

Richard Samuel

Call Date: 1996



Richard has a broad commercial practice. He is instructed act in disputes over contract law, fiduciary duties, company law, restitution, negligence and employment law.

Richard's work has a strong international dimension. He is instructed directly by law firms in England and around the world in arbitrations and in the English High Court. Richard is frequently invited around the world to train disputes lawyers on advocacy and the examination of witnesses.

Legal Services

Commercial

The core of Richard's practice are those disputes that any corporate can encounter: arguments with suppliers or customers, between directors and shareholders, with employees or with bankers. He has experience acting for international banks on substantial ISDA cases in the Financial List in the Rolls Building and experience in financial services disputes more generally for corporates and individuals from around the world.

He has a strong practice in cases involving employees, directors and shareholders exiting corporates, including disputes over references, restrictive covenants and unfair prejudice petitions. He has argued significant cases on enforcing foreign awards in England and conducted arbitrations under English law around the world, together with supportive claims in the English Commercial Court.

Notable Commercial cases

[Tenaga Nasional Berhad v Fraser-Nash Research Limited & another \[2018\] EWHC 1848 \(QB\), \[2018\] EWHC 2970 \(QB\)](#)

Acting for a Malaysian judgment creditor enforcing a £30m judgment in England under the Administration of Justice Act 1920 after a decade's delay.

[Hincks v Sense Network Limited \[2018\] EWHC 533 \(QB\), \[2018\] EWHC 1241 \(QB\).](#)

3 HARE COURT

Acting for a financial services firm defending an action brought by an ex-IFA for whom it had given an allegedly negligence reference causing a career loss.

[Sang Kook Suh v Mace \(UK\) Limited \[2016\] EWCA Civ 4.](#)

A successful appeal against the order of a judge permitting in evidence communications between the one claimant and the opposing side's solicitor on the basis that it was not covered by without prejudice privilege and that any such privilege had been waived.

[Diamandis v Wills & another \[2015\] EWHC 312 \(Ch\).](#)

Defending a High Court ChD claim brought by a disqualified director on a management agreement. Illegality and matters of construction. Value £500k.

[McTear & Williams v Engelhart & others \[2014\] EWHC 1056 \(Ch\), \[2016\] EWCA Civ 487, \[2014\] EWHC 722 \(Ch\).](#)

Dispute over whether a contra entry in a p&l ledger after the onset of insolvency was in breach of fiduciary and duty of care.

An Italian merchant bank v an Italian province

2018 onwards. Instructed by a leading Italian law firm to act for the Italian merchant bank in the Financial List in the Rolls Building enforcing certain interest rate hedging products against the province, which is raising multiple arguments about Italian and English law to avoid the swap.

[Toorani v Toorani](#)

2018 onwards. Dispute in England and Jersey over the enforceability of judgments in Bahrain and a transaction at an undervalue in England to avoid the Bahraini judgments.

A foreign state railway company v an English railway company

2017. A dispute over the terms of an English railway franchise together with software and ticketing agreements.

A v B

2015 onwards. Acting for a claimant against his trustee company in the Channel Islands alleging dishonest dissipation of his trusts assets.

X v Barclays Wealth

2015 onwards. Acting for an Italian claimant against his English wealth managers for negligence and breach of mandate.

BM v MT.

2015. Instructed directly by Italian lawyers in an LCIA arbitration for an Italian manufacturer against its distributors in Canada.

DK Assemblies Limited v Vogtlandisches Kabelwerk GmbH.

2015 Acting for English purchasers of defective industrial cabling from a German manufacturer.

Chaudhary v Clydesdale Bank plc

2015 onwards. Acting for a property developer against a bank in a swaps mis-selling case.

Re an Athlete.

2016 Acting for an athlete defending allegations of doping before the Court of Arbitration for Sport in Lausanne.

Martin v Letchers

2016. Acting for the defendant against allegations of sexual harassment in the workplace.

Re Kender.

2016-17. Giving expert evidence on the English law of obscenity on behalf of the accused before the Criminal Courts of Estonia. The conviction rate before the Estonian criminal courts is 98%. The accused was acquitted.

A motorsport team v An engineer

2016. Acting for a formula 1 motorsport team seeking an injunction against an engineer orchestrating a team move to a competing racing team.

A financial services firm v various IFAs.

2017. Acting for a financial services firm seeking an injunction restraining a team of IFAs in Dubai who were being poached by a competitor in Malaysia.

A director v KPMG

2017. Acting for the director of a company suing his accountants for negligence in his tax affairs.

Commercial Arbitration

Richard is a Fellow of the Chartered Institute of Arbitrators and has a Diploma in International Arbitration through the Institute. International arbitration makes up a large part of his current practice having acted in substantial disputes in the energy sector as well as recent instructions in a fraud dispute over a contract for the sale of steel from China to Dubai.

Notable Commercial Arbitration cases

An investor v two French companies

2018. A dispute between investors in a property development in London before an LCIA arbitration, instructed by Swiss lawyers.

A French multi-national v a supplier

2018. Assisting French lawyers conduct an arbitration under English law concerning termination of a contract of supply due to allegations of fraud.

Ingenio Azucarero Guabira SA v Louis Dreyfus Commodities Suisse SA.

International arbitration with seat in London under the RSA rules. Dispute over delivery of sugar from Brazil to Bolivia. Value US\$1m. Instructed by lawyers in Bolivia.

Macsteel International Far East Limited v Conares Limited.

DIFC-LCIA international arbitration. Acting for Claimants in dispute over a contract for the sale of steel from China to Dubai. Bills of Lading, Letters of Credit. Fraud. Value US\$2m. Instructed by lawyers in the Netherlands and Dubai.

Lincoln Medical Ltd v Western Allergy Ltd.

International arbitration. Acting for Defendant in a dispute over a licensing agreement for the distribution of pharmaceuticals in the US. Value in excess of £1m.

A Ltd v B Ltd. International arbitration.

Acting for Claimant in M&A dispute over a company which owns rights over an oil field in Iraq. Value £300m. Fraud.

Studio In. G. Pietrangelli Srl v Lunswemfwa Hydro Power Company Limited.

Acting for Italian designer of a damn in Africa in an LCIA arbitration against the state which wrongfully terminated the contract. Instructed by lawyers in Rome.

A v AA Entertainment Worldwide Limited & others.

Acting for shareholder under ad hoc arbitration agreement in dispute over allotment of shares and treatment of capital contributions to company producing movies.

Hoodless v Hoodless.

Dispute over winding up of an LLP which provided financial services under an arbitration clause LCIA rules.

Employment

Early on in his career Richard's practice had an emphasis on acting in Employment Tribunals and the Employment Appeals Tribunal in cases covering unfair dismissal, whistle-blowing, discrimination and harassment. Now he is often in the High Court arguing cases over disputed references or restrictive covenants.

Notable Employment cases

Hincks v Sense Network Limited [2018] EWHC 533 (QB), [2018] EWHC 1241 (QB).

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Acting for a financial services firm defending an action brought by an ex-IFA for whom it had given an allegedly negligence reference causing a career loss.

A technology firm v a senior employee.

2016 A claim for diversion of profits and other serious breaches of fiduciary duty owed to an English company regarding a joint venture in Bahrain and Saudi Arabia.

Impact teachers Limited v Schmidt.

Acting for employer in shareholder and employment dispute, restrictive covenants, good leaver / bad leaver clause. High court and ET.

Hibbert v Apple Europe Ltd.

Procedural appeal to EAT. Under ELAAS scheme at the PH, then the Pro Bono Unit. Appeal successful on 24/1/12.

Wanklyn v Tiger TMS Limited.

Acting for Claimant CEO of software engineering company in claim for wrongful and unfair dismissal. Bad leaver clause and share options. Fraud. Value £250,000.

Jarvis v Shoppers Pharmacy Ltd.

Before the Privy Council, led by James Guthrie QC. Successfully appealing the decision of the Court of Appeal of Antigua and Barbada that the appellant was not unfairly dismissed [2010] UKPC 5.

Akhtar v Goodge Law.

Acting for respondent in race discrimination case over six days. Employment tribunal. All allegations dismissed. Reported in Evening Standard and Metro etc.

Salm v Martin Brokers.

High court / employment tribunal. Acting for Claimant city bond trader in dispute over dismissal for gross misconduct. Complex and topical arguments over the extent of implied terms preventing dismissal other than

for good cause. Value £1.25m.

Blake v Loewy Group plc.

High Court / employment tribunal. Acting for Defendant in dismissal of a senior creative in an ad agency. Share options, bonus and salary. Value £750,000.

Taylor v BUPA Health Assurance Ltd.

High Court QB. Suing for breach of contract, negligence and defamation on a malicious employment reference.

Public Access

Richard is able to accept instructions directly from members of the public, companies and other entities through the public access scheme (also known as direct access). He has acted, advised and drafted pleadings and documents for a number of individuals and small and medium sized businesses on a direct access basis. He is happy to accept instructions on a direct basis in appropriate cases. If you wish to instruct Richard on a direct basis, please speak to the clerks.

For more information on public access, please see the Bar Council [website](#).

Publications

- [‘Barristers: what they are, and why they exist’](#) – Legalmondo
- [‘Banking disputes: time for a tribunal’](#) – Law Gazette
- [‘My suggestion for improved access to justice for SMEs with complaints against banks’](#) – Barrister Magazine
- [Articles in The New Law Journal](#) – Examining Richard’s idea for a Financial Services Tribunal
- [‘Achieving best evidence in the civil courts’](#) – New Law Journal
- [‘The FCA has now listened: Banks, it is in your interests to listen too’](#) – Capital Markets Law Journal
- [‘Tools for changing banking culture: FCA are you listening?’](#) – Capital Markets Law Journal
- [‘Tools for Culture Change: FCA, now you are listening! Time to build an independent, low cost forum for conduct dispute resolution’](#) – Capital Markets Law Journal
- [‘Barristers, solicitors, and the Four Inns of Court of England’](#) – OUP Blog
- [‘Will common law dispute resolution bring banks to Paris after Brexit?’](#) – OUP Blog
- [‘Banks, politics, and the financial crisis: a demand for culture change \(Part 1\)’](#) – OUP Blog
- [‘Banks, politics, and the financial crisis: a demand for culture change \(Part 2\)’](#) – OUP Blog
- [‘Banks must stop gaming the courts and pay for justice’](#) – Financial Times

Memberships

- AIJA (Association Internationale des Jeunes Avocats/ The International Association of Young Lawyers) (alumnus)
- American Bar Association Section of International Law (ABA SIL)
- COMBAR (Commercial Bar Association)
- London Common Law & Commercial Bar Association (LCLCBA)

Advocacy

Richard is an 'A' grade advocacy trainer at the Middle Temple, his Inn of Court. He also teaches for the Inns of Court College of Advocacy and at the South Eastern Circuit's Keble Course in Oxford. Richard collaborated with fellow trainers to found the International Advocacy Academy ("IAA"). The IAA has taken the common law training techniques barristers enjoy and internationalised them for disputes lawyers from jurisdictions around the world who act as counsel in international arbitrations. Richard has lectured and trained with international institutions in London, Venice, Milan, Rome, Berlin, Bonn, Frankfurt and der Oder, Basel, Zurich, Helsinki, Dubai, Atlanta in the US and in Kuala Lumpur.

Talks and Lectures

- [Richard speaking at the International Advocacy Academy on persuading arbitrators.](#)
- [Richard speaking at the SME Finance Inquiry, Treasury Select Committee on Evidence on establishing a Financial Services Tribunal.](#)
- [Richard Samuel gives evidence before the Treasury Select Committee during its Inquiry into a Financial Services Tribunal.](#)
- [At 1.06 listen to Richard Samuel speak at Westminster at the opening of an All Party Parliamentary Group's inquiry into his idea of a Financial Services Tribunal.](#)
- ["Effective Oral Advocacy: How to persuade the arbitrators": ICC YAF Zurich December 21014,](#) moderating a panel of eight lawyers from around the world on their approach to and expectations of cross examination.
- Helsinki International Arbitration Day 2013, Helsinki, Finland.
- "Common law cross examination in International Arbitration" – Annual Arbitration Conference, Venice 2012.
- "Managing Client Relationships: A Multi-generational Approach" – IBA, Munich, 2012.

Languages

- Italian
- German

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- French