$42m film finance insurance dispute, the leading authority on reinsurance brokers' post-placement duties, causation and contributory negligence. (Led by Tom Weitzman QC and Jonathan Davies-Jones QC).

Publications

[The Law of Contract Damages](#), 2nd edn (Oxford, Hart Publishing, 2017)

Practical Law Company: [2017 Blog on The New Flamenco](#); contract damages note (behind paywall); waiver note (behind paywall).

'Damages and Proof' in *Virgo and O'Sullivan, Commercial Remedies: Resolving Controversies* (CUP, 2017)

'English Law Report', *The Common Core of European Private Law: Interpretation of Commercial Contracts* (forthcoming)

Co-author with A Summers, '[Deceit, Difference in Value and Date of Assessment](#)' (2017) 133 LQR 41-36

Contributor to *Paget's Law of Banking*, 14th edition (LexisNexis, 2014)

Co-author with A Dyson, '[There is No "Breach Date Rule": Mitigation, Difference in Value and Date of Assessment](#)' (2014) 130 LQR 259-281

Co-author with A Beltrami QC, '[A Note on Incidental Benefit and Multi-party Situations](#)' (2014) RLR 46-53

Editor with S Tolaney QC and C Harris, Key Authorities in Banking Law 2011-2012 (Sweet & Maxwell, 2013)

'Guarantees' in the Encyclopaedia of Banking Law (LexisNexis looseleaf, until 2012)

Bewigged and Bewildered? A Guide to Becoming a Barrister in England and Wales (Hart Publishing, 1st edn 2007, 2nd edn 2011, 3rd edn with I Higgins 2016)

'The New Test of Remoteness in Contract' (2009) 125 LQR 408-415

Contract Law - An Index and Digest of Published Writings (Hart Publishing, 2009)

'Remoteness: New Problems with the Old Test' in Cunnington and Saidov (eds), Contract Damages: Domestic and International Perspectives (Hart Publishing, 2008)

'Smoothing the Rough Justice of the Fairchild Principle' (2006) 122(4) LQR 547-553

'An Agreement-Centred Approach to Remoteness and Contract Damage' in Cohen and McKendrick (eds), Comparative Remedies for Breach of Contract (Oxford, Hart Publishing, 2005) 249-286 (cited by the House of Lords in The Achilleas [2009] AC 61)

'The Implication of Contract Terms as an Instance of Interpretation' (2004) 63 CLJ 384-411

'Common sense principles of contract interpretation (and how we've been using them all along)' (2003) 23 OJLS 173-196

'Proximity as principles: Directness, community norms and the tort of negligence' (2003) 11 Tort Law Review 70-103

Awards & Background

Commercial Junior of the Year – Chambers and Partners 2017

UK Commercial Litigator of the Year - Corporate LiveWire Legal Awards 2016

Banking Junior of the Year - Chambers and Partners 2015

Most Outstanding Banking Litigator – Corporate LiveWire Legal Awards 2015

Hot 100 - The Lawyer- 2014

Alexander Maxwell Law Scholarship

Gray's Inn: Arden Scholar, Lee Essay Prize, Bedingfield Scholar

McGill University: Institute of Comparative Law Essay Prize, Dean's Honour List, Canadian Rhodes Scholars Foundation Scholarship

Oxford University: proxime accessit to the Martin Wronker Prize, Gibbs Prize for Law, Richards Butler Prize for International Trade Law, Martin Wronker Fund Award for Land Law

University College, Oxford: Alan Urbach Memorial Prize for Jurisprudence, Peter Rowley Prize for Land Law

Background

BA Jurisprudence, Oxford University (2nd highest in the year); LLM, McGill University; then law lecturer at Durham University

and University College, Oxford for three years.

Professional Memberships

Practical Law Dispute Resolution Consultation Board

Commercial Bar Association

Chancery Bar Association

Professional Negligence Bar Association

Commercial Fraud Lawyers Association

Gray's Inn

Society of Legal Scholars

Bar Pro Bono Unit