Richard Samuel

Call Date: 1996

On 1 September 2023, after twenty-five years at the self-employed bar and eighteen years in these chambers, Mr Samuel became an employed barrister at the leading Italian law firm, Bonelli Erede Lombardi Pappalardo LLP, where he is now a partner. He continues to practice as an advocate in international arbitrations and litigation before the English courts in the capacity of employed barrister at that firm.

Accordingly, on 1 September 2023 Mr Samuel moved from self-employed certification with the BSB to employed certification. Since then, he has no longer been able to accept instructions as a self-employed barrister through chambers. However, Mr Samuel remains a member of these chambers and works closely with our juniors on his cases, either as self-employed barristers or employed on secondment in the firm.

Mr Samuel's chambers profile below dates from 30 August 2023.

Richard Samuel has a broad commercial practice, and is instructed to 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.

Richard co-founded the International Advocacy Academy ("IAA") and is an 'A' grade advocacy trainer at the Middle Temple, his Inn of Court. He now runs its most advanced training programme. He also teaches for the Inns of Court College of Advocacy and at the South Eastern Circuit's Keble Course in Oxford.

The IAA takes the common law training techniques barristers enjoy in cross-examination 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 all over Europe, the US and Asia. Since the COVID-19 pandemic, he has developed and delivered lectures and bespoke tuition online.

3 Hare Court, Temple, London EC4Y 7BJ | T: +44 (0)20 7415 7800 | E: clerks@3harecourt.com

Talks and Lectures

- "Persuading Arbitrators" – the International Advocacy Academy
- "Establishing a Financial Services Tribunal" – evidence to the Treasury Select Committee.
- "Effective Oral Advocacy" – Helsinki International Arbitration Day 2013.
- "Common law cross examination in International Arbitration" – Annual Arbitration Conference, Venice 2012.
- "Managing Client Relationships: A Multi-generational Approach" – IBA, Munich, 2012.

Legal Services

Commercial

Richard's general commercial practice mainly deals with disputes between corporates and their suppliers or their customers, between their directors or shareholders, with their employees or with their banks. He has long and varied experience in cases involving employees, directors and shareholders exiting corporates, including disputes over references, restrictive covenants and unfair prejudice petitions.

The international cases before the English courts include acting for an bank on substantial ISDA dispute with a state entity and representing foreign state enterprises in commercial disputes under English law. He has represented state entities in significant cases enforcing foreign judgments and arbitral awards in England.

Notable Commercial cases

Axiom Partners GmbH v RiverRock European Capital Partners LLP [2023]

Instructed by an Italian headquartered law firm to resist a claim in restitution by a Swiss company for the return of a capital contribution to an English investment house.

A v B [2022]

Acting for the Claimant FCA-regulated Appointed Representative against its principal for the wrongful termination of its trading account in a claim for trading losses

Dankou v James & Paler [2021]

Successfully acting for a German judgment creditor register his judgment in England some ten years after he obtained it in Trinidad

A v B [2022]

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Acting for Swiss lawyers on behalf of a Swiss party to a contract with a Russian party as a result of the imposition of EU and Swiss sanctions upon the Russian military operation in Ukraine

Lily Property Nominees Ltd & another v William Stonbridge & others [2022] EWHC 26 (Ch)

Successfully resisting an appeal against a successful defence to a petition for unfair prejudice by a minority shareholder complaining of corporate misgovernance of a private company, including allegations of racism.

C v D [2022]

Acting for Swiss lawyers, assisting them challenge an arbitral award before the Swiss Federal Supreme Court and follow-on actions

Pakistan International Airline Corp v Times Travel (UK) Ltd [2021] 3 W.L.R. 727, [2021] UKSC 40

Appearing for the intervener, the All Party Parliamentary Group on Fair Business Banking, before the Supreme Court in a key case clarifying the elements of the defence of economic duress to an action to enforce a contract.

Marex Financial Ltd v Sevilleja (All Party Parliamentary Group on Fair Business Banking intervening) [2021] AC 39, [2020] UKSC 31

Appearing for the intervener in the most important commercial decision of the Supreme Court the last forty years, reading down the rule on reflective loss

Toorani & others v the Estate of Behrooz Toorani [2020] EWHC 3477 (Ch)

Successfully resisting an application for summary judgment against a claim to set aside a transaction aimed at defrauding creditors of the deceased.

Lily Property Nominees Ltd & another v William Stonbridge & others [2020] EWHC 2113 (Ch)

Successfully, resisting an petition for unfair prejudice by a minority shareholder complaining of corporate misgovernance of a private company, including allegations of racism.

M G Yacht Construction and Broker APS v Cantiere delle Marche SRL [2020-2022]

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Acting for an Italian shipyard for English and European lawyers on a dispute by the purchaser of a superyacht over documentation designed to sell on the yacht, including defence of penalty and a counterclaim of deceit.

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).

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

A European construction company v a Dutch infrastructure contractor [2017-2022]

Acting for a European corporate directly over a dispute arising from various difficulties during the construction of a wind farm in the Mediterranean, including force majeure.

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.

X v Barclays Wealth [2015 onwards]

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

Re an Athelete [2016]

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

A motorsport team v An engineer [2016]

Acting for a Formula 1 team seeking an injunction against an engineer attempting to move to a competing team.

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A director v KPMG [2017]

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

International 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 International Arbitration cases

X v Y [2022]

Instructed by Swiss lawyers by a Swiss entity in an arbitration under Swiss Rules over the validity of English law contracts associated with a merger of mining conglomerates.

A v B [2021]

Instructed by Hungarian lawyers on behalf of a Japanese corporate in an ICC arbitration under the warranties in an M&A transaction under English law

X v Y [2021 onwards]

Acting for English solicitors on behalf of the claimant in an LCIA arbitration under English law, seated in England, between two Eastern European oligarchs, examining thirty witnesses in a week. The resulting awards are now the subject of a three-day challenge before the English Commercial Court.

A v B & C [2020-2022]

Successfully acting for an Italian law on behalf of an Italian client bringing a claim under English law in an ICC arbitration respect of a substantial infrastructure project in the Middle East, including appearing as counsel at the week's evidential arbitral hearing

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.

Ingenio Azuceraro 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. Instructed by lawyers in Bolivia.

Macsteel International Far East Limited v Conares Limited.

DIFC-LCIA international arbitration. Acting for claimants in dispute over a sale of steel from China to Dubai. Netherlands and Dubai lawyers instructed.

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.

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

Acting for Italian designer of a dam in Africa in an LCIA arbitration against the state which wrongfully terminated the contract. Instructions from 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 in movie production company.

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, whistleblowing, discrimination and harassment. Now he is often in the High Court arguing cases over disputed references or restrictive covenants.

Notable Employment cases

A technology firm v a senior employee.

A claim by an English company for diversion of profits and other serious breaches of fiduciary duty in 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.

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.

Akhtar v Goodge Law.

Acting for respondent in race discrimination case. Employment tribunal. All allegations dismissed amid significant press attention.

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.

Taylor v BUPA Health Assurance Ltd.

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

Direct 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 practice managers.

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 – Examinig 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)

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
- French